

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE MATTER OF:)
Complaint 2013-059)

Sandra W. Peel,)
Respondent.)

State Ethics Commission,)
Complainant.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on November 1, 2012. The complaint against the Respondent, Sandra W. Peel, was considered by the Commission on January 16, 2013 and probable cause found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to entry of the following statement of facts, conclusions of law, discussion, admission, and disposition in this matter as follows.

STATEMENT OF FACTS

1. During all times relevant the Respondent, Sandra W. Peel, was an administrative assistant for the Town of Lyman.
2. A review of e-mail correspondence Respondent generated from her office computer, between January 18, 2012 and June 21, 2012 revealed that Respondent sent document's related to her husband, James G. Peel's private business, DCAN-1, Inc. to his customers.
3. Respondent advised that she did assist her husband with paper work related to his construction business. Respondent said that on occasions when she was having computer problems at home she would bring documents that needed to be e-mailed to her husband's clients and use the computer in her office at the Town of Lyman to send the

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documents. Respondent stated that she did use the scanner at the Town of Lyman to scan in the paper work she brought from home. Respondent said she did not use any of the Town of Lyman's office supplies for her husband's business. Respondent admitted that she sent or received ten (10) e-mails with attachments from her office computer.

4. Respondent said she was unaware that she was violating any laws by using the Town of Lyman's computer and scanner to send correspondence for her husband's business.

5. Mayor Rodney Turner advised that he sent an inter office memorandum to all employees which prohibited the personal use of the Town of Lyman's computers.

6. A review of an inter-office memorandum dated September 23, 2011, sent from Mayor Turner to Town of Lyman employees revealed that "... to protect the confidentiality of the Town's records, I have no other choice but issue that any Town computer cannot be used for personal use."

CONCLUSIONS OF LAW

Based upon the Statement of Facts, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Sandra W. Peel, was a public employee, as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public employee from using his official employment to obtain an economic interest for a business with which he is associated.
4. Section 8-13-100(4) defines 'business with which he is associated' in part as a business of which the person or a member of his immediate family is a director, an

officer, owner, or employee.

5. Section 8-13-100(18) defines “immediate family” in part as a spouse of a public employee.

DISCUSSION

The Respondent, Sandra W. Peel offers the following mitigating information in response to the evidence presented above:

1. In response to number 2, under the Statement of Facts, Mrs. Peel states that, she did in fact send and/or receive 10 emails over a six month period in relation to her husband’s private business, DCAN-1. These correspondence contained invoices to her husband’s customers and e-mails regarding her husband’s business liability insurance information. However, in light of the fact that Mrs. Peel more than likely sent and or received hundreds or even thousands of emails during that same time period, she feels it would be a fair assessment to state that the ten (10) referenced emails to be considered incidental to her job performance and took an insignificant amount of time away from her responsibilities at the Town of Lyman.

2. In Response to Number 5, under the Statement of Facts, Ms. Peel notes that she and all other Town employees received the referenced memo immediately following an event where her computer’s security was compromised through the website used to host the Town of Lyman’s official website. This breach of security occurred during her job performance as website manager and was a result of insufficient security measures associated with the host site and not negligence on the part of Mrs. Peel or any other employee. Due to this security breach it was feared that town information as well as any personal banking that was transacted over the Town’s internet connection could be

vulnerable and therefore Mayor Turner directed a memo be issued to all town employees alerting them of the possible breach as well as instructing that personal internet usage cease. Due to the circumstances surrounding the memo and after discussions with Mayor Turner, other staff members and IT personnel, Mrs. Peel believed the prohibition was to restrict internet usage in order to prevent any malware or spyware from compromising the Town's computer systems' integrity and not directly related to "personal use of the computer".

3. In Response to Number 3, under Conclusions of Law, which quotes Section 8-13-700 (A), it is necessary to note that during her interview with Mr. Bagnell, investigator for the State Ethics Commission, in which she admitted to the violation, Mrs. Peel was unaware of the second half of Section 8-13-700. At this time it is unclear whether or not this first section adequately represents the claim; as she was not using her official position with the Town of Lyman to obtain an economic interest for her husband's business. She asserts she was in no way trying to use her position to influence those she emailed to use her husband's company. The emails were sent and/or received by current customers and the business' current insurance agent. The Town's computer and scanner were used to initiate and receive these correspondences but only out of a necessity due to her home computer being in disrepair. She asserts that she did not at any time knowingly represent the Town of Lyman during these correspondences in any other way than the use of her town issued email address. She would further point out that the second half of Section 8-13-700 which states: "This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in

additional public expense” more adequately describes the claim before this panel. As Ms. Peel, a public employee used public (in this case Town of Lyman) equipment (10 isolated incidents over a 6 month period) that was available for her use; and as the Town does not pay for the individual number of scans made on the copier machine nor for the amount of emails sent and/or received, her actions caused no additional public expense. The Respondent would ask the panel to consider her actions in relation to the second section of 8-13-700 in their review of this case.

The respondent would also like to add that it might be prudent for Government Agencies to be required to inform their employees in writing of the ethics laws that relate specifically to them as “public employees”, as many are aware that an “elected official” is bound by certain ethics rules, but it is typically not made known that any government employee is bound by the ethics laws as well. In doing so, it may reduce the number of claims brought before your panel as well as protect state and local employees from unknowingly committing ethics violations.

ADMISSIONS

The Respondent, Sandra W. Peel, admits unknowingly violating the Ethics Reform Act.

DISPOSITION

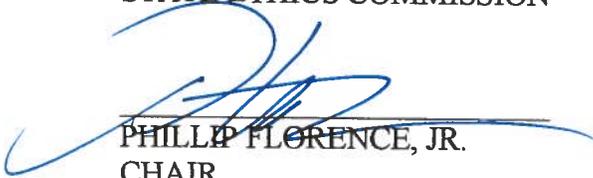
The State Ethics Commission hereby finds Sandra W. Peel in violation of Section 8-13-700(A) of the Ethics Reform Act and hereby adopts the Statement of Facts, Conclusions of Law, Discussion, Admissions, and Disposition as agreed upon by the Respondent.

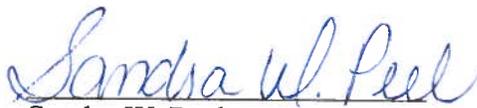
THEREFORE, the State Ethics Commission hereby issues this written warning to

Sandra W. Peel for her violation of Section 8-13-700(A) of the Ethics Reform Act,
AND, orders Respondent to pay an administrative fee of \$100.00 within 12
months of receipt of the signed order,

AND IT IS SO ORDERED THIS 14th DAY OF March 2013.

STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIR



Sandra W. Peel
Respondent