

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 Complaint 2013-142 )  
 )  
 Nate Brooks, )  
 Respondent. )  
 )  
 Anthony R. Hudgins, )  
 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 Complainant, Anthony R. Hudgins, on June 17, 2013. The complaint against the Respondent, Nate Brooks, was considered by the Commission on September 18, 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, admission, and disposition in this matter with the following charges considered:

**COUNT ONE**  
**USE OF OFFICIAL OFFICE FOR GAIN**  
**SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, Nate Brooks, Greenville County Sheriff's Office employee, did in Greenville County, in February 2013, unlawfully violate Section 8-13-700(A), by knowingly using his official employment to obtain an economic interest for himself when he used his county owned vehicle to conduct a private polygraph.

**COUNT TWO**  
**USE OF OFFICIAL OFFICE FOR GAIN**  
**SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, Nate Brooks, Greenville County Sheriff's Office employee, did in Greenville County, in June 2013, unlawfully violate Section 8-13-700(A), by knowingly using his official employment to obtain an economic interest for himself when

he used his county owned vehicle to conduct a private polygraph.

**COUNT THREE**  
**USE OF OFFICIAL OFFICE FOR GAIN**  
**SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, Nate Brooks, Greenville County Sheriff's Office employee, did in Greenville County, in February 2013, unlawfully violate Section 8-13-700(A), by knowingly using his official employment to obtain an economic interest for himself when he used the county owned polygraph machine to conduct a private polygraph.

**COUNT FOUR**  
**USE OF OFFICIAL OFFICE FOR GAIN**  
**SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, Nate Brooks, Greenville County Sheriff's Office employee, did in Greenville County, in June 2013, unlawfully violate Section 8-13-700(A), by knowingly using his official employment to obtain an economic interest for himself when he used the county owned polygraph machine to conduct a private polygraph.

**STATEMENT OF FACTS**

1. The Respondent, Nate Brooks, is a sergeant with the Greenville County Sheriff's Office.
2. According to Greenville County Sheriff Steve Loftis he did not know that Respondent utilized a sheriff's office polygraph machine to conduct polygraph examinations while Respondent was off-duty.
3. Greenville County Chief Deputy John Eldridge advised that in the spring of 2011, he was approached by the former supervisor of the Office of Professional Standards at the Greenville County Sheriff's Office, Anthony Hudgins. Chief Eldridge said that Hudgins requested permission for Respondent to utilize the sheriff's office

polygraph machine to run tests while off duty. Chief Eldridge said that he signed the form authorizing the off-duty employment, and the use of the sheriff's office polygraph machine. As Respondent's direct supervisor at the time, Hudgins also signed the form. Chief Eldridge advised that he made the decision without discussing the matter with Sheriff Loftis. Chief Eldridge reported that it was his responsibility as supervisor to make the decision to approve the off-duty work with sheriff's office equipment and he accepts full responsibility for the alleged ethics violation.

4. Staff met with the President of Lark and Associates Polygraph Services, Inc., Mr. C. Michael Lark. Mr. Lark said that within the last two months Respondent advised him that he had permission from the Greenville County Sheriff's Office to use the county polygraph equipment for off-duty work. Mr. Lark said that he had personal knowledge in regard to two occasions that Respondent was involved in polygraph examinations for his personal business. Mr. Lark said that Respondent contacted him about a polygraph exam for the Faysoux Law Firm. Mr. Lark stated that Respondent advised him that Respondent would invoice the law firm for Mr. Lark's services. Mr. Lark said that he invoiced the attorney directly, and Respondent was not paid for the referral. Mr. Lark said that the Respondent advised him that Respondent secured a room at Greenville County Square building to conduct a polygraph with the county owned polygraph equipment. Mr. Lark said that Respondent told him that the parties did not appear for the polygraph, but he had the clients pay half of the cost of the exam in advance.

5. Respondent reported that in April 2011 he spoke with his former supervisor, Lieutenant Anthony Hudgins about conducting polygraph examinations while he was off-duty. Respondent said that his request also included the use of the sheriff's office

polygraph machine until he had enough money to purchase his own machine. Respondent stated that both Hudgins and Chief Eldridge agreed to the request.

6. A review a sheriff's office secondary employment request form, dated May 9, 2012 revealed that Respondent did receive authorization to conduct polygraph services while off-duty.

7. Respondent advised that he was contacted by an attorney at the Faysoux Law Firm, Mr. Hunter Reid Esq., in regard to a polygraph examination; however, the exam was in regard to an alleged sexual assault. Due to the type of allegation that involved Mr. Reid's client, Respondent advised that he could not conduct an examination. Respondent stated that he did coordinate a polygraph examination for Mr. Reid with another polygraph examiner, Mike Lark. Respondent reported that he did send an invoice to Mr. Reid for the polygraph conducted by Mr. Lark. Respondent advised that Mr. Lark received payment for the polygraph examination directly from Mr. Reid.

8. Respondent reported that he did attempt to conduct a polygraph examination related to his private business at the Greenville County Square building. Respondent stated that he contacted Ms. Shandi Scott with Greenville County Property Service. Respondent said that he the advised Ms. Scott that he wanted to use a public conference room to conduct personal business. Respondent said that in his conversation with Ms. Scott he stressed the fact that his request for the use of the public conference room was not as a county employee, but as an individual. Respondent advised that he did drive his assigned vehicle to the Greenville County Square building to conduct a polygraph examination; however, the clients did not appear for the test. Respondent said that he

waited for about an hour and returned to work. Respondent reported that at this time he has not received payment for the cancelled polygraph examination.

9. Staff contacted the Greenville County Property Management Division, and spoke with the administrative assistant, Ms. Shandi Scott. Ms. Scott said that the county does have conference rooms at the Greenville County Square building that are available for public use. She said that there is a policy and procedure for the public use of the conference rooms. Ms. Scott said that private citizens or businesses would be required to submit paperwork for the use of the conference room space, and provide for security. Ms. Scott stated that there was a fee schedule for the full or half day use of meeting rooms. Ms. Scott stated that Respondent called and requested a conference room to run a polygraph exam for his personal business. Ms. Scott advised Respondent that there was a conference room available, and she advise him to pick up a key. Ms. Scott said when she spoke with Respondent she did mention an outside use policy for the conference room. Ms. Scott said since the Respondent was a county employee she believed he would conduct his business appropriately in the building, and the requirement for security personal was not necessary. Ms. Scott said that Respondent did not influence her decision to let him use the room for his private business or whether to charge him a fee.

10. According to Respondent, he used his assigned county vehicle to conduct the polygraph examination at the Greenville County Square because his residence is located in Greer. Respondent reported that taxpayer cost would have increased if he traveled to his residence to switch his private vehicle.

11. A review of the Respondent's Greenville County Time sheet, dated June 3, 2013, revealed that Respondent did take annual leave for the time involved with the polygraph examination at the Greenville County Square building.

12. According to the Limited Liability Corporate (LLC) data base at the South Carolina Secretary of State, Respondent registered his business, Carolina Polygraph Services LLC, on November 13, 2012. A review of Respondent's Carolina Polygraph Services LLC web site revealed that his company charges \$300.00 for a basic polygraph examination.

13. According to Respondent, in addition to the scheduled polygraph at the Greenville County Square building – which never occurred – he conducted a polygraph examination at a law firm in Greenville on April 29 of 2013. Respondent said that he took annual leave on the day he ran the test, and he drove his assigned vehicle to the law firm. Respondent advised that he was paid \$300.00 for the polygraph examination he conducted on April 29, 2013.

#### **CONCLUSIONS OF LAW**

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

1. The Respondent, Nate Brooks, is a public employee, as defined by Section 8-13-100(27).
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 office to obtain an economic interest for himself.

#### **ADMISSIONS**

The Respondent, Nate Brooks, admits he violated Section 8-13-700(A).

**DISPOSITION**

The State Ethics Commission hereby finds Nate Brooks in violation of Section 8-13-700(A), albeit inadvertent and unintentional, and hereby adopts the Statement of Facts, Conclusions of Law, Admissions, and Disposition as agreed upon by Respondent.

THEREFORE, the State Ethics Commission hereby issues a written warning to Nate Brooks for his violation of Section 8-13-700(A) of the Ethics Reform Act,

AND, orders Respondent to pay an administrative fee of \$500.00 within 30 days of receipt of the signed order,

AND IT IS SO ORDERED THIS 15<sup>th</sup> DAY OF January 2013

STATE ETHICS COMMISSION

  
PHILLIP FLORENCE, JR.  
CHAIR

  
Nate Brooks  
Respondent