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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA ) BEFORE THE STATE ETHICS COMMISSION  
COUNTY OF RICHLAND )  
) )  
In the Matter of: ) )  
COMPLAINT C2014-009 ) )  
) )  
Elliott Summey, ) )  
Respondent, ) )  
) )  
State Ethics Commission, ) )  
Complainant. ) )  
\_\_\_\_\_ )

**CONSENT ORDER**

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on August 1, 2013. On September 18, 2013, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2013), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Elliott Summey, with a violation of Section 8-13-1348, and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to entry of the following statements of fact, conclusions of law, admission, and disposition in this matter as follows.

**STATEMENTS OF FACT**

1. The Respondent, Elliott Summey, is a member of Charleston County Council and he maintains a current campaign account.

2. On January 10, 2013 Respondent filed a January 10, 2013 Campaign Disclosure (CD) form with an expenditure to Charleston County Republican Party in the amount of \$5,000.00. The description was "Donation for County Party efforts."

On February 28, 2013 Respondent was sent a letter informing him that the expenditure made to Charleston County Republican Party appeared to be personal in nature in

violation of Section 8-13-1348. He was asked to clarify this expenditure and amend the CD as necessary.

3. On March 18, 2013 Michael A. Timbes, Respondent's attorney, requested more time to answer the letter of February 28th. On March 26, 2013 Mr. Timbes stated that "Mr. Summey has filed an amended campaign disclosure form to in an effort to clarify that the funds in question were proper campaign expenditures and not personal expenses." A review of that amendment shows that he changed the description of the expenditure to "Grass roots support."

4. On April 16, 2013 both Respondent and his attorney are sent a letter stating that "The State Ethics Act does not allow for campaign funds to be donated to political parties unless the campaign account is going through final disbursement." Respondent has a current campaign account and he is instructed to reimburse his campaign account from personal funds.

5. On July 16, 2013 Respondent's July 10, 2013 CD disclosed no reimbursement or amendment. After no response, the complaint was filed. On August 12, 2013 Respondent reimbursed his campaign \$5,000.00. A copy of the check was forwarded to the Commission on October 2, 2013.

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Elliott Summey, was a candidate as defined by Section

8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-1348 (A) states:

No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

### **DISCUSSION**

Respondent Elliott Summey submits: A few weeks before the November 2012 election, I was approached by several Charleston County Republican Party officials asking if I would donate money to a "Get out the Vote" grassroots effort in the county and my district. I asked them several time if it was "ok" or "legal" to do so and was assured that not only was it "legal", that several elected officials had done so many times. To reassure me, they had two state lawmakers contact me and tell me not only was it ok , but they were giving at the same time as me, that they had given in the past from their campaign accounts and it had never been an issue. With all the issues surrounding the Statement of Economic Interests fiasco, the candidate that had filed against me was removed from the ballot. However, there were rumors flying around of a write in candidate in my race, so I was convinced to not take my election for granted and I needed to cover my flank. I thought I was getting sound advice form elected officials who were in the same

situation as me. I did not realize that State Elected officials operate from a different set of rules than us LOCALS. It does not seem fair to have two different rule books, but I recognize that is not the State ethics Commissions' problem to solve. They are there to enforce the laws they've been given. Therefore, I begrudgingly admit I made a grossly uninformed mistake and I received terrible advice from I thought were in the know.

**ADMISSIONS**

The Respondent, Elliott Summey, admits he violated Sections 8-13-1348 of the Ethics Reform Act, albeit unintentionally.

**DISPOSITION**

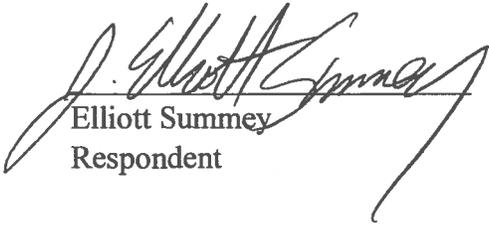
The State Ethics Commission hereby finds Respondent Elliott Summey in violation of Section 8-13-1348 of the Ethics Reform Act and hereby adopts the Statements of Fact, Conclusions of Law, Admissions, and Disposition as agreed upon by Respondent.

THEREFORE, the State Ethics Commission hereby issues a written warning to Respondent Elliott Summey for his unintentional violation of Section 8-13-1348 of the Ethics Reform Act,

AND, orders Respondent to pay an administrative fee of \$250.00 within 30 days of receipt of the signed order,

AND IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

STATE ETHICS COMMISSION



Elliott Summey  
Respondent

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Phillip Florence, Jr.  
Chairman