

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )  
COMPLAINT C2013-060 )

Terry Logan, )  
Respondent. )

**CONSENT ORDER**

James W. Baxley, )  
Complainant. )

STATE ETHICS  
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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, James W. Baxley, on August 23, 2011. The complaint against the Respondent, Terry Logan, was considered by the Commission on November 1, 2012, and probable cause was 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. The Respondent, Terry Logan, is currently serving as the Chief of Police for the Town of Springfield.

2. On November 20, 2012 an attempt was made to interview Respondent; however, Respondent advised that he contacted legal counsel. Respondent reported that his attorney would send a written response in regard to the alleged complaint. Chief Logan's letter dated December 3, 2012 responsive to the Complaint was received and is part of this file.

3. Complainant, James W. Baxley, provided the following detailed time line Respondent utilizing town equipment to mow property rented by Respondent:

a. August 9, 2012-approximately one hour

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- b. August 20, 2012-7:10 PM until 8:29 PM
- c. August 26, 2012-7:39 PM until 8:32 PM
- d. September 2, 2012-1.4 hours
- e. September 11, 2012-approximately one hour
- f. September 21, 2012-5:30 PM until 6:05 PM
- g. September 22, 2012-15 minutes

4. A review of color photographs provided by Complainant revealed Respondent, mowing the lawn at his residence, with three different types of riding lawn mowers owned or leased by the Town of Springfield.

5. The Town of Springfield's Maintenance Director, Mr. Hugh Fort stated that Complainant's photographs accurately depict the lawn mowers owned or leased by the Town of Springfield.

6. The Town of Springfield's Mayor, Mrs. Marilyn McCormick reported that she was aware that the Respondent used town equipment to mow his lawn. Mayor McCormick stated that the Town of Springfield did not have a written policy in regard to Town employees utilizing town equipment; however, for many years under the previous administration, town employees were allowed to use town equipment for personal use.

7. A review of a letter submitted by Respondent revealed that Respondent used the town's mower to mow his lawn. Respondent also reported that council members and town employees similarly have been allowed to use town equipment. Respondent reports that he considered the use of town equipment as one of the benefits of working for the Town of Springfield.

### CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Terry Logan, was a public employee, as defined by S.C. Code Ann. § 8-13-100(25)(Supp. 2011).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public employee from knowingly using his official employment to obtain any economic interest for himself.
4. Section 8-13-100(11)(A) defines "economic interest" as "an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more."

### DISCUSSION

It is uncontroverted that Respondent was given permission by town officials to use the town's mowers to mow his yard in the instances cited herein. Respondent stated he believed the nominal use of the town's mowers was by way of inducement to take the position of Chief of Police and informal partial reimbursement of personal expenses he incurred in performing charitable works for the town's citizens in promoting the town's law enforcement mission. Respondent advised the Ethics Committee that he wished to voluntarily reimburse the town for the fair value of utilizing the town's mowers for the total of 6 hours and 26 minutes cited in the Complaint against him.

ADMISSIONS

The Respondent, Terry Logan, admits that he inadvertently violated Section 8-13-700(A).

DISPOSITION

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

THEREFORE, the State Ethics Commission hereby issues this written warning to Terry Logan for his violation of Section 8-13-700(A) of the Ethics Reform Act, that he shall not utilize any equipment owned by the Town of Springfield for any purpose other than in performing his official duties as Chief of Police for the Town of Springfield.

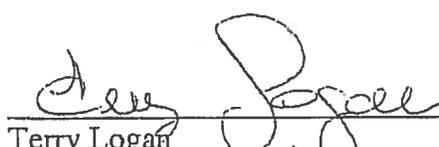
AND, orders Respondent to reimburse the Town of Springfield at the rate of \$15.00 per hour for 6.5 hours for a total amount of \$97.50 within thirty (30) days of receipt of the signed order;

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 9th DAY OF July 2013.

STATE ETHICS COMMISSION

  
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PHILLIP FLORENCE, JR.  
CHAIR

  
\_\_\_\_\_  
Terry Logan  
06/11/13