

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2013-018)
)
State Ethics Commission,)
Complainant;)
)
vs.)
)
Timothy E. Morgan,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

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COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on August 27, 2012. On November 28, 2012, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Timothy E. Morgan, with two violations of Section 8-13-765 and probable cause was found to warrant an evidentiary hearing.

Prior to the call of the case Respondent agreed to the entry of the following statements of fact, conclusions of law, discussion, admission, and disposition in this matter as follows.

STATEMENT OF FACTS

1. The Respondent, Timothy E. Morgan, was a petition candidate for Pickens County Sheriff in an election held on November 6, 2012 and was serving as the Assistant Sheriff of Pickens County during the campaign.
2. Respondent advised that he made it clear to all sheriffs' office staff that it was

their own personal decision to sign a petition for his candidacy or assist with obtaining signatures. According to staff at the Pickens County Sheriff's Office, Respondent advised sheriff's office staff not to obtain signatures for his candidacy petitions while they were on duty.

3. Respondent advised that after he met with sheriff's office staff in regard to his candidacy that he did place his petitions in a chair in his office at sheriff's department. Respondent said that he did advise sheriff's office staff that his petitions would be located in his office, only after being asked for a petition. Respondent stated that he left the door to his office open regularly and not simply to allow staff access to his petitions.

4. Respondent advised that he did mail campaign letters for the November 6, 2012 general election. Respondent said that he inadvertently placed his Pickens County Sheriff's Office contact telephone number on his campaign letters. A review of Respondent's campaign letter revealed that Respondent used his sheriff's office telephone number, and a mobile telephone number as contact information.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Timothy E. Morgan, was a candidate as defined by Section 8-13-1300(4) and a public employee as defined by Section 8-13-1300(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-765(A) provides as follows:
 - (A) No person may use government personnel,

equipment, materials, or an office building in an election campaign. The provisions of this subsection do not apply to a public official's use of an official residence.

DISCUSSION

1. The fundraising letter at issue was prepared by a retired teacher who assisted with Respondent's campaign effort. The original contained Respondent's work email address in the body of the letter, which Respondent redacted while proofreading the same. However, Respondent overlooked the office and cell numbers, which were not in the body of the letter. Both had been on every piece of Respondent's correspondence during the last twenty years, and Respondent advised they just looked normal under his signature.
2. Approximately 80 letters were mailed with the Sheriff's Office numbers included. After it was brought to Respondent's attention that such action might be problematic, these numbers were removed for the additional mailings of approximately 420 letters and Respondent acquired a separate cell number to use for the campaign.
3. Respondent was at all times open, honest and forthright with the Commission investigator. As an example, the investigator only asked Respondent about the office number on the letter, and Respondent volunteered the information that the cell number was actually a Sheriff's Office cell phone.
4. Respondent did not consider himself a "candidate" until he was officially certified as such by the Pickens County Election Commission. As illustrated by the print and TV media published at the time, Respondent advised reporters that it

would be inappropriate for him to make comments as a candidate until he had gathered sufficient petition signatures and had been certified as such.

ADMISSIONS

The Respondent, Timothy E. Morgan, admits he violated Section 8-13-765 of the Ethics Reform Act.

DISPOSITION

The State Ethics Commission hereby finds Timothy E. Morgan in violation of Section 8-13-765, hereby adopts the Statement of Facts, Conclusions of Law, Discussion, Admissions, and Disposition as agreed upon by Respondent.

THEREFORE, the State Ethics Commission hereby issues a written warning to Timothy E. Morgan for his violation of Sections 8-13-765,

AND, in order to avoid future violations, orders Respondent Timothy E. Morgan to be vigilant in reviewing the Ethics Reform Act,

AND, orders him to pay an administrative fee of \$150.00 within thirty days of receipt of the signed order,

AND IT IS SO ORDERED THIS 15th DAY OF July 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIR



Timothy E. Morgan
Respondent

STATE ETHICS
COMMISSION

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