

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2013-017)
)
 Alexander C. Boyd,)
 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 August 21, 2012. The complaint against the Respondent, Alexander C. Boyd, was considered by the Commission on November 28, 2012, and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, the Respondent agreed to entry of the following statement of facts, conclusions of law, discussion, admission, and disposition in this matter as follows:

STATEMENTS OF FACT

1. The Respondent, Alexander C. Boyd, is the Mayor of Bishopville.
2. According to a document provided by the City of Bishopville Finance Director, Suzette K. Robinson, from July 2007 through June 2011 Respondent received per diem in the amount of \$7,200.
3. A review of the Bishopville City Council minutes dated August 7, 2012 revealed that Respondent was involved in a discussion in the matter involving per diem money paid to Respondent and council members.
4. A review of the Bishopville City Council minutes dated August 14, 2012 revealed that Respondent did vote against a motion to pay back the City of Bishopville

for per diem funds he received. The minutes do not document the fact that Respondent excused himself from deliberations or a vote on per diem funds.

5. Respondent advised that during the August 14, 2012 city council meeting he was confused about his ability to vote on the per diem motion. Due to the fact that a majority of council members had a financial conflict, the city attorney brought up the issue for the need of a quorum and the ability to invoke the “rule of the necessity” to vote on the matter. Respondent said that he did vote against the motion to return the per diem funds; however, he withdrew his vote. Respondent said that he takes the position that since he withdrew his vote, he did not vote.

6. Respondent advised that he did not prepare a written statement on the matter requiring a decision on the per diem funds to be published in the minutes, and he did not excuse himself from a vote in regard to the per diem funds.

7. A review of Respondent’s Statement of Economic Interest (SEI) reports from 2008 through 2010 revealed that the Respondent did not document that he received any per diem income. Respondents SEI reports for 2011 do not document the entire amount of per diem income he received.

8. The City of Bishopville provides health insurance to its employees and council members. According to documents provided by City Administrator Gregg McCutchen, from January 1, 2008 through July 11, 2011, Respondent received \$14,139.54 from the City of Bishopville in lieu of the cost the City of Bishopville would have paid on the premium for Respondent’s health insurance. Respondent advised that his health insurance premium was paid by Lee County. Respondent stated that his out of pocket expense for

his insurance premium in Lee County was \$19.36 per month. A review of Respondent's SEI reports from 2008 through 2012 revealed that Respondent did not document the money he received from the City of Bishopville in lieu of the cost of Respondent's health insurance premium.

9. Respondent was advised that his SEI reports from 2008 through 2011 did not contain full and complete information. Respondent advised that he would amend his SEI reports accordingly, which he did.

10. According to a document provided by the City of Bishopville Finance Director, Suzette K. Robinson, Respondent received travel per diem for meals in the amount of \$65.00 per day for the 2011 MASC Conference in Hilton Head. The city policy on travel per diem provides that the \$65.00 is to cover all meals. City Administrator Gregg McCutchen advised that while attending the conference it was customary that the city paid for a group meal attended by the city administrator, council members and family members. Mr. McCutchen advised that he used a City of Bishopville Visa credit card issued for the mayor to pay the bill for the entire group meal in the amount of \$668.78. Respondent advised that he did attend the group meal with his spouse, and he was aware that the City of Bishopville credit card was used to pay the bill for himself and his spouse. During the course of the investigation, Respondent provided evidence that on October 1, 2012, he paid the cost of the entire group meal back to the City of Bishopville.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Alexander C. Boyd, was a public official, as defined by S.C. Code Ann. § 8-13-100(27)(Supp. 2011).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from knowingly using his official position to obtain any economic interest for himself.
4. Section 8-13-700(B) prohibits participation by a public official in actions involving the official's personal economic interest.
5. Section 8-13-1120(A)(2) provides that a public official must disclose the source, type and amount of income received from a governmental entity.

DISCUSSION

The Respondent, Alexander C. Boyd offered the following as mitigation:

1. Respondent withdrew his vote in an attempt to correct his mistake.
2. Respondent has correctly amended all of his SEI reports from 2008 through 2013.
3. Respondent on October 1, 2012, personally paid the cost of the entire group meal back to the City of Bishopville.
5. There is no evidence of fraud or deceit on the part of Respondent.

ADMISSIONS

The Respondent, Alexander C. Boyd, admits that he violated Section 8-13-700(A), Section 8-13-700(B) and Section 8-13-1120.

DISPOSITION

The State Ethics Commission hereby finds Alexander C. Boyd in violation of Section 8-13-700(A), Section 8-13-700(B) and Section 8-13-1120 of the Ethics Reform Act and hereby adopts the Statements of Fact, Conclusions of Law, Discussion, Admissions, and Disposition as agreed upon by the Respondent.

THEREFORE, the State Ethics Commission hereby issues this written warning to Alexander C. Boyd for violations of Section 8-13-700(A), Section 8-13-700(B) and Section 8-13-1120 of the Ethics Reform Act,

AND, orders Respondent to pay an administrative fee of \$200.00 within 30 days of receipt of the signed order,

AND IT IS SO ORDERED THIS 13th DAY OF March 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIR



Alexander C. Boyd