

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
)
 COUNTY OF RICHLAND)
)
 In the Matter of:)
 COMPLAINT C2012-0131)
)
 Peggy Moseley,)
 Complainant,)
)
 vs.) **CONSENT ORDER**
)
 David M. Coe,)
 Respondent.)
 _____)

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 COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Peggy Moseley, on May 17, 2012. The complaint against the Respondent, David M. Coe, was considered by the Commission on July 18, 2012 and probable cause 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.

STATEMENT OF FACTS

1. The Respondent, David M. Coe, is a resident of Charleston County. On April 23, 2012 Respondent filed an ethics complaint against Peggy Moseley, Charleston County Auditor.

2. Alexander Nichols, Charleston County Code Enforcement Officer, advised that while performing his duties at the Ripley Light Yacht Club, he encountered Respondent who has a boat at the yacht club. Respondent told Nichols that he had filed a complaint with the State Ethics Commission against Peggy Moseley.

3. Respondent stated that he hand-delivered a copy of the letter signed by State

Ethics Commission Executive Director Herbert Hayden to the front desk of the Post and Courier newspaper in Charleston. The letter stated that an investigation would be conducted. A reporter from the Post and Courier subsequently contacted Respondent by telephone. In this conversation the Respondent provided information from his complaint. Respondent stated that he never understood that he was required by law to maintain confidentiality concerning his complaint.

4. The Ethics Commission complaint form states that all investigations, inquiries, hearings and accompanying documents must remain confidential until a finding of probable cause or dismissal.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, David M. Coe, is a person as defined by Section 8-13-100(24).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-320(10)(g) prohibits the release or disclosure of information regarding a complaint matter and such confidentiality remains until a finding of probable cause unless the respondent waives the right to confidentiality.
4. Section 8-13-320(10)(g) further provides for criminal prosecution with penalties up to a \$5000 fine and one year in prison.

ADMISSIONS

The Respondent, David M. Coe, admits he violated Section 8-13-320(10)(g) when

he provided a copy of the complaint cover letter he received from the Commission confirming the receipt of the complaint he filed against Peggy Moseley to the Charleston Post and Courier and discussed the allegations in his complaint with a reporter and when he communicated to a member of the public that he had filed a complaint with the Commission against Ms. Moseley.

DISPOSITION

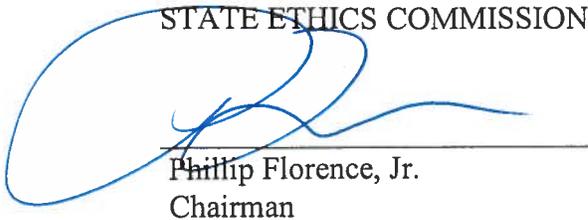
The State Ethics Commission hereby finds David M. Coe violated the Ethics Reform Act, specifically for one violation of the confidentiality provisions of Section 8-13-320(10)(g), and hereby adopts the Statements of Fact, Conclusions of Law, Admission, and Disposition as agreed upon by the Respondent.

THEREFORE, the State Ethics Commission hereby reprimands Respondent David M. Coe for a violation of Section 8-13-320(10)(g),

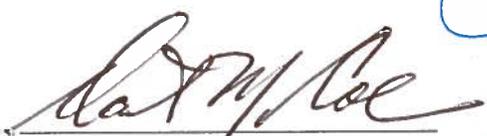
AND, orders David M. Coe to pay a fine of \$1,000.00 within 30 days of receipt of the signed order.

AND IT IS SO ORDERED THIS 24th DAY OF August 2012.

STATE ETHICS COMMISSION



Phillip Florence, Jr.
Chairman



David M. Coe
Respondent

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