STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2014-003	)	
Jordan Kay, Complainant;	)	**DECISION AND ORDER**
vs.	)	
Vincent Sheheen, Respondent.	)	

RECEIVED
2013 SEP 23 AM 9:55
STATE ETHICS COMMISSION

Pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above captioned complaint on September 18, 2013 charging the Respondent, Vincent Sheheen, with a violation of Section 8-13-1348 and Section 8-13-1350. Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, George Carlton Manley, Richard H. Fitzgerald, and Jonathan H. Burnett. The following allegations were considered:

ALLEGATIONS

On July 21, 2013 the State Ethics Commission received a complaint filed by Jordan Kay of Columbia, SC against Vincent Sheheen, candidate, Camden, SC. The complaint alleged that the Respondent violated Sections 8-13-1348 and 8-13-1350 by using campaign funds for personal expenses and using campaign funds collected for one office in furtherance of a different office. The Respondent filed a Campaign Disclosure Statement (CDS) on July 10, 2013 which reported an expenditure of funds of a "gas card". There is no way to distinguish between personal driving expenses and campaign driving or "State Senate" driving once fuel is purchased. Instead, candidates should reimburse themselves for mileage while maintaining a mileage log.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. The Respondent, Vincent Sheheen, is a candidate for South Carolina Governor.

2. Telephone contact was made with the Complainant, Jordan Kay, to determine if he had any additional information regarding the purchase of the disclosed gas card. He stated that he did not feel comfortable speaking with the investigator without his attorney present. The interview was terminated.

3. Andrew P. Whalen, campaign manager Respondent, advised that the $50 gas card as reported on Respondent's Campaign Disclosure form (CD) was purchased to reimburse a campaign volunteer who had traveled more than 120 miles round trip from Leesville, SC to the campaign office in Camden. The volunteer began volunteering on May 29, 2013 and has since worked with the campaign four days a week. Whalen stated the CD in question would be amended.

4. A review of the Commission's online records reveals that Respondent's campaign amended the July 10, 2013 quarterly CD to report that the $50 expenditure was for travel reimbursement.

CONCLUSIONS OF LAW

1. The Respondent is 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 provides that a candidate may not use campaign funds for personal expenses.

3. Section 8-13-1350 provides that a candidate may not use campaign funds from

one office to further the candidacy of the same person for a different office.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Vincent Sheheen, violated Section 8-13-1348 or Section 8-13-1350. The error in this case was the language used to disclose the expenditure. Had the expenditure been disclosed as a reimbursement to the campaign worker there would never have been a concern. Respondent's campaign has resolved the issue by filing an amended disclosure report. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 19th DAY OF Sept., 2013.

STATE ETHICS COMMISSION

PHILLIP FLORENCE, JR.
CHAIR

COLUMBIA, SOUTH CAROLINA