

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2014-008 )  
 )  
 Jordan Kay, )  
 Complainant; )  
 )  
 vs. )  
 )  
 Vincent Sheheen, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

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 STATE ETHICS COMMISSION

**DECISION AND ORDER**

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 8-13-1308(F). 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 24, 2013 the State Ethics Commission received a complaint filed by Jordan Kay of Columbia, SC against Vincent Sheheen, candidate, of Camden, SC. The complaint alleged that the Respondent filed a Campaign Disclosure Statement (CDS) which did not accurately report campaign information in violation of SC Code 8-13-1308 (F). The Respondent failed to disclose either a contribution or an expenditure to reflect the source of payment for his travel expenses in a fundraising event in his honor in Kentucky on or about April 21, 2013. The Respondent's travel expenses to attend this out of state campaign event had to have been paid for by a third party which would be a contribution or by the Respondent himself which would be an inkind contribution, or by the Respondent's campaign which would have to be reported as an expenditure.

### **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. Andrew P. Whelan, Respondent's campaign manager, advised that Respondent drove himself to the fund raising event in Kentucky in his personal vehicle. Respondent did not claim travel reimbursement from his campaign account.
3. Butch Bowers, attorney representing the Complainant, Jordan Kay, in this matter, claimed that Respondent should have reported an in-kind contribution or campaign expenditure for the cost of his travel to Kentucky.
4. The State Ethics Commission in past cases has allowed candidates to claim travel reimbursements from their campaign accounts but has not ruled that it is mandatory to make a claim.

### **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 8-13-1308(F) provides that a candidate must disclose all contributions to include in-kind contributions.

### **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 8-13-1308(F). The Commission has never interpreted the

definition of “contribution” at Section 8-13-1300(7) so broadly as to required disclosure of a candidate’s use of his personal automobile. 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 19<sup>th</sup> DAY OF Sept, 2013.

STATE ETHICS COMMISSION

  
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PHILLIP FLORENCE, JR.  
CHAIR

COLUMBIA, SOUTH CAROLINA