

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2013-101)
))
STATE ETHICS COMMISSION,)
Complainant;)
))
vs.)
))
John H. Martin,)
Respondent.)
_____)

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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 May 15, 2013 charging the Respondent, John H. Martin, with a violation of Section 8-13-1110. Present at the meeting were Commission Members Phillip Florence, Jr., Chair, Priscilla L. Turner, George Carlton Manley, Richard H. Fitzgerald, James I. Warren, and Twana N. Burris-Alcide. The following allegation was considered:

ALLEGATIONS

On January 25, 2013 the State Ethics Commission filed a complaint against John H. Martin, Board member, SC Funeral Services Board. The complaint alleged that the Respondent failed to file a Statement of Economic Interests (SEI) statement.

FINDINGS OF FACT

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

1. The Respondent, John H. Martin, was not a member of the SC Funeral Services Board (the Board) and he was not required to file an SEI annually.
2. On February 7, 2013 Respondent advised a Commission investigator that shortly after he was appointed to the Board he was removed from the Board. He never attended a meeting of the Board. He would provide documentation to support this

statement.

3. On March 20, 2013 the documentation was received explaining that Respondent was removed from the Board shortly after his appointment due to an internal investigation.

4. Telephone contact on April 4, 2013 with Wendi Elrod with the Board confirmed that Respondent never became a member of the Board.

CONCLUSIONS OF LAW

1. The Respondent was not a public member as defined by Section 8-13-100(26).
2. The State Ethics Commission has subject matter jurisdiction, but not personal jurisdiction.
3. Section 8-13-1110 provides that certain public members shall file a Statement of Economic Interests prior to starting their service.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, John H. Martin, violated Section 8-13-1140 in that he never served on the SC Funeral Services Board. 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 29th DAY OF May, 2013.

STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA