STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2013-105	)	
Lynette Hamlin, Complainant;	)	
vs.	)	**DECISION AND ORDER**
Julie Moss, Respondent.	)	

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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 May 15, 2013 charging the Respondent, Julie Moss, with a violation of Section 8-13-700(A). 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 February 1, 2013 the State Ethics Commission received a complaint filed by Lynette Hamlin of Inman, SC against Julie Moss, Assistant Professor, University of South Carolina Upstate (USCU). The complaint contained the following allegation:

The Respondent is an Assistant Professor of Nursing at UCSU. She teaches a summer community health nursing course which requires travel to overseas locations to observe and participate in medical care in underdeveloped countries. Students who participate in the overseas tours pay substantial extra fees to cover the costs of the trip. The Respondent travels with the students as the leader. To facilitate these travel needs USCU uses the services of a private tour operator. The Respondent negotiates with the

tour operator and obtains pricing for the cost of travel and other services. The Respondent also evaluates the services of the operator for USCU.

The tour operator chosen by the Respondent for every such trip is Extreme Response International (ERI). It is alleged that the Respondent's husband is an employee of ERI. Additionally, the Respondent's daughter recently accepted a position with ERI. The Respondent's husband has traveled with the Respondent on some of the USCU sponsored trips.

ERI has never been approved as a vendor for USCU. Contracts with ERI appear to have been awarded on a non-competitive basis.

FINDINGS OF FACT

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

1. The Respondent, Julie Moss, is currently an Assistant Professor of Nursing at the University of South Carolina Upstate (USC Upstate).

2. According to the Interim Dean for the School of Nursing at USC Upstate, Dr. Katharine Gibb, Respondent was responsible for facilitating international opportunities for nursing students and she was familiar with the work and mission of Extreme Response International (ERI). ERI is a global non-profit humanitarian organization that provides support for people in extreme poverty.

3. Dr. Gibb reported that USC Upstate did utilize the services provided by ERI on the following dates:

May 16-29, 2010 Ecuador
May 12-26, 2011 South Africa
July 11-19, 2011 Ecuador
June 4-17, 2012 South Africa
July 13-24, 2012 Ecuador

Dr. Gibb said that she accompanied Respondent and USC Upstate students on the first trip to Ecuador in 2010. She reported that the trip gave her the opportunity to personally evaluate the facilities, services and staff connected with ERI. Dr. Gibb said that the staff associated with ERI was extremely organized, efficient and always mindful of student safety. Dr. Gibb said that Respondent did provide evaluations on ERI staff; however, the Respondent did not authorize or approve expenditures to ERI.

4. Respondent reported that she has had relationship ERI since 1999. She stated that ERI has facilities in 13 countries and they provide for a safe environment for support teams. Respondent stated that at the time she provided information to staff at USC Upstate about utilizing ERI and when payment vouchers were authorized by USC Upstate for the student trips abroad with the assistance of ERI, her husband was a volunteer with ERI. Respondent said that as a volunteer with ERI, her husband had to raise his own money to participate with support teams, and he did not receive compensation from ERI. Respondent advised that her husband was a paid employee with ERI from November 1, 2011 and June 8, 2012.

5. According to a letter provided by the President of ERI, Mr. Jerry Carnill, Respondent's husband, Mr. Kevin Moss, was a Volunteer Team Leader at the time USC Upstate provided funding for support team services. Mr. Carnell reported that Mr. Moss did not receive compensation or a bonus from ERI for his role as volunteer. Volunteers at ERI are responsible for raising their own financial support through friends, churches, civic groups etc. Mr. Carnill advised through e-mail correspondence with staff that Mr. Moss was a compensated employee of ERI from November 1, 2011 through May 31, 2012. Staff conducted a telephone interview with Mr. Carnill. Mr. Carnill was advised of

an e-mail dated April 25, 2011, from ERI staff to Respondent because Mr. Moss was included in the e-mail that discussed an USC Upstate student trip to South Africa. Mr. Carnill stated that Mr. Moss was a Volunteer Team Leader and he was familiar with the cost of overseas travel, so it was not unusual that he was included in the e-mail. Mr. Carnill reiterated that at that time Mr. Moss, as a volunteer, was not a compensated agent for the company or a compensated employee.

6. According to the Associate Director of International Studies, Dr. Deryle Hope, the decision to use ERI was made prior to the first trip USC Upstate students took abroad in the summer of 2010. Dr. Hope stated that the planning and discussions he had with Respondent in regard to the 2012 trip with ERI began in July of 2011. He said that student recruitment for the 2012 trips occurred in August of 2011. Dr. Hart said that by October of 2011 the students who wanted to participate in the 2012 trips had been identified. Dr. Hope stated that Respondent's evaluations of ERI are informal. Respondent reported on the activities of ERI staff during, and within two weeks after the 2011 trip. Dr. Hope said that he reports the activities of ERI to the Director of International Studies, Dr. Regis Robe.

7. According to Dr. Regis Robe the decision to use ERI was made prior to the first trip USC Upstate students took in the summer of 2010. Dr. Robe said that Respondent did not make or participate in making the decision to use ERI in 2012, because its services carried over from the previous years.

8. The complaint also contained an allegation, that Respondent's daughter, Ms. Kyla Moss, was employed by ERI. Ms. Kyla Moss reported that she is not a current or former employee of ERI. Staff confirmed the aforementioned information with ERI

President Jerry Carnill.

CONCLUSIONS OF LAW

1. The Respondent is a public employee, as defined by Section 8-13-100(25).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-700 provides in part:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Julie Moss, violated Section 8-13-700(A) as none of the allegations were substantiated in interviews. 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