

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE MATTER OF: )  
COMPLAINT C2013-120 )

Jake Evans, )  
Complainant; )

vs. )

Windy Price, )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS  
COMMISSION

2013 SEP 18 PM 2:45

RECEIVED

**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, Windy Price, with a violation of Section 8-13-700(A). Present at the meeting were Commission Members Philip Florence, Jr., Chair, E. Kay Biermann Brohl, George Carlton Manley, Richard H. Fitzgerald, and Jonathan H. Burnett. The following allegations were considered:

**ALLEGATIONS**

On April 4, 2013 the State Ethics Commission received a complaint filed by Jake Evans, Council person, Town of Atlantic Beach, SC against Windy Price, Council person, Town of Atlantic Beach, SC. The complaint alleged that the Respondent is in violation of the Ethics Reform Act by failing to secure and pay for a business license for property that she owns and rents out in Atlantic Beach. Town ordinances require landlords to have a business license to rent out apartments or rooms. The Respondent's husband, Darnell Price, is responsible for administering the business license ordinance.

**FINDINGS OF FACT**

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

1. The Respondent, Windy Price, is a member of Atlantic Beach Town Council.

2. A review of the Town of Atlantic Beach business ordinance revealed that businesses are required to obtain a business license on or before January 20th of each year. Businesses failing to file a renewal application by the deadline shall be assessed a \$500 late filing fee.

3. Respondent advised that she owns Serenity Beach Place in the Town of Atlantic Beach. Respondent said that she did complete the application for a 2013 business license in March of 2013, and she paid the \$100.00 fee. Respondent stated that she was not aware of a late fee. Respondent said that she did not discuss a late fee with her husband, Mr. Darnell Price. Respondent stated that she did not use her official office to influence Mr. Price's decision to enforce the business license late filing fee.

4. A review of Respondent's business license application revealed that her business license form was completed on March 29, 2013. A review of Respondent's Horry County State Bank check # 1001 written to the Town of Atlantic Beach revealed that the check was written to the town for a business license on March 29, 2013 in the amount of \$100.00.

5. According to the Town of Atlantic Beach Interim Town Manager, Ms. Linda Cheatham, she became the interim town manager in December of 2012, and Respondent's husband, Mr. Darnell Price, was responsible for business licenses. Ms. Cheatham stated that in January of 2013 she had a meeting with Mr. Price about complaints from business owners in regard to his demeanor when he enforced the business license ordinance. Ms. Cheatham said that as result of the meeting Mr. Price stopped working on business license enforcement.

6. According to Mr. Price, he started working for the Town of Atlantic Beach in

June or July of 2012. He said that he was hired by former Town Manager, Mr. Calvin Blanton. Mr. Price stated that between July and December of 2012, he was responsible for the following duties: code enforcement, public and private maintenance, building permits, business licenses, demolition, parks and streets.

7. Mr. Price said that in 2012 he was working on enforcing the business license ordinance for the Town of Atlantic Beach. Mr. Price said that he did not charge business for failing to file on the aforementioned deadline. Mr. Price said that he did not enforce the business license ordinance in 2013, because he was involved in other work for the town. He said his primary job was building permits. Mr. Price stated that he did not have any discussions with Respondent in regard to the enforcement of business license late filing fees.

#### **CONCLUSIONS OF LAW**

1. The Respondent is a public official, as defined by Section 8-13-100(26).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) provides that a public official may not use his public office for his personal gain.

#### **DECISION**

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Windy Price, violated Section 8-13-700(A), in that there is no evidence that she used her position to avoid the business license late filing penalty . 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.  
ACTING CHAIR

COLUMBIA, SOUTH CAROLINA