

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

In the Matter of: )  
COMPLAINT C2012-121 )

**DECISION AND ORDER**

Timothy J. Callanan, )  
Respondent, )

Donald J. Bailey, )  
Complainant. )

STATE ETHICS  
COMMISSION

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Donald J. Bailey, on April 23, 2012. On July 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Timothy J. Callanan, with a violation of Sections 8-13-700(A), 8-13-765(A) and 8-13-1346.

Present at the meeting were Commission Members Phillip Florence, Jr., Chairman, E. Kay Biermann-Brohl, Edward E. Duryea, JB Holeman, Priscilla L. Tanner, and George Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

On April 23, 2012 the State Ethics Commission received a complaint filed by Donald J. Bailey of Moncks Corner, SC against Timothy Callanan, member of the Berkeley County Council and Chairman of the Berkeley County Republican Party. The complaint alleged that the Respondent used his position of trust as a member of Berkeley County Council on March 16, 2012 to require regular employees to utilize Berkeley County office machines to print paperwork for the registration process of the upcoming

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2012 elections. In doing so he used tax payer wages, paper, ink and a copy machine. Also, he used taxpayer envelopes as well as stamps. The Respondent did not offer to pay for services. The complaint further alleged that the Respondent committed identical violations during the 2010 elections.

### **STATEMENT OF FACTS**

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

1. The Respondent is currently a Berkeley County Councilman and is also Chairman of the Berkeley County Republican Party.
2. The Respondent advised that he did authorize the use of a room in the County Council Building to allow Republican candidates to file and pay filing fees. He added that Democratic Council members may also use the room in question for similar purposes. He stated that he did not authorize Berkeley County personnel, equipment or materials to be used by the Republican candidates.
3. Cathi Windham, Interim Clerk, Berkeley County Council stated that the Republican election registration was held in Conference Room 100. She stated that to her knowledge the Respondent did not request or authorize the use of County equipment or supplies in the course of use of the Conference Room by the Republican Party candidates. She also stated that the space was available for use by the Democratic Party.
4. Pat Dennis and Melissa Harris are both employed by Berkeley County Council. They both stated that they were present during, but did not participate in, the Republican Party candidate registration. They both advised that they did not observe or overhear the Respondent instruct any Berkeley County employee to

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make copies of documents. A minimal number of copies were made during the registration process at the request of candidates. They both stated that this is a service provided to anyone who has business at the County Council.

5. There is no evidence to suggest that the Respondent used or authorized the use of Berkeley County employees, equipment or materials to assist in the registration process for Republican candidates.
6. It is evident that the County Council property is available to both political parties on the same terms as required by Section 8-13-765(B).

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Timothy J. Callanan, was a public official as defined by Section 8-13-100(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from using their official office to obtain an economic interest for himself.
4. Section 8-13-765(A) prohibits the use of “government personnel, equipment, materials or an office building in an election campaign”.
5. Section 8-13-765(B) provides that “A government, however, may rent or provide public facilities for political meetings and other campaign-related purposes if they are available on similar terms to all candidates and committees...”.
6. Section 8-13-1346 prohibits “the use of public funds, property, or time to influence the outcome of an election.”. Allowing a political party the use of a

government building to register its candidates is not to be considered influencing the outcome of an election.

**DECISION**

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Timothy J. Callanan, violated Sections 8-13-700(A), 8-13-765(A) or 8-13-1346(A). 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 11th DAY OF Sept., 2012.

STATE ETHICS COMMISSION

COLUMBIA, SOUTH CAROLINA

  
PHILLIP FLORENCE, JR.  
CHAIRMAN