

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)

In the Matter of:)
COMPLAINT C2012-122)

Peggy A. Moseley,)
Respondent,)

David M. Coe,)
Complainant.)

DECISION AND ORDER

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, David M. Coe, 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, Peggy A. Moseley, with a violation of Section 8-13-700(A) and Section 8-13-765(A).

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 David M. Coe of Charleston, SC against Peggy A. Moseley, Charleston County Auditor. The complaint alleged that the Respondent, on March 20, 2012, was seen driving her County assigned vehicle to the Republican Party headquarters to file for re-election.

STATEMENT OF FACTS

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

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1. The Respondent is currently the Charleston County Auditor, having been first elected in 1992 and serving continuously since.
 2. During the investigation it was brought to the Investigator's attention that in addition to the allegations contained in the complaint, the Respondent may have also used her position to have two pieces of personal property re-assessed with an agriculture exemption.
 3. In response to the complaint, Ms. Moseley advised that on the date in question she and another County employee were in North Charleston on official business in a County vehicle. She did make a stop at Republican Party Headquarters; however, she did not file for re-election because she did not have her paperwork with her. She stated that she did reimburse the County for the cost of this trip to Republican Party Headquarters. Responding to the question concerning her property, she advised that her two lots were given agricultural tax exemptions by the Charleston County Assessor's office. She stated that neither she nor her office had anything to do with the process of granting agricultural exemptions.
 4. Charleston County employee, Leslie Sankitts, confirmed the explanation given by the Respondent for the stop at Republican Party Headquarters.
 5. A review of Section 12-43-230 of South Carolina Code of Laws reveals that the County Assessor and not the Auditor is responsible for determining and issuing an agriculture exemption.
 6. The investigation reveals that the agricultural exemptions for the Respondent's property were properly applied for and granted by the Charleston County Assessor's office.

7. Section 5.11 of the Take Home Policy for Charleston County Government-Owned Vehicles provides that the Respondent was allowed a take home vehicle and would have “De Minimus” or minimal personal use while on government business or while commuting. De Minimus personal use is defined to include “an occasional stop for a personal errand while on business or commuting.”

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, Peggy A. Moseley, 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. The prohibitions contained in this section do not trump a county policy which allows for de minimus personal use and which is available to all county employees in similar circumstances.

4. Section 8-13-765 prohibits the use of government equipment “in an election campaign”. It is the Commission’s conclusion that use of a government vehicle as described in this case does not constitute use “in an election campaign”.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Peggy A. Moseley, violated Section 8-13-700(A) or 8-13-765(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 17th DAY OF Sept., 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA