

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
) IN THE MATTER OF:  
) COMPLAINT C2013-126 )  
) STATE ETHICS COMMISSION,  
) Complainant; )  
) vs. )  
) Renee Mathews,  
) Respondent. )  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS  
COMMISSION

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**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, Renee Mathews, with a violation of Section 8-13-700(A) and Section 8-13-750. Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, George Carlton Manley, Richard H. Fitzgerald, and Jonathan H. Burnett. The following allegation was considered:

**ALLEGATIONS**

The Respondent is the Principal of East Point Academy of South Carolina, a South Carolina Charter School created under Section 58-40-10 et seq., South Carolina State of Laws, 1996, as amended. According to information received, the Respondent used her position to cause the employment of a family member to a position supervised or managed by the Respondent, providing an economic benefit to the Respondent's family member, all in violation of Sections 8-13-700(A) and 8-13-750(A), S.C. Code of laws, 1976, as amended.

**FINDINGS OF FACT**

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

1. The Respondent, Renee Mathews, is the Director and Principle of East Point

Academy and East Point Academy is a charter school created under Section 59-40-10.

2. A review of Section 59-40-40 revealed that a charter school means a public, nonreligious, nonhome-based, nonprofit corporation forming a school that operates by sponsorship of a public school district, the South Carolina Public Charter School, or a public or independent institution of higher learning.

3. A review of a letter dated March 13, 2012 from the Department of Treasury revealed that East Point Academy is exempt from federal income tax under section 501 (c)(3) of the Internal Revenue Code. The IRS designated East Point Academy as a public charity and qualified to receive tax deductible bequests, devices, transfers or gifts.

4. Respondent advised that she is employed by a nonprofit corporation. She said that East Point Academy conducts business specified in the bylaws of the corporation. Respondent said that the corporate bylaws for East Point Academy do not have any sections that prohibit hiring immediate family members or nepotism. Respondent stated that she receives her salary from the non-profit corporation.

5. Respondent stated that the East Point Academy receives tuition from the four year old kindergarten programs, and the after school program. Respondent said that East Point Academy does receive public funding based on the number of enrolled students. She said that the Academy receives approximately \$7000.00 per student from public funds.

6. Respondent said that employees at East Point Academy are not enrolled in the state retirement system. Respondent said that charter school employees are eligible to participate in the State Health Insurance Benefits Program.

**CONCLUSIONS OF LAW**

1. The Respondent is not a public employee as defined by Section 8-13-100(25).
2. The State Ethics Commission has neither subject matter jurisdiction, nor personal jurisdiction.

**DECISION**

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Renee Mathews, violated Sections 8-13-700(A) and 750 in that she is not a public employee. 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 9th DAY OF October, 2013.

STATE ETHICS COMMISSION

  
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PHILLIP FLORENCE, JR.  
CHAIRMAN

COLUMBIA, SOUTH CAROLINA