

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

In the Matter of:)
COMPLAINT C2012-126)

DECISION AND ORDER

James M. Shelton, Jr,)
Respondent,)

Weldon Clark,)
Complainant.)

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Weldon Clark, on April 30, 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, James M. Shelton, Jr, with a violation of Section 8-13-700(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 30, 2012 the State Ethics Commission received a complaint filed by Weldon Clark of Liberty, SC against Jim Shelton, Pickens County School Board member. The complaint alleged that the Respondent is the Regional Director of Adult and Graduate Studies at Southern Wesleyan University where his responsibility is to recruit teachers for the educational courses at the University. It is alleged that the Respondent is given special access to the teachers within the Pickens County School District because of his position on the School Board. Pickens County Schools do not have an open door policy for all solicitors. It is alleged that the Respondent has used his

School Board position to obtain an economic interest for himself by having access to recruit teachers within the School District.

STATEMENT OF FACTS

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

1. The Respondent is a Pickens County School Board member, first elected in November 2006 and serving continuously since.
2. He is employed as Regional Director for Southern Wesleyan University. His duties include building relationships with area leaders, and promoting the University's Adult and Graduate Studies degree programs through student recruitment.
3. As a part of those duties, the Respondent visits area schools to meet with teachers and principals to provide information about the University programs.
4. On occasion, when requested, he meets with teachers at area schools during the teachers break or after classes end.
5. Henry Hunt, Superintendent, Pickens County School District, advised that the Respondent has not been shown any favoritism over any other university representatives visiting Pickens County Schools. Policies restricting access to teachers and classrooms are strictly adhered to. Representatives of other universities have been offered and have been allowed the same opportunities as those extended to the Respondent. According to Mr. Hunt's statement, "No university representatives have been allowed to talk with teachers during instructional time. They have talked with teachers either before or after the instructional day or during planning periods."

6. In addition, the Respondent visits area schools in his capacity as a member of the Board of Trustees in accordance with Board Policy. Pursuant to Board Policy, Board members are encouraged to visit schools and classrooms. No evidence was presented to suggest that University business was conducted during any visits as a board member.
7. The Complainant was unable to furnish the Commission with any direct knowledge, or the identity of any other person with direct knowledge, to indicate that the Respondent was receiving special treatment at Pickens County Schools due to his position on the School Board.

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, James M. Shelton, Jr, 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 or a business with which he is associated.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, James M. Shelton, Jr., violated Section 8-13-700(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