

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
))
IN THE MATTER OF:))
))
Complaint 2013-014))
))
Wilhelmina P. Johnson,) **DECISION AND ORDER**
Respondent.))
))
))
Billy Baldwin,))
Complainant.))
_____))

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STATE ETHICS COMMISSION
RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant on August 17, 2012. On November 28, 2012, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Wilhelmina P. Johnson, with two violations of Section 8-13-700(B) and a violation of Section 8-13-740(A)(4) and probable cause was found.

Present at the Hearing on September 18, 2013 were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, and George Carlton Manley. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
PARTICIPATION IN A GOVERNMENTAL DECISION
SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED

The Respondent, Wilhelmina P. Johnson, Darlington County Council Member, did in Darlington County, on June 4, 2012, unlawfully violate Section 8-13-700(B), by using her office to obtain an economic interest for a business with which she is associated when she voted on the motion to accept the recommendations from the Accommodations

Tax Appropriations Committee in regard to DCCRC Inc., of which she is the chief executive officer.

**COUNT TWO
PARTICIPATION IN A GOVERNMENTAL DECISION
SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, Wilhelmina P. Johnson, Darlington County Council Member, did in Darlington County, on August 20, 2012, unlawfully violate Section 8-13-700(B), by using her office to obtain an economic interest for a business with which she is associated when she voted on the motion for a lump-sum disbursement from the accommodations tax appropriations to DCCRC Inc., of which she is the chief executive officer.

**COUNT THREE
REPRESENTATION BY A PUBLIC
MEMBER BEFORE A GOVERNMENTAL ENTITY
SECTION 8-13-740(A)(4)**

The Respondent, Wilhelmina P. Johnson, Darlington County Council Member, did in Darlington County, on March 29, 2012, unlawfully violate Section 8-13-740(A)(4), by representing DCCRC Inc. before the Darlington County Accommodations Tax Appropriations Committee.

STATEMENT OF FACTS

1. The Respondent, Wilhelmina P. Johnson, is currently serving as a Darlington County Council member and is in her seventh term.
2. Jimmy Bagnall, State Ethics Commission Investigator, testified that according to the South Carolina Secretary of State web site, Respondent is the Chief Executive Officer of the Darlington County Cultural Realism Complex, Inc. (DCCRC Inc.). The

DCCRC Inc. is a non-profit charitable organization. Investigator Bagnall testified that Darlington County Clerk of Council, Mrs. J. JaNet Bishop, advised him that on March 29, 2012 Respondent did appear before the Darlington County Accommodation Tax Advisory Committee (ATAC) along with other applicants requesting funding. The minutes of the ATAC meeting were introduced and they document that Respondent did address the committee on behalf of DCCR Inc. and requested \$16,000.00.

3. Investigator Bagnall testified that the minutes from the Darlington County Council's June 4, 2012 public hearing documented that Respondent was present, and a motion was made to accept the ATAC funding recommendations for DCCRC Inc. to receive funding in the amount of \$2,800.00. The minutes, which were introduced, document that Respondent was involved in discussions related to the ATAC funding recommendations.

4. Investigator Bagnall testified that the minutes from the Darlington County Council's August 20, 2012 public hearing, which were introduced, documented that Respondent was present and a motion was made to approve the request for a lump sum accommodations tax appropriation for DCCRC Inc. The motion carried unanimously.

5. Billy Baldwin, former chair of Darlington County Council, testified that ATAC is an agency, unit or subunit of county government. Mr. Baldwin testified that the normal procedure is for ATAC to make a recommendation to council and council votes to approve each matter. Mr. Baldwin testified that the minutes reflected his recollection that Respondent did not recuse from the discussion or vote or submit a written recusal.

6. Respondent testified that she has served on Darlington County Council for twenty-five (25) years. She has been the Chief Executive Officer of the Darlington

County Cultural Realism Complex for forty (40) years. Respondent testified that she did not vote on the ATAC matter, but she did not recuse either. She did appear before ATAC as no one else from the organization could attend. Respondent testified that she receives no compensation from DCCRC and in fact has poured her own money into its survival.

CONCLUSIONS OF LAW

Based upon the foregoing Statement of Facts, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Wilhelmina P. Johnson, was a public official, as defined by S.C. Code Ann. § 8-13-100(27)(Supp. 2012).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(B) prohibits a public official from voting on a matter in which a business with which he is associated has an economic interest.
3. Section 8-13-740 prohibits a public official of a county from knowingly representing a person before an agency, unit, or sub-unit of that county for which the public official has official responsibility.

DISPOSITION

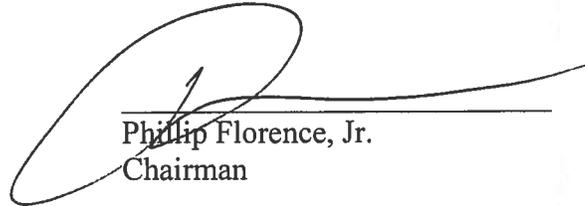
NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Wilhelmina P. Johnson is in violation of Section 8-13-700(B) and Section 8-13-740 of the Ethics Reform Act.

THEREFORE, the State Ethics Commission hereby issues a written warning to Wilhelmina P. Johnson for her violation of Section 8-13-700(B) and Section 8-13-740 of the Ethics Reform Act,

AND, orders Respondent not to use her official office to obtain an economic interest for herself or a business with which she is associated,

AND IT IS SO ORDERED THIS 11th DAY OF Nov. 2013.

STATE ETHICS COMMISSION



Phillip Florence, Jr.
Chairman