

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

In the Matter of:)
COMPLAINT C2012-135)

Thomas Jack Estridge,)
Respondent,)

James J. LeGrande,)
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, James J. LeGrande, on May 25, 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, Thomas Jack Estridge, 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 May 25, 2012 the State Ethics Commission received a complaint filed by James J. LeGrande of Kershaw, SC against Jack Estridge, Lancaster County Council Member. The complaint alleged that the Respondent spoke on behalf of Haile Gold Mine (HGM) during a Lancaster County Planning Commission meeting. HGM had applied to rezone 3,081 acres of property from agricultural to heavy industrial. The Commission voted unanimously to grant the application. The Respondent buys and sells stock in Romarco and these are possibly lucrative land sales for him to HGM if they get permits

to mine in Lancaster County.

STATEMENT OF FACTS

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

1. The Respondent is a member of the Lancaster County Council having served continuously since 2002.
2. The minutes of the Lancaster County Planning Commission meeting of May 15, 2012 disclosed that HGM had requested that certain property be re-zoned from R-45A, Rural Residential Intense Agriculture District to I-2 Heavy Industrial District, RZ 012-007.
3. These minutes indicate that the Respondent did address the Planning Commission and did express his support for the re-zoning request; however, the Respondent made it clear that he was not representing anyone other than himself, and that he was speaking as an individual who has an interest in the outcome and not as a Council member.
4. The Respondent owns property which is contiguous to and may be financially impacted by the gold mine.
5. Steve Willis, Lancaster County Administrator, advised he was present at the above-stated Planning Commission meeting. He stated that the Respondent did speak in favor of the re-zoning request by HGM. However, during his comments, the Respondent noted that he was speaking as an individual and not as a member of County Council.
6. The Respondent has advised that he does have an economic interest in HGM with regard to land sales and stock ownership. Therefore, as a Councilman he does

recuse himself whenever there is a matter presented before Council concerning HGM. He stated he did speak in favor of the HGM re-zoning request at the Planning Commission; however, he was only representing himself since the matter affects him individually.

7. No evidence was presented to suggest that the Respondent was representing anyone other than himself at the May 15, 2012 Lancaster County Planning Commission meeting.

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, Thomas Jack Estridge, 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 8-13-740 (4) prohibits a public official of a county from knowingly representing another person before any agency, unit, or subunit of that county.
5. Section 8-13-740 (7)(c) provides an exception for a public official to appear in “matters relating to the public official’s...personal affairs...”.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Thomas Jack Estridge,

violated Section 8-13-700(A) or 8-13-740(4). 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