

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 IN THE MATTER OF:)
 COMPLAINT C2014-022)
 Carroll J. Priester,)
 Complainant;)
 vs.)
 Teresa Pope,)
 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. 2013), the State Ethics Commission reviewed the above captioned complaint on November 20, 2013 charging the Respondent, Teresa Pope, with a violation of Section 8-13-700(A). 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

During 2009 the Respondent, in her capacity as Superintendent of Barnwell District 19, allegedly hired an individual as the 21st Century Director at a salary higher than that of the Superintendent. Subsequent to the hiring, the Respondent allegedly advised the District Board of Trustees that the Superintendent was to be the highest paid employee in the District. As a result the Superintendent's salary was increased. The complaint alleges that the Respondent used her position to hire the 21st Century Director at a higher salary with the intention of having her own salary increased.

FINDINGS OF FACT

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

1. The Respondent, Teresa Pope, is currently the Superintendent of Barnwell School District 19.
2. A review of the Barnwell School District 19 Board (“Board”) meeting minutes held on August 10, 2009 revealed that the Board approved two co-directors for the 21st Century Grant. The minutes did not document the names of the co-directors.
3. According to the former Barnwell School District 19 Board of Trustees Chair, Ms. Evelyn Coker, and the current Board chair, Ms. Inell Waring, during the August 10, 2009 meeting, the Board authorized Respondent to serve as a co-director for the 21st Century Grant program. The Board authorized Respondent to work in the grant program and receive payment from the grant funds.
3. A review of payroll documents related to the 21st Century Grant revealed that Ms. Shenequa Jackson was a co-director. According to documents provided by the school district finance director, Ms. Rebecca Grubbs, Ms. Jackson received a salary from the 21st Century Grant in fiscal years 2009 through 2011. A review of the Ms. Jackson salary history revealed that Mrs. Jackson’s base salary in fiscal year 2009 was \$90,588.00, and she received grant funds in the amount of \$12,054.60. The highest rate of pay Ms. Jackson received was in fiscal year 2009 in the amount of \$102,054.60.
4. A review of Respondent’s salary data information revealed that her base salary from fiscal year 2008 through 2011 was \$109,999.92. Respondent did receive a base salary increase in 2012. A review of payroll documents related to the 21st Century Grant revealed that Respondent was a co-director. Respondent received grant funds starting in

fiscal year 2009 in the amount of \$13,907.05.

5. Respondent stated that she was the co-director of the 21st Century after school program. She said that her position as co-director was approved by the Board.

Respondent said that the Board minutes should have documented the vote that approved her position as co-director. Respondent stated that her contract, which was approved by the Board, included the salary for her work as the 21st Century Grant co-director.

CONCLUSIONS OF LAW

1. The Respondent is a public employee, as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700 provides in part:

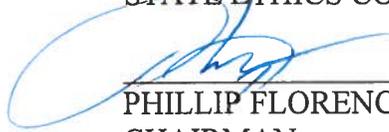
(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Teresa Pope, violated Section 8-13-700(A) as none of the allegations were substantiated in interviews. 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 Dec, 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA