

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2014-035)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 Glenn C. Davis,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

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 STATE ETHICS
 COMMISSION

Pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2013), the State Ethics Commission reviewed the above captioned complaint on January 15, 2014 charging the Respondent, Glenn C. Davis, with a violation of Sections 8-13-700(A), 700(B) and 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:

ALLEGATION

According to information received, on or about August 27, 2013 during a Bethune Town Council meeting the Respondent participated in a Council decision to hire his son as the Town's Police Chief. State Ethics Laws prohibit a public official from using their position to cause the employment of a family member to a position over which the public official has supervisory/management responsibilities, and from using their position to participate in or in any way influence an official decision in which a family member has an economic interest.

FINDINGS OF FACT

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

1. The Respondent, Glenn C. Davis, is the Mayor of Bethune.

2. Respondent stated that he has served as the town's mayor for the last 24 years. He said that the town's police department had only one officer, and for the last few years, the town did not have a police officer. Respondent stated that citizens he spoke with wanted to have a police officer in the town. Respondent said that he asked several sheriff's deputies about the job at Bethune; however, due to the low pay, no one was interested. Respondent advised that his son was a retired federal forest service agent, and his son was willing to serve as police officer for the town at a salary of \$800.00 per month.

3. Respondent stated that at the August 27, 2013 town council meeting he did advise council that his son was willing to serve as the town's police officer. Respondent said that he was not involved in any discussions with council about his son's employment and he did not influence the council's decision to hire his son.

4. Respondent stated that he did ask for a motion in regard to hiring his son but another council member made the motion to hire his son. Respondent said that he may have made an error when he asked for a motion. He said that as mayor, he typically asks for motions on matters before council. Respondent said that he did not vote on hiring his son, and he did submit a document to be entered into the minutes that stated his potential conflict of interest. Respondent stated that since he cannot supervise his son, two council members were designated to supervise his son.

5. A review of the minutes, from the special meeting of the Bethune Town Council conducted on August 27, 2013 revealed that Respondent, Council Member Joe Casey, and Council Member Jimmy Steen were present in the special town meeting, and in executive session. The minutes from the executive session meeting revealed that

council discussed hiring Respondent's son, and they discussed the supervision of Respondent's son by two members of council. According to the special town council meeting minutes, Respondent asked for a motion to hire his son as a police officer for the town. The minutes document that Council Member Jimmy Steen made a motion to hire Respondent's son and the motion was seconded by Council Member Joe Casey. The minutes documented that Respondent abstained from the vote due to a conflict of interest. In addition, a written statement of Respondent's potential conflict of interest was presented to the town clerk.

6. Staff interviewed Bethune Town Council Members, Joe Casey and Jimmy Steen. The council members reported that Respondent did not participate in any discussions or decisions in regard to hiring his son, and that Respondent did not influence their decision to hire Respondent's son.

CONCLUSIONS OF LAW

1. The Respondent is 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 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.

4. Section 8-13-700(B) prohibits a public official from voting on a matter in which a family member has an economic interest.

5. Section 8-13-100(15) defines 'family member' as an individual who is a son.

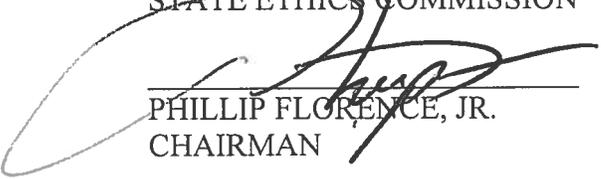
6. Section 8-13-750 provides that a public official may not cause the employment of a family member to a position they supervise or manage.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Glenn C. Davis, violated Sections 8-13-700(A), 700(B) and 8-13-750, in that he did not discuss or vote on the motion. 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 10th DAY OF FEB, 2014.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA