

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2014-036)
)
Elizabeth Jenkins,)
Complainant;)
)
vs.)
)
Milton Pope,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

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COMMISSION

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, Milton 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

On September 20, 2013 the State Ethics Commission received a complaint filed by Elizabeth Jenkins of Fairfield County, SC against Milton Pope, Interim Administrator, Fairfield County. The complaint alleged that the Respondent was hired as Interim Administrator effective July 19, 2013. The Respondent is also listed as a principal in a business identified as Parker Poe Consulting. This business performs consulting services for local governments. The Respondent has brought in persons from his firm to attempt to explain a local option sales tax. Complainant alleges that this is a conflict of interest.

FINDINGS OF FACT

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

1. The Respondent, Milton Pope, is Fairfield County Interim County Administrator.
2. Respondent advised that Fairfield County Council approved a contract with his company, Parker Poe Consulting, LLC (PPC, LLC) to provide administrative and consulting services. Respondent advised that he is a principle with PPC, LLC. Respondent said that he is employed by, and receives compensation for duties as the Interim Fairfield County Administrator from PPC, LLC. Respondent advised that he is not employed by Fairfield County.
3. According to the South Carolina Secretary of State web site, PPC, LLC registered with the State in 2005.
4. A review of minutes from the Fairfield County Council special meeting held on July 17, 2013 revealed that the council unanimously approved a motion to enter into a contract with Respondent as Fairfield County Interim County Administrator/Consultant.
5. According to Fairfield County Comptroller, Ms. Laura Johnson, Fairfield County receives an invoice from PPC, LLC each month for interim county administrative services. Ms. Johnson stated that Respondent does not receive compensation from Fairfield County for his duties as interim county administrator, and he is not a county employee.
6. Staff reviewed an invoice from PPC, LLC for interim county administrator's duties submitted to Fairfield County for the month of September 2013, and a check drafted from the Fairfield County Council general account payable to PPC, LLC.

CONCLUSIONS OF LAW

1. The Respondent is not a public employee, as defined by Section 8-13-100(25).

2. The State Ethics Commission has subject matter jurisdiction, but not personal jurisdiction.

3. Section 8-13-100(25) defines "public employee" as a person employed by the State, a county, a municipality, or a political subdivision.

3. Section 8-13-700 provides in part:

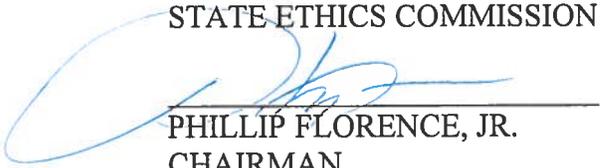
(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend 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, Milton Pope, violated Section 8-13-700(A), as he is not a public employee. 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