

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2014-047)
))
Anthony and Wanda Shastay,)
Complainants,)
))
vs.)
))
Colin Moore,)
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, Colin Moore, with a violation of Section 8-13-700(B). 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

On October 18, 2013 the State Ethics Commission received a complaint filed by Anthony and Wanda Shastay of Yemassee, SC against Colin Moore, Mayor Pro-tem and Council person, Town of Yemassee, SC. The complaint alleged that the Respondent, during a meeting of Yemassee Town Council, voted on a motion to remove the Yemassee train depot from possible consideration by the US Postal Service as a location for future postal operations. The Respondent's brother, Jack Moore, owns a melon dock which he began converting to retail space in mid-August. Jack Moore has allegedly made a bid to the Postal Commission that his building be considered as a location for the Yemassee post office. The Complainants state that the Respondent should have recused himself from proceedings that eliminated competitive bidding in favor of the Respondent's

brother.

FINDINGS OF FACT

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

1. The Respondent, Colin Moore, was the Mayor pro tem of Yemassee at the time of the complaint.
2. Bryan Cramer, Customer Service Analyst and Growth Management Coordinator, U.S. Postal Service (USPO), advised that his office was in negotiation with the Town of Yemassee to locate a post office facility in the old train depot in Yemassee. He stated that no bids were ever taken due to the fact that USPO believed the Town of Yemassee wanted the post office to be located in the train depot. At a later date the USPO was informed that Yemassee Town Council had voted not to use the depot for a post office.
3. Jack Moore, brother of Respondent, sent a letter to the USPO, dated August 13, 2013, in which Moore indicated his interest in leasing building space he owned to the USPO as possible location in Yemassee. Moore stated he did not consider this letter to be a bid. To his knowledge the USPO was not taking bids.
4. Minutes of the Town of Yemassee Council meeting of October 8, 2013 indicate that Councilperson Searson made a motion to state that the USPO could go anywhere in town except the town's train depot. This motion was seconded by Respondent and passed by the council.
5. Respondent advised that his vote against using the train depot for a post office did not have anything to do with his brother's interest in possibly leasing his property to the USPO. He voted in favor of the motion to deny the use of the depot to the USPO

because of his concern about the town's liability and the expense in such a venture. He further advised that, to his knowledge, no bids had been taken by the USPO concerning a post office location. He believed that other citizens would be placing bids at such a time when the USPO opened the bidding.

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(B) prohibits a public official from voting on a matter in which a family member has an economic interest.
4. Section 8-13-100(15) defines 'family member' as an individual who is a brother.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Colin Moore, violated Section 8-13-700(B), in that his brother had no economic interest at the time of the vote. 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