

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:
COMPLAINT C2013-074

STATE ETHICS COMMISSION,
Complainant;

vs.

Andrew Kerr,
Respondent.

DECISION AND ORDER

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STATE ETHICS COMMISSION

Pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above captioned complaint on January 16, 2013 charging the Respondent, Andrew Kerr, with a violation of Section 8-13-1140. Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biernann Brohl, JB Holeman, Jonathan H. Burnett and Richard H. Fitzgerald. The following allegation was considered:

ALLEGATIONS

On November 26, 2012 the State Ethics Commission filed a complaint against Andrew Kerr, Chief Procurement Officer, Fairfield Memorial Hospital. The complaint alleged that the Respondent failed to file a 2012 Statement of Economic Interests (SEI) statement that was due by April 15, 2012.

FINDINGS OF FACT

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

1. The Respondent was the Fairfield Memorial Hospital Chief Procurement Officer, and he was required to file an annual SEI.

2. On December 12, 2012 it was determined through contact with a Human Relations official at Fairfield County Hospital that that the Respondent left his position as

Chief Procurement Officer on April 10, 2011.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent was a public member of a state board or commission as defined by Section 8-13-100(26) and Section 8-13-100(31), respectively.
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. In accordance Reg. 52.601 (D), "A person required to file a Statement who is no longer in office on April 15 of the year following the first filing, is not required to file an updated Statement."

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Andrew Kerr, violated Section 8-13-1140. 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 19th DAY OF February, 2013.
STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA