

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2013-083)
STATE ETHICS COMMISSION,)
Complainant;)
vs.)
Michael Elmore,)
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. 2012), the State Ethics Commission reviewed the above captioned complaint on March 20, 2013 charging the Respondent, Michael Elmore, with a violation of Section 8-13-1140. Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, Priscilla L. Turner, George Carlton Manley, Jonathan H. Burnett, Richard H. Fitzgerald and James I. Warren. The following allegation was considered:

ALLEGATIONS

On January 8, 2013 the State Ethics Commission filed a complaint against Michael Elmore, Commissioner, SC Pilotage Commission. The complaint alleged that the Respondent failed to file a 2010 and a 2011 annual Statement of Economic Interests (SEI) statement.

FINDINGS OF FACT

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

1. The Respondent was not a member of the SC Pilotage Commission and he was not required to file an SEI annually.

2. On January 22, 2013 Respondent advised a Commission investigator that he had never been a sitting member of the Pilotage Commission. He stated he would arrange to fax a letter in support of this statement. On the same date Kate Cox, Administrator of the SC Pilotage Commission, stated that Respondent was never appointed to sit on the Commission. Respondent did attend meetings in an advisory capacity.

CONCLUSIONS OF LAW

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

1. The Respondent was not a public member as defined by Section 8-13-100(26).
2. The State Ethics Commission has subject matter jurisdiction, but not personal jurisdiction.
3. Section 8-13-1140 provides that certain public members shall file a Statement of Economic Interests annually thereafter prior to April 15.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Michael Elmore, violated Section 8-13-1140 in that he never served on the SC Pilotage Commission. 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 18th DAY OF April, 2013.

STATE ETHICS COMMISSION

A handwritten signature in blue ink, appearing to read "Phillip Florence, Jr.", is written over a horizontal line.

PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA