STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF:
COMPLAINT C2013-117

Lynette Hamlin,
Complainant;

vs.

Tammy Gilliam,
Respondent.

BEFORE THE STATE ETHICS COMMISSION

RECEIVED
2013 MAY 31 PM 4:07
STATE ETHICS COMMISSION

DECISION AND ORDER

Pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above captioned complaint on May 15, 2013 charging the Respondent, Tammy Gilliam, with a violation of Section 8-13-700(A). Present at the meeting were Commission Members Phillip Florence, Jr., Chair, Priscilla L. Turner, George Carlton Manley, Richard H. Fitzgerald, James I. Warren, and Twana N. Burris-Alcide. The following allegation was considered:

ALLEGATIONS

On March 7, 2013 the State Ethics Commission received a complaint filed by Lynette Hamlin of Inman, SC against Tammy Gilliam, employed at University of South Carolina Upstate (USCU). The complaint alleged that the Respondent is providing a non-university registered, private course to her students and is charging the students for the course. Complainant states that the Respondent is using her official position as a professor at USCU to obtain an economic interest for herself by using USCU property and equipment to conduct said course. It is noted that a consent order dated November 28, 2012 signed by the Respondent stated that the Respondent inadvertently violated Section 8-13-700 (A) of the Ethics Act when she used a USCU computer to promote a

course she was teaching off campus on her own time.

FINDINGS OF FACT

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

1. The Respondent, Tammy Gilliam, is currently an Assistant Professor at the University of South Carolina Upstate (USC Upstate) Mary Black School of Nursing.

2. Respondent advised that she did assist staff from Kadi Medical Services, when they conducted a course on campus for nursing students. Respondent said that the students paid the fees related to the class directly to Kadi Medical Services and she received no compensation for the classes.

3. According to the Interim Dean at the Mary Black School of Nursing, Dr. Katharine Gibb, Respondent volunteered her time to assist students involved in training with Kadi Medical Services. Dr. Gibb reported that a faculty member is required to be present, when the lab is used for training.

4. According to Director of Operations for Kadi Medical Services, Mr. Mathew Collom, his company did provide training for nursing students, in Advanced Cardiac Life Support on March 2 and 3, 2012, at USC Upstate. Mr. Collom advised that Respondent did assist students during the class. Mr. Collom stated that Respondent received no financial benefit for assisting with the classes. Mr. Collom said that Respondent is not an employee or compensated agent for Kadi Medical services.

5. Staff notified the Complainant in regard to the aforementioned summary, and she could not provide any direct information, in regard to Respondent receiving an economic benefit from classes provided by Kadi Medical Services.

CONCLUSIONS OF LAW

1. The Respondent is a public employee, as defined by Section 8-13-100(25).

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.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Tammy Gilliam, violated Section 8-13-700(A) as none of the allegations were substantiated in interviews. 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 29th DAY OF May, 2013.

STATE ETHICS COMMISSION

PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA