STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2013-078	)	
J.R. Douglas, Complainant;	)	**DECISION AND ORDER**
vs.	)	
Philip L. Hinley, Respondent.	)	

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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, Philip L. Hinley, with a violation of S.C. Code §8-13-700(A)(Supp. 2012). 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 November 26, 2012 the State Ethics Commission received a complaint filed by J.R. Douglas against Philip L. Hinely, Fairfield County Administrator. The complaint alleged that the Respondent bought a house on 101 East High Street for $36,000. The house was re-modeled by a Fairfield County employee and a co-worker. The workers drove County vehicles to the residence during the day. One of these workers was given money for taking a HVAC course. The cost of the course and the employee's salary were paid by Fairfield County. Furthermore, the Respondent bought a house at 502 Peays Ferry Road. When purchased the taxable rate on the property was $26,200; after the Hinely purchase the tax rate was reduced to $21,000.

FINDINGS OF FACT

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

1. The Respondent, Philip L. Hinely, is currently the Fairfield County Administrator and he has been the administrator for the last 11 years.

2. Respondent reported that in January 2011 he did purchase property at 101 East High Street in Winnsboro and the remodeling work done on the property was completed by numerous private contractors. He said the remodeling occurred over a period of five to six months. The private contractors included Fairfield County employees, Timothy Marthers and Keith Branham.

3. Respondent said that the county employees were instructed to work on his property while they were off duty from Fairfield County, and they were instructed not to use county owned vehicles when they traveled to his property to work.

4. According to the deputy administrator, Davis Anderson, Respondent asked him about local craftsmen that could remodel his residence at 101 East High Street. Mr. Anderson said he advised Respondent that several county employees worked side jobs and he recommended Mr. Marthers and Mr. Branham. Mr. Anderson said that he advised both employees to only work on Respondent's residence while off duty from the county and they were advised not to use county vehicles while working at Respondent's residence.

5. Respondent stated that on one occasion he spoke with a local reporter, Jill Cincetta, because she observed a county employee with a county owned vehicle at his private residence during normal county work hours. The county employee was identified

as Keith Branham. Respondent advised that he along with the deputy administrator spoke with Mr. Branham and they were advised that Mr. Branham was at the property; however, he was not working on the property. Mr. Branham reported that he was taking medication in preparation for a colonoscopy and he needed to use the restroom. Mr. Branham said he was in close proximity to Respondent's residence and he had the key. According to Mr. Anderson, Mr. Branham did have the examination scheduled.

6. Both Mr. Marthers and Mr. Branham were interviewed. They both reported that they did the remodeling work on Respondent's property while they were off duty. Mr. Branham confirmed the information in regard to the occasion he was Respondent's residence during work hours. Mr. Marthers reported that he was hired by Respondent to do construction work and he did not work on Respondent's a/c unit.

7. According to Respondent and Mr. Anderson several county employees in the maintenance department were sent to Midlands Technical College for heating and air conditioning classes, including Mr. Marthers. The county paid for the classes for all the employees. Respondent reported that the air conditioning work at his residence was done by an off duty sheriff's deputy, John Borden.

8. Mr. Borden advised that he did the a/c work on Respondent's property located at 101 East High Street.

9. The tax assessment for the property owned by Respondent at 502 Peays Ferry Road was reviewed. The assessment revealed a decrease in market value from $26,200 in 2012 to $21,000 in 2013.

10. According to the former Fairfield County Tax Assessor, Mr. Wendell Irby, the property purchased by Respondent automatically generated a new assessment. Mr. Irby said the decrease in the tax assessment was based on the property's condition, location, and a comparison of sales prices of similar properties. The aforementioned information was confirmed by the deputy assessor, Mr. Donald Bonds. Mr. Irby said that Respondent did not request a new assessment. Mr. Irby advised that he was not involved in any discussions with Respondent about the new assessment. Mr. Irby said that Respondent did not influence him in any way in regard to the reassessment of the aforementioned property.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter 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, Philip L. Hinley, 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 18th DAY OF April, 2013.

STATE ETHICS COMMISSION

PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA