

STATE OF SOUTH CAROLINA ) BEFORE THE STATE ETHICS COMMISSION  
COUNTY OF RICHLAND )

In the Matter of: )  
COMPLAINT C2012-132 )

Retha Pierce, )  
Respondent, )

Jake Evans, )  
Complainant. )

**DECISION AND ORDER**

STATE ETHICS  
COMMISSION

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Jake Evans, on May 21, 2012. On July 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Retha Pierce, with a violation of Sections 8-13-700(A) & (B).

Present at the meeting were Commission Members Phillip Florence, Jr., Chairman, E. Kay Biermann-Brohl, Edward E. Duryea, JB Holeman, Priscilla L. Tanner, and George Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

On May 21, 2012 the State Ethics Commission received a complaint filed by Jake Evans, Council member, Town of Atlantic Beach, SC against Retha Pierce, the Mayor of the Town of Atlantic Beach, SC. The complaint alleged that the Respondent, on August 24, 2011, voted to authorize the Atlantic Beach Town Manager to design a way to resolve lawsuits against the Town. At the time the Respondent was a plaintiff in a lawsuit against the Town. The Respondent's lawsuit was subsequently settled for a monetary sum.

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**STATEMENT OF FACTS**

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

1. During all times relevant, the Respondent served as Mayor of the Town of Atlantic Beach, SC.
2. During the times in question, the Respondent did have a pending lawsuit against the town.
3. The minutes of Atlantic Beach Council meetings of August 1 and August 24, 2011 disclosed that the Respondent did discuss and vote on matters pertaining to all litigation pending against the Town of Atlantic Beach; however, no specific litigation was mentioned.
4. Nelson Chandler, SC Insurance Reserve Fund, advised that his department had no discussions or correspondence with the Town Council of Atlantic Beach during or around August 2011. He stated the Reserve Fund made a decision in December 2011 to settle the Respondent's lawsuit based solely on the facts of the case. Actions or statements made by Town Council had nothing to do with the Fund's decision to settle the Respondent's lawsuit. The Respondent received a settlement in the amount of \$22,300.

**CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Retha Pierce, was a public official as defined by Section 8-13-100(27).

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2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-700(A) prohibits a public official from using their official office to obtain an economic interest for himself, a family member, a business with which he is associated or in individual with whom he is associated.

4. Section 8-13-700(B) requires that when a public official is called on to take action in a matter in which the public official has an economic interests, the public official must acknowledge the conflict, recuse themselves from all participation and have a statement entered into the meeting minutes explaining the conflict.

**DECISION**

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Retha Pierce, violated Sections 8-13-700(A) or 8-13-700(B). 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 11<sup>th</sup> DAY OF Sept, 2012.

STATE ETHICS COMMISSION

COLUMBIA, SOUTH CAROLINA   
PHILLIP FLORENCE, JR.  
CHAIRMAN