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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2013-079)
))
Quentin Eric Harper,)
Complainant;)
))
vs.)
))
Dennis Saylor,)
Respondent.)
_____)

BEFORE THE 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 March 20, 2013 charging the Respondent, Dennis Saylor, with a violation of 24 S.C. Code Ann. Regs 52-718(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 28, 2012 the State Ethics Commission received a complaint filed by Quentin Eric Harper of Aiken, SC against Dennis Saylor of Aiken, SC. The complaint alleged that the Respondent, who was a Complainant in a complaint filed against Probate Judge Sue Roe. It was alleged that Saylor violated the confidentiality provision of the Ethics Act by revealing the existence of his complaint.

FINDINGS OF FACT

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

1. The Complainant, Quentin Eric Harper, advised he had no first-hand knowledge that Respondent violated the confidentiality provisions of the Ethics Act.

After reading a newspaper article that Probate Judge Roe violated the State Ethics Act, he presumed Respondent had provided the information for the article.

2. Jane Page Thompson, Judge Roe's opponent in the election, stated that she did advise the news media that she believed that Judge Roe had violated a provision of the state Ethics Act. She further stated that she did not know that Respondent had filed an ethics complaint against Judge Roe until being advised so by a Commission investigator.

3. Respondent advised that after he filed the complaint against Judge Roe he did not violate the confidentiality section of the Ethics Act. He did not discuss the complaint with the local news media, Ms. Thompson or family members.

4. The Aiken Standard reporter who had knowledge of the complaint declined to provide any statement to the investigator.

CONCLUSIONS OF LAW

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

1. The Respondent was a complainant in a complaint matter filed against a candidate

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

3. Regulation 52-718(A) Confidentiality of Proceedings provides:

A. No person associated with a complaint including the Complainant, Respondent, counsel, counsel's staff, Commission members or employees, reporters or investigators, shall mention the existence of the proceedings or disclose any information pertaining thereto except to persons directly involved including witness and potential

witnesses, and then only to the extent necessary for investigation and disposition of the complaint. Witnesses and potential witnesses shall be bound by these confidentiality provisions.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Dennis Saylor, violated the confidentiality of the complaint process. 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