

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2012-034)
)
 Paul Curry,)
 Complainant;)
)
 vs.)
)
 Benny Lee Webb,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS
 COMMISSION

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Paul Curry, on October 20, 2011. On March 21, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Benny Lee Webb, with a violation of Section 8-13-1140.

Present at the Hearing on March 20, 2013 were Commission Members E. Kay Biermann Brohl, Chair, Priscilla Tanner and George Carlton Manley. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Benny Lee Webb, Town Manager of the Town of Atlantic Beach, did in Richland County, fail to timely file a Statement of Economic Interests form upon his hiring on July 26, 2011.

FINDINGS OF FACT

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

1. The Respondent, Benny Lee Webb, was named the Atlantic Beach Town Manager in July 2011. He was required to file a Statement of Economic Interest upon taking the position.
2. Respondent testified that he did not file in July 2011 because he did not know he was required to file. He attempted to file, but kept hitting the save button. He filed the form on April 6, 2012.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Benny Lee Webb, was a public employee, as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Sections 8-13-1110 and 8-13-1140 provide that certain public employees shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.
4. Section 8-13-320(10)(i) provides in part:
 - (10) to conduct its investigation, inquiries, and hearings in this manner:
 - (i) . . . If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

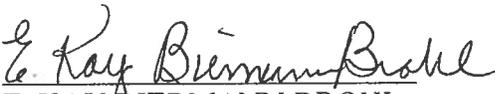
DECISION

Based upon the evidence presented, the State Ethics Commission has determined

that the Respondent, Benny Lee Webb, has complied with the disclosure requirements of the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings.

IT IS SO ORDERED THIS 10th DAY OF May, 2013.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA