

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 Complaint 2013-003)
)
 Tammy Gilliam,)
 Respondent.)
)
 Lynette Hamlin,)
 Complainant.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Lynette Hamlin, on July 6, 2012. The complaint against the Respondent, Tammy Gilliam, was considered by the Commission on September 19, 2012 and probable cause found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to entry of this consent order in this matter with the following charges considered:

COUNT ONE
 USE OF OFFICIAL OFFICE FOR GAIN
 SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

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The Respondent, Tammy Gilliam, University of South Carolina Upstate Assistant Professor, did in Spartanburg County, in January and February 2012, unlawfully violate Section 8-13-700(A), by knowingly using her official employment to obtain an economic interest for herself by using her University's computer and class-time to promote an off-duty, off-site course she taught.

STATEMENT OF FACTS

1. The Respondent, Tammy Gilliam, is an assistant professor at the University of SC Upstate (USCU).
2. Luke VanWingerdon, USCU ITS Director, forwarded to the Commission investigator all of Respondent's e-mails and Black Board postings from her USCU computer for the 2012 spring semester. A review of these documents indicates that Respondent did use her USCU owned

computer to promote her Advanced Cardiovascular Life Support (ACLS) course through publishing of registration forms and other postings.

3. Respondent admitted that during the 2012 spring semester at USCU Upstate she did nominally use her USCU computer and class time to promote the ACLS course that she instructed off-campus on her own time, as well as other courses in which she did not have an economic interest. Prior to the 2012 spring semester the ACLS course was coordinated by Spartanburg Regional Health System. The ACLS course she taught on February 18-19, 2012 resulted in a total payment to her in the amount of \$893.83. Respondent stated she did not realize her actions could constitute a violation of the Ethics Act. Respondent further asserted that any use of class time or computer system was incidental and did not result in any additional public expense.

CONCLUSIONS OF LAW

Based upon the Statement of Facts, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Tammy Gilliam, was a public employee, as defined by Section 8-13-100(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public employee from using his official office to obtain an economic interest for himself.

DISCUSSION

The class which is the subject of this controversy is Advanced Cardiac Life Support Course (ACLS), which was a two day course held at Spartanburg Regional Medical Center for the purpose of teaching both rhythm recognition and treatment of life threatening abnormal rhythms. USCU does not provide this course. Respondent also provided information to her students of all ACLS classes available in the area. Respondent also asserts that these matters were discussed among

faculty and at no time did Complainant advise Respondent that she believed Respondent was committing a violation of any laws.

ADMISSIONS

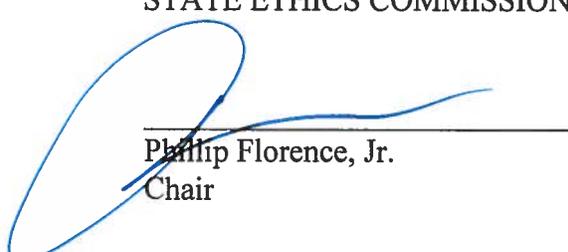
The Respondent, Tammy Gilliam, does not admit any wilful violations of Section 8-13-700(A), but agrees that her actions inadvertently violated Section 8-13-700(A).

DISPOSITION

Without admitting any willful violation of the law, Respondent has agreed to cease promoting any class in which she may have an economic interest in any manner while she is exercising her duties as an USCU professor, through the USCU computer system, or on the grounds of the USCU campus. THEREFORE, the State Ethics Commission hereby issues a written warning to Tammy Gilliam for her inadvertent violation of Section 8-13-700(A) of the Ethics Reform Act. Respondent further agrees to forfeit the \$893.83 she received from the February 2012 class within 30 days of receipt of the signed order, to be applied against the administrative costs of this action.

AND IT IS SO ORDERED THIS 28th DAY OF November 2012.

STATE ETHICS COMMISSION



Phillip Florence, Jr.
Chair



Tammy Gilliam
Respondent