

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

In the Matter of:)
COMPLAINT C2012-123)

DECISION AND ORDER

Windy Price,)
Respondent,)

Jake Evans,)
Complainant.)

RECEIVED
2012 SEP 13 PM 2:45
STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Jake Evans, on April 20, 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, Windy Price, with a violation of Section 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 April 20, 2012 the State Ethics Commission received a complaint filed by Jake Evans of North Myrtle Beach, SC against Windy Price, Council person, Town of Atlantic Beach, SC. The complaint alleged that the Respondent voted to give Town Manager Benny Webb authority to work with Town Attorney on lawsuits against the Town of Atlantic Beach where Ms. Price was a plaintiff, another lawsuit against the Town where her husband, Darnell Price, was a plaintiff and a lawsuit against the Town

where the Church she serves as Pastor was a plaintiff.

On August 24, 2011 the Respondent voted to authorize the Town Manager to design a way to resolve lawsuits against the Town where she, her husband, and her employer, Atlantic Beach CME Church were plaintiffs.

On September 12, 2011 the Respondent voted to repeal a Town Ordinance requiring verification from the Town that all code requirements have been met in compliance with the international building code. The Atlantic Beach CME Church had been without electrical service since July 2010 due to code violations observed by the Town code officials.

STATEMENT OF FACTS

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

1. During all times relevant, the Respondent served as a Council person for the Town of Atlantic Beach, SC.
2. During the times in question, the Respondent did have a pending lawsuit filed 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. The Complainant confirmed that at the time the Respondent did have a pending lawsuit filed against the town; however, the discussion was about litigation in general and would not have impacted the Respondent's suit.
 5. Nelson Chandler, SC Insurance Reserve Fund, advised his Department had no discussions or correspondence with the Town of Atlantic Beach during August 2011. The Reserve Fund decision in December 2011 to award the Respondent a settlement of \$25,000 was made solely on the facts of the case. The decision had nothing to do with any actions taken by the Atlantic Beach Town Council.

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, Windy Price, was a public official 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 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, Windy Price, 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 11th DAY OF Sept., 2012.

STATE ETHICS COMMISSION

COLUMBIA, SOUTH CAROLINA



PHILLIP FLORENCE, JR.
CHAIRMAN