

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

In the Matter of:)
COMPLAINT C2013-004)

DECISION AND ORDER

Anthony Dennis,)
Respondent,)

Doug Belote,)
Complainant.)

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Doug Belote, on July 9, 2012. On September 19, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Anthony Dennis, with a violation of Sections 8-13-765 and 1346.

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

The following allegations were considered:

On July 9, 2012 the State Ethics Commission received a complaint filed by Doug Belote of Dalzell, SC against Anthony Davis, Sheriff of Sumter County, SC. The complaint contained the following information: The Complainant attended a community event in Shiloh, a neighborhood in Sumter County. He observed campaign material such as Re-elect Anthony Davis bumper stickers, yard signs and flyers. Two sheriff deputies who own and rent out a bounce house donated the use of the bounce house for this event. The Sheriff's Office reportedly paid for the food for the event. Since the Sheriff was campaigning at this event it seems that these actions would be in kind contributions.

STATEMENT OF FACTS

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

1. The Respondent, Anthony Dennis, is Sumter County Sheriff and is a candidate for re-election.

2. According to the Sumter County Administrator, the Shiloh Community Center and grounds are owned and maintained by Sumter County.

3. Respondent advised that Shiloh Community Day was sponsored by the Sumter County Sheriff's Office and the Community Oriented Policing Leadership Council. This event was never intended to be a campaign event. He stated that at no time during his participation in the event did he engage in any type of campaigning. He did not have his campaign material set up in the building or on the grounds. Respondent stated that several other candidates were passing out campaign material at the event. Approximately two hours after the start of the community day, there were attendees who requested Respondent's campaign material from his wife, which she had in her personal vehicle. His wife returned to her car and did pass out campaign cards and tee shirts.

4. The Commission investigator interviewed the Complainant and requested written statements from the Complainant and witnesses shown in the complaint who reportedly observed the alleged campaign violations. No statements were received.

CONCLUSIONS OF LAW

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

1. The Respondent, Sheriff Anthony Dennis, is a candidate and a public official as defined by Sections 8-13-1300(25) and 100(27), respectively.

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

3. Section 8-13-765(A) prohibits the use of government personnel, equipment, materials or an office building in an election campaign.

4. Section 8-13-1346 prohibits the use of public funds, property, or time to influence the outcome of an election.”

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Anthony Dennis, violated Sections 8-13-765 and 1346. 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 15TH DAY OF OCT., 2012.

STATE ETHICS COMMISSION

COLUMBIA, SOUTH CAROLINA



PHILLIP FLORENCE, JR.
CHAIR