

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 )  
 Silas Seabrooks, )  
 )  
 Respondent, )  
 )  
 v. )  
 )  
 State Ethics Commission, )  
 )  
 Complainant. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION  
 Complaint No.: C2004-006

**ORDER**

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 STATE ETHICS  
 COMMISSION

This matter was heard on November 17, 2004 by a panel of three (3) commissioners, Gregory P. Harris, Duane G. Hansen and Priscilla L. Tanner.

Two allegations were made by an employee of the Town of Santee, South Carolina alleging facts which if true may have constituted a violation of §8-13-700(A) prohibiting a public employee from using his public position to obtain a personal financial benefit and a violation of §8-13-700 (B) which prohibits a public employee from making an official decision regarding a matter in which the employee or a business with which the employee is associated has an economic interest. The Commission issued a complaint on July 22, 2003 alleging violations of Section 8-13-700(A) and Section 8-13-700(B).

After an investigation the Commission dropped the allegations under §8-13-700 (B) for lack of proof and proceeded under §8-13-700 (A).

Commission staff presented testimony from Donnie Hilliard, the Town Administrator, and that of a former town employee (the complaining party) who had been discharged after written warnings from the Mayor that discharge would follow if the Town employee did not remove a water charge for water provided through a meter issued to a tenant of rental property owned by the Mayor which charge the Town employee had added to a bill for water service through

another water meter serving a business owned and operated by the Mayor.

After the testimony of the employee and the Town Administrator the evidence was clear that the Town employee did not fully understand the billing procedures adopted in the Town ordinance governing the sale of potable water.

Article I, Section 8.4, Utility Billing governs the billing of metered accounts for water.

This ordinance states in pertinent part:

All utility charges shall constitute a lien upon the property benefited by the utility service. In the event such charges shall not have been paid, the service shall be discontinued. A lien shall be the debt of the property receiving the benefit regardless of the owner or tenant. Utility services shall not be restored until such time as all liens are satisfied.

Mr. Hilliard testified that the Town had chosen to use the described lien as the method to insure payment of past due water bills regardless of whether the water was used by tenant or landowner. He further testified that it was not a practice of the Town to add charges accruing from the use of water through one meter to the bill of a landowner for another meter.

In other words, the Town had a practice established by ordinance to wait until the tenant of property served by a meter with an arrearage sought to have water turned on before the bill would have to be paid. This procedure was one that all users of potable water purchased from the Town of Santee were subject to and was not a procedure only available to the Mayor.

It was apparent to the panel that the employee who made the complaint did not understand this process and incorrectly assumed, most likely in good faith, that the Mayor was seeking economic advantage by insisting that the employee remove the charge incurred through one meter from his active account on another meter.

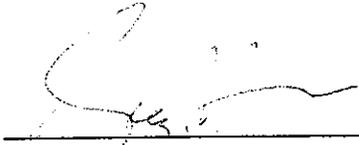
In support of this the complaining employee quoted the Mayor as telling her when he instructed her to remove this charge to "let the next guy pay this bill" or words to that effect. Given the ordinance in question it was clear these words meant that the Mayor wanted this bill paid when a new tenant for the metered property was found and not that he sought an economic advantage

not available to the general public.

Mr. Hillard testified that the unpaid charges for the Mayor's rental property remain a lien on that property and would be collected when the meter was activated. §8-13-700(A) requires proof that the public employee use his position "to obtain economic interest for himself." Since no economic advantage was sought or obtained the panel finds that the complaint against Silsa Seabrooks is without foundation and that said, the complaint be and hereby is dismissed with prejudice.

IT IS SO ORDERED THIS 10 DAY OF December, 2004.

STATE ETHICS COMMISSION

  
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Gregory P. Harris  
Chairman

COLUMBIA, SOUTH CAROLINA

