

RECEIVED

SEP 17 2014

STATE ETHICS COMMISSION

RECEIVED

SEP 12 2014

STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
Complaint 2014-015)

James F. Gillespie,)
Respondent.)

CONSENT ORDER

State Ethics Commission,)
Complainant.)

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on August 5, 2013. The complaint against the Respondent, James F. Gillespie, was considered by the Commission on November 19, 2013 and probable cause found to warrant an evidentiary hearing.

Prior to the call of the case Respondent agreed to entry of the following statements of fact, conclusions of law, admission, discussion, and disposition in this matter as follows.

STATEMENT OF FACTS

1. The Respondent, James F. Gillespie, is an elected member of the Parker Sewer and Fire District in Greenville County.

2. Respondent stated that in 2010 he did let staff at the Parker Sewer and Fire District maintenance shop ("the District shop") spray paint a bed liner on his personally owned pick-up truck. Respondent said that the District shop mechanic, Mr. Blake Harmon, mentioned that he used some bed liner paint on a district vehicle, and he had some left over from the job. Respondent advised that Mr. Harmon offered to spray the bed liner paint on his truck. Respondent said that he left his truck at the shop overnight. Respondent stated that he did not know the number of hours it took for staff to prepare

his vehicle for the application of the bed liner paint and apply the paint. Respondent said that he did reimburse the District shop for the cost of the bed liner paint. Respondent said that he believed the paint was left over from another job and it was probably going to be discarded. Commission staff confirmed that in 2010 Respondent did reimburse the District shop in the amount of \$20.00 for the truck bed liner paint.

3. Blake Harmon, the District shop mechanic, stated that three to three and a half years ago, Respondent brought his white in color Ford F-150 pick-up truck to the District shop during work hours. Mr. Harmon said he assisted the former maintenance supervisor spray a bed liner on Respondent's pick-up truck utilizing the District shop's paint and equipment. Mr. Harmon stated that the process took approximately three hours because the truck bed had to be scuffed or sanded and parts of the truck needed to be covered in plastic and taped. Mr. Harmon stated that a gallon of the District shop's "herculiner" paint was used on Respondent's truck. Mr. Harmon advised that the paint cost approximately \$100.00 per gallon.

4. Respondent stated that in 2011 he did call the District's Waste Water Supervisor, Mr. Boyd Leopard, about a problem he was having with the way his riding lawn mower cut his lawn. Respondent said that Mr. Leopard was a small engine mechanic and he had work on his lawn mowers for years. Respondent advised that Mr. Leopard said he would come by on his lunch break and take a look at Respondent's lawn mower. Respondent said that Mr. Leopard arrived at his residence in the District shop's maintenance truck with Mr. Harmon, the District shop's mechanic. Respondent stated that they both worked on leveling the mowing deck. Respondent said that the repair took about 30 to 45 minutes. Respondent said that he did not believe they used the compressor

on the District shop's truck to inflate his tires on the mower because he has his own compressor.

5. Parker Sewer and Fire District Waste Water Supervisor, Mr. Boyd Leopard, said that about a year and half ago he went to Respondent's residence along with Mr. Harmon to work on Respondent's riding lawn mower. Mr. Leopard said that he could not remember whether Respondent called him or Mr. Harmon contacted him about a problem with Respondent's lawn mower. Mr. Leopard said that he rode over to Respondent's residence some time before lunch in the District shop's truck with Mr. Harmon. Mr. Leopard said that Respondent's lawn mower was cutting his lawn unevenly. Mr. Leopard said that he and Mr. Harmon leveled the mowing deck and used the compressor from the District shop's truck to inflate the tires on the mower. Mr. Leopard said that it took about 45 minutes to an hour to repair the lawn mower.

6. Respondent said that Blake Harmon worked on vehicles at the shop after hours, and in 2011 he did take his granddaughter's jeep Cherokee to the shop for Mr. Harmon to work on after hours. Respondent stated that he left the vehicle at the District shop for about a week. Respondent said that he did have a conversation with Mr. Harmon about working on the vehicle while Mr. Harmon was off duty. Respondent said that he paid Mr. Harmon \$90.00 in cash for repairing his granddaughter's vehicle. According to Blake Harmon, the District policy did permit him to work on vehicles at the District shop after hours. He said that Respondent told him to work on his granddaughter's vehicle when he had time. Mr. Harmon said that he never received any money from commission members when he worked on their vehicles or equipment.

7. Respondent stated that in August of 2011, he noted that his brakes were squeaking on his pickup truck and he met with the Parker Sewer and Fire District mechanic at the Maintenance shop about the problem during normal business hours. Respondent said that the mechanic advised him that his brakes pads were worn and the brake pads needed to be replaced. Respondent stated that he mentioned to the mechanic about fixing the brakes after hours, but the mechanic said he would repair the brakes at that time. Respondent advised that he let the mechanic repair his vehicle during work hours. Respondent said that it took the District mechanic about an hour to repair his brakes. Respondent stated that he paid for all the parts for the brake repair.

8. Respondent advised that in November of 2012 he met with the District mechanic at the District shop and the mechanic ran a diagnostic test on his pickup truck. Respondent said that based on the engine diagnostic test he was advised by the District shop that his vehicle needed a tune up. Respondent stated that the mechanic replaced the spark plugs and wiring harness during work hours. Respondent advised that the repairs took about an hour and half to complete. Respondent said that that paid for all the parts for the tune up.

9. Respondent stated that in 2013 he met with the mechanic at the District shop and the mechanic changed the oil in his pick-up truck during normal business hours. Respondent said that he paid for the oil and filter for the service.

10. Respondent reported that on the occasions the District shop mechanic repaired his vehicle the mechanic ordered the parts required for the repair. Respondent stated that when the parts were delivered Respondent wrote a check to the parts company.

Respondent advised that Parker Sewer and Fire District funds were not used to purchase parts for any of the repairs on his personal vehicle.

11. A review of the Parker Sewer and Fire District Manual revealed that in Section 21.15 district equipment and tools, (but not materials) may be used by District personnel or commissioners either at District facilities, or at home. It should be noted that the manual did not contain information related to the repair of privately owned vehicles.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, James F. Gillespie, was a public official, as defined by S.C. Code Ann. § 8-13-100(27)(Supp. 2012).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-700(A) prohibits a public official from using his official position to obtain an economic interest for himself or a family member.
4. Section 8-13-100(15) states:

'Family member' means an individual who is:

 - (a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild; or
 - (b) a member of the individual's immediate family.

DISCUSSION

First of all, I disagree that Mr. Harmon was unable to work in the shop after hours, this is not true. He was never told that he or his helper could not work

late. They did it all the time on Parker equipment and personnel.

He said he never received any compensation from me, That is not true.

Also, I always paid him what he charged. Once when he worked on my granddaughter's vehicle, I paid him \$90.00 cash: my word, his word. He also said that he did this work after hours.

As to painting the bed of my truck was his idea. There was less than a half a gallon of paint, and this was not enough to paint the bigger vehicles of Parker. I offered to buy it rather than to discard it. He said it was worth about \$20.00. Then he said he would paint it when he got off. However, this does not justify using Parker's tools and building, of which I am guilty. I am not guilty of allowing Parker District to pay for any materials, parts or labor. Thank you for allowing me to express my side in this matter.

ADMISSIONS

The Respondent, James F. Gillespie, admits he violated Section 8-13-700(A) of the Ethics Reform Act.

DISPOSITION

The State Ethics Commission hereby finds James F. Gillespie in violation of Section 8-13-700(A) of the Ethics Reform Act and hereby adopts the Statement of Facts, Conclusions of Law, Admissions, Discussion, and Disposition as agreed upon by the Respondent.

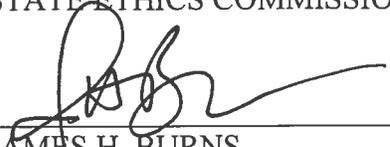
THEREFORE, the State Ethics Commission hereby issues a public reprimand to James F. Gillespie for his violation of Section 8-13-700(A) of the Ethics Reform Act,

AND, orders Respondent to pay an administrative fee of \$1,500.00 within 30 days

of receipt of the signed order,

AND IT IS SO ORDERED THIS 17th DAY OF September 2014.

STATE ETHICS COMMISSION



JAMES H. BURNS
CHAIR



James F. Gillespie
Respondent