

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
c 2021-090

COMPLAINANT: Darryl K. Glover

RESPONDENT: Nancy Foster (Mayor)

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TITLE: City of Bamberg, Maint. Dept. (Former Emp.)

TITLE: Mayor - City of Bamberg

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

ON June 4, 2019 I was directed along with two other city maintenance employees to move furniture from a local finance business to the Mayor's private real estate company. This activity took place around 2:28 pm still on city time using city equipment. I knew this was unethical and wrong however I feared for my job so I complied. I am in counseling now.

All investigations, inquiries, hearings, and accompanying documents must remain confidential unless respondent waives the right to confidentiality. If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year. Section 8-13-320(10)(g).

STATE OF SOUTH CAROLINA
COUNTY OF Richland

Personally appeared before me Darryl K. Glover who, first being duly sworn, says that he/she has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
2nd day of Oct 2021

[REDACTED]

Notary Public for South Carolina
My Commission expires July 20, 2025



[REDACTED SIGNATURE]
Complainant Signature

SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
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C 2021-090

COMPLAINANT: Darryl K. Glover
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: City of Bamberg, Maint. Dept. (Former Emp.)

RESPONDENT: Nancy Foster (Mayor)
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Mayor - City of Bamberg

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

ON May 21, 2021 at approximately 10:07 am I observed Bamberg, City employees moving barrels from a private company (Blackwater Barrels) to city council person Roberta (Bobbi) Bunchs private company on Main Street in Bamberg while they were on city time using city equipment. This unethical act left me speechless and distraught. These new employees were doing the same things I was doing. I am in counseling for these acts. I ~~videod~~ this activity.

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[REDACTED]

[REDACTED]

Complainant Signature

Notary Public for South Carolina
My Commission expires July 20, 2025



SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Goldville, SC 29110-3008, Carolina 29210 (803)253-4192

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FOR COMMISSION USE ONLY:
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C 2021-090

COMPLAINT FORM

STATE ETHICS
COMMISSION

COMPLAINANT: Darryl K. Glover
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: City of Bamberg, Maint. Dept. (Former Emp.)

RESPONDENT: Nancy Foster (Mayor)
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Mayor - City of Bamberg

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

On April 17, 2020 I was directed by Nancy Foster (Mayor) to go to her daughters house (37 Oak St.) to remove trees and debris from the home using City of Bamberg equipment while I was still on the clock. In other words I conducted this activity along with two other employees. Although I knew this was wrong and unethical I did it to keep my job. I am in counseling now.

All investigations, inquiries, hearings, and accompanying documents must remain confidential unless respondent waives the right to confidentiality. If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year. Section 8-13-320(10)(g).

STATE OF SOUTH CAROLINA
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2nd day of Oct, 2021

[REDACTED]
Notary Public for South Carolina
My Commission expires July 20, 2025



[REDACTED]
Complainant Signature

SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
IN THE MATTER OF:)
)
Complaint C2021-090)
)
)
Darryl K. Glover)
Complainant.)
)
)
Nancy Foster)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

NOTICE OF HEARING

The State Ethics Commission has determined that there is probable cause pursuant to Section 8-13-320(10)(i), Code of Laws, South Carolina, 1976, as amended, to support the allegations made in the above-captioned complaint. The State Ethics Commission will, therefore, convene a formal hearing into the matters, in accordance with Section 8-13-320(10)(i) & (j), Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.) on Thursday, October 17, 2024 at 9:30 a.m. at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegations will be heard:

COUNT ONE
USE OF OFFICIAL POSITION TO OBTAIN ECONOMIC INTEREST
SECTION 8-13-700(A), S. C. CODE ANNOTATED, 1976, AS AMENDED

That Nancy Foster, City of Bamberg Mayor, did in Richland County, knowingly use her official position to obtain an economic benefit by instructing city employees to take property that was donated to the City of Bamberg and deliver to Respondent's real estate company on June 4, 2019, in violation of Section 8-13-700(A).

COUNT TWO
USE OF OFFICIAL POSITION TO OBTAIN ECONOMIC INTEREST
SECTION 8-13-700(A), S. C. CODE ANNOTATED, 1976, AS AMENDED

That Nancy Foster, City of Bamberg Mayor, did in Richland County, knowingly use her official position to obtain an economic benefit by instructing city employees to deliver barrels to Bamberg Rustic Furniture, a business with which she was associated, on May 21, 2021, in violation of Section 8-13-700(A).

You have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. This hearing will be open to the public as required by Section 8-13-320(10)(j), Code of Laws, South Carolina, 1976, as amended. The procedures to be followed are set forth in the Administrative Procedures Act, Section 1-23-10, et seq., Code of Laws, South Carolina, 1976 as amended the State Ethics Act, Section 8-13-100, et seq., Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.).

A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.

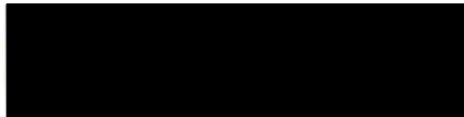


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 22nd day,
of January 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT Nancy Foster, 11611 Heritage Hwy., Bamberg, SC 29003 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 26th day of January 2024, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

Rachael O'Bryan, Administrative Assistant
State Ethics Commission (803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2021-090)
Darryl K. Glover,)
Complainant.)
Nancy Foster,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

Pursuant to Section 8-13-320(10) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the State Ethics Commission (Commission) reviewed the above-captioned complaint and found probable cause to charge Nancy Foster (Respondent) with two (2) counts of violating Section 8-13-700(A) for use of official position to obtain an economic interest for herself and for a family member. Present at the hearing held on October 17, 2024, were Commissioners AJ Holloway, Mary Hunter B. Tomlinson, and F. Xavier Starkes, Hearing Panel Chair. Respondent was present, represented by William Kemp, Esq., and the Commission was represented by Renique K. Brabham, Esq.

FINDINGS OF FACT

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

1. Respondent has served as Mayor of the City of Bamberg (City) since 2017. Her official duties include, in relevant part, making administrative decisions regarding the day-to-day operations of the City.
2. On June 4, 2019, Respondent directed City workers to deliver items to her private real estate business. The items were donated to the City from a local finance company, and Respondent stored the items in her real estate office because the City did not have climate-controlled storage.
3. At all times relevant, Respondent's daughter, Roberta Bunch, served on City Council and owned a business called Bamberg Rustic Furniture.

4. On May 21, 2021, one (1) City employee used a City truck with an attached trailer to pick up nine (9) decorative whiskey barrels from Blackwater Barrels, a private business located in the City. The City worker delivered four (4) barrels to Bamberg Rustic Furniture for Respondent's daughter, Councilwoman Roberta Bunch, and delivered the remaining five (5) barrels to the Bamberg Civic Center for official City use.
5. Following the filing of the Complaint, the Commission's investigation revealed that Respondent directed the City employee to make the delivery as a favor to her daughter and that the fair market value for similar equipment used by the City to make the delivery was at least \$50.00.
6. The Commission's investigation further revealed that Councilwoman Roberta Bunch purchased barrels alongside the City upon invitation from her mother, the Respondent, in an effort to reduce the City's cost per barrel. The price of the barrels was \$80.00 each. Additionally, Councilwoman Roberta Bunch purchased her four (4) barrels with a check from Bamberg Rustic Furniture to Blackwater Barrels, and the City paid for its five (5) barrels via a separate check covering the cost of only its barrels.
7. Finally, the Commission's investigation revealed that each barrel weighed over one hundred (100) pounds and that Bamberg Rustic Furniture was enroute to the City's drop-off destination.

CONCLUSIONS OF LAW

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

1. At all times relevant, Respondent was a public official, as defined by Section 8-13-100(27).
Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-700(A) provides, in relevant part:

No public official ... may knowingly use his official office ... to obtain an economic interest for himself, [or] a family member ... This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a [public official's] use that does not result in additional public expense.

3. Section 8-13-100(11) defines “economic interest” as:
 - (a) an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a [public official] may gain an economic benefit of fifty dollars or more.
 - (b) This definition does not prohibit a [public official] from participating in, voting on, or influencing or attempting to influence an official decision if the only economic interest or reasonably foreseeable benefit that may accrue to the [public official] is incidental to the [public official’s] position or which accrues to the [public official] as a member of a profession, occupation, or large class to no greater extent than the economic interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.
4. Section 8-13-100(15)(a) defines “family member,” as:

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;
5. Sections 8-13-130 and 8-13-320(10)(l)(i) allow the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act and to require payment of a civil penalty of up to \$2,000.00 for each violation of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of the evidence, that Respondent Nancy Foster is in violation of Count Two (2) of the Notice of Hearing. Specifically, the Panel finds that Respondent violated Section 8-13-700(A) by directing City employees to deliver the aforementioned barrels to her daughter’s business on May 21, 2021. The Panel acknowledges that Respondent’s daughter could have used her own resources to pick up the barrels. However, this is not what occurred. Instead, Respondent used City workers and equipment to deliver the barrels, a service that has a fair market value of at least \$50.00.

Regarding the June 4, 2019 delivery, the Panel finds that the Commission failed to establish by a preponderance of the evidence that Respondent used the donated items for non-City purposes or

for personal use and therefore dismisses Count One (1) of the Notice of Hearing.

THEREFORE, pursuant to Section 8-13-320(l)(i) of the Ethics Act, the Panel hereby issues a Public Reprimand and orders Respondent to pay a civil penalty of \$2,000.00 and an administrative fee of \$800.00, for a total of \$2,800.00;

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$2,800.00 is not paid within six (6) months from Respondent's receipt of this Order, a judgment of \$2,800.00 shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$2,800.00 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Nancy Foster has ten (10) days from receipt of this Order to appeal to the full Commission.

AND IT IS SO ORDERED THIS 23rd DAY OF OCTOBER 2024.

STATE ETHICS COMMISSION


F. XAVIER STARKES, HEARING CHAIR

Columbia, South Carolina