

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

LOGGED

FOR COMMISSION USE ONLY:

CASE NUMBER

c 2022-110

COMPLAINT FORM

COMPLAINANT: Kim Sherwood
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: public

RESPONDENT: Travis Sloan
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Spartanburg District 1 School Board

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).

See attached.

or home
[REDACTED]

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.

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

Personally appeared before me Kim Sherwood 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
19 day of September, 2022

[REDACTED]

Complainant Signature

Notary Public for South Carolina
My Commission expires October 12, 2026

MEGAN LAWRENCE JIMENEZ
Notary Public - State of South Carolina
My Commission Expires October 12, 2026

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
ELECTRONIC COPIES WILL NOT BE ACCEPTED

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2022-108)
C2022-110)

Travis Sloan)
Respondent.)

Deborah Baker)
Kim Sherwood)
Complainants.)

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, August 17, 2023 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 OFFICAL OFFICE FOR FINANCIAL GAIN
SECTION 8-13-700(A), S.C. CODE ANN., 1976, AS AMENDED

That Travis Sloan, Spartanburg School District One Board Member, did in Richland County, knowingly using his official position to obtain an economic interest for the South Carolina School Boards Association (SCSBA,) a business with which he was associated, by making a motion and voting on September 12, 2022, for the Board to enter into an agreement with SCSBA

to conduct a search for superintendent, in violation of Section 8-13-700(A).

COUNT TWO
**FAILURE TO RECUSE FROM A GOVERNMENTAL DECISION IN WHICH A
BUSINESS WITH WHICH ASSOCIATED HAD AN ECONOMIC INTEREST
SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED**

That Travis Sloan, Spartanburg School District One Board Member, did in Richland County, attempt to influence a governmental decision in which a business with which he was associated had an economic interest by participating in discussions during school board meetings held on August 8, 2022, August 29, 2022, and September 12, 2022 regarding search firms, including SCSBA, to conduct the search for superintendent, in violation of Section 8-13-700(B).

COUNT TWO
**FAILURE TO RECUSE FROM A GOVERNMENTAL DECISION IN WHICH A
BUSINESS WITH WHICH ASSOCIATED HAD AN ECONOMIC INTEREST
SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED**

That Travis Sloan, Spartanburg School District One Board Member, did in Richland County, fail to recuse and provide a written recusal statement during the August 8, 2022, August 29, 2022, and September 12, 2022 school board meetings regarding the discussions of search firms, including SCSBA, to conduct the search for superintendent, in violation of Section 8-13-700(B).

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 20th day,
of March 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Kenneth Darr, Esquire, PO Box 5726, Spartanburg, SC 29304 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 20th day of March 2023, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Rachael O'Bryan, Administrative Assistant
State Ethics Commission

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINTS C2022-108)
C2022-110)
Deborah Baker/Kim Sherwood,)
Complainants.)
Travis Sloan,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

These matters come before the State Ethics Commission (Commission) by way of Complaints filed on September 15, 2022 (C2022-108) and September 20, 2022 (C2022-110). Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaints against Travis Sloan (Respondent) were considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-700(A) and two (2) counts of violating Section 8-13-700(B).¹ Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent has served on the Spartanburg School District One (District) Board of Trustees (Board), a position for which Respondent has never received any compensation.
2. The South Carolina School Boards Association (SCSBA) is a state-wide non-profit association whose stated mission “is to be the leading voice advocating for quality public education while ensuring excellence in school board performance through training and service.” SCSBA offers several services to its member Districts, to include conducting superintendent searches.

¹ In C2022-110, the Complaint alleged Respondent improperly used his official position to obtain District employment for his spouse; however, the Commission investigation did not find any evidence to support this allegation.

3. With the full knowledge and support of the District Board,² Respondent began serving as a Regional Director for SCSBA in December 2017, a position for which Respondent has never received any compensation. Respondent attended his last SCSBA Board of Directors meeting on August 26, 2022, but continued sending emails as a Regional Director until at least September 13, 2022. Respondent's SCSBA term officially ended on December 3, 2022, when his successor was elected.
4. On June 13, 2022, the District's Superintendent announced his resignation, effective June 30, 2023.
5. In an August 8, 2022 Board meeting, the Board heard presentations from four (4) superintendent search firms, including SCSBA. Following each presentation, Respondent moved to enter into executive session to receive proprietary information, including pricing, from each search firm.
6. During an August 29, 2022 Board meeting, the Board debated conducting its own superintendent search and/or hiring one of the four (4) search firms. Respondent participated in the debate and argued against hiring a search firm. According to Respondent, the Board was competent and well-equipped to conduct its own search. Respondent ultimately voted against using a search firm.
7. During a September 12, 2022 Board meeting, the Board entered into executive session, in part, to discuss "negotiation incident to proposed contractual arrangements for engagement of superintendent search firm . . ." Once the Board returned to open session, Respondent made a motion that the Board "accept the proposal from the SCSBA as the superintendent search

² The District Board unanimously voted to nominate Respondent to the SCSBA Board in March 2017.

firm.” The motion passed 5-2, with Respondent voting in favor of hiring SCSBA.

8. On September 13, 2022, the District entered into a contract with SCSBA to conduct a superintendent search for a total amount of \$20,000, which was the least expensive search firm option considered by the District Board (other than conducting its own search as originally advocated by Respondent).

CONCLUSIONS OF LAW

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

1. At all times relevant, Respondent was a “public official” pursuant to Section 8-13-100(27).

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-700 provides, in relevant part:

(A) No [public official] may knowingly use his official [office] to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated . . .

(B) No [public official] may make, participate in making, or in any way attempt to use his [office] to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A [public official] who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes.

3. Section 8-13-100(3) of the Ethics Act defines “business” as “a corporation, partnership, proprietorship, firm, an enterprise, a franchise, an association, organization, or self-employed individual.” A business includes non-profit agencies and boards. See SEC AO2002-009.
4. At all times relevant, SCSBA was a “business with which [Respondent was] associated” pursuant to Section 8-13-100(4) because Respondent was a Regional Director of SCSBA:

“Business with which he is associated” means a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock . . .
5. At all times relevant, SCSBA had an “economic interest” in the District’s selection of a superintendent search firm pursuant to Section 8-13-100(11)(a):

“Economic interest” means 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, public member, or public employee may gain an economic benefit of fifty dollars or more.
6. Section 8-13-320(10)(l) allows the Commission to assess a civil penalty up to \$2,000 for each violation of the Ethics Act.
7. Section 8-13-130 allows the Commission to assess an administrative fee on a person who is in violation of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with the following: one (1) violation of Section 8-13-700(A) for voting to accept SCSBA’s superintendent search proposal on September 12, 2022; one (1) violation of Section 8-13-700(B) for participating in discussions regarding superintendent search firms, to include SCSBA, on August 8, 2022, August 29, 2022, and September 12, 2022; and one (1) violation of Section 8-13-700(B) for failing to recuse himself

from matters related to the superintendent search firms, including SCSBA, on August 8, 2022, August 29, 2022, and September 12, 2022. The Commission acknowledges that Respondent received no direct pecuniary benefit from the SCSBA contract with the District, but finds that SCSBA's economic interest is statutorily imputed to Respondent via Section 8-13-700.

Through this Consent Order, Respondent acknowledges he participated in the aforementioned discussions and votes held on August 8, 2022, August 29, 2022, and September 12, 2022. In exchange for this admission, the Commission declines to proceed on the violation of Section 8-13-700(B) contained in Count Two (2) of the Notice of Hearing. As mitigation for the remaining violations, Respondent states that he has been engaged in public service for approximately twenty (20) years and that he has never received any compensation or financial benefit as a result of his service on the District Board or the SCSBA board. Respondent notes that he was initially opposed to engaging a superintendent search firm to assist with the selection of the new superintendent because he believed the Board could conduct its own search. Respondent also states that the vote to hire SCSBA passed with a 5-2 vote and that his vote was not outcome determinative.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-700(A) for voting to engage SCSBA on September 12, 2022 and one (1) count of 8-13-700(B) for failing to recuse himself from matters in which SCSBA had an economic interest on August 8, 2022, August 29, 2022, and September 12, 2022.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues a public reprimand and orders the

Respondent to pay the Commission, within ninety (90) days from receipt of this Order a reduced civil penalty of \$700 (\$350 for each violation), and an administrative fee of \$600, for a total of \$1,300.

By executing this Consent Order, Respondent understands that he is not only admitting to violating the Ethics Act, but also confessing to a judgment of \$1,300 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$1,300 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 7th DAY OF July 2023.

STATE ETHICS COMMISSION


SCOTT E. ERICK, CHAIR


TRAVIS SLOAN
RESPONDENT


KENNETH DARR
RESPONDENT'S ATTORNEY