

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:  
CASE NUMBER  
c 2023-052

COMPLAINANT: Charlie Sutton, Gregory Rogers,  
Bob Sambor

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

RESPONDENT: James Linton

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TITLE: Council member and concerned citizens

TITLE: Councilman of the Town of McBee

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).

- Councilman James Linton is a current member of the McBee Town Council. Councilman Linton is Mayor Glenn Odom's employee at Odom and Associates, the management/consulting company of Alligator Rural Water & Sewer Co.
- In a special meeting of the executive session of the McBee Town Council on February 11, 2023, Mayor Odom asked for a motion to make Alligator Water the water supplier for McBee on a "temporary" basis. The motion passed, with Councilman Linton voting for the motion.
- Despite Odom's insistence that Odom and Associates would "[n]ever receive a dime from anything from the Town of McBee in regards to the water system," Odom and Associates has been and continues to be the management company for Alligator Water. Upon information and belief, Odom and Associates has taken management fees in connection with its position with Alligator Water for many years. For instance, Alligator Water listed on its Form 990s that it paid Odom and Associates \$542,846.00 as the "Management Company" in 2018 and \$663,930 for "Management Services" in 2019. There is also reason to believe these payments have continued through the present.

[continued on next page]

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 Darlington

Personally appeared before me Gregory Rogers & Robert 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  
21 day of April, 2023

[REDACTED]

Complainant Signature

[REDACTED]

Lee H. King

Notary Public for South Carolina

My Commission expires 4/17/2028

SEC-7 (Revised 3/2022)

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

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- To put this relationship into further perspective, it is my understanding that Odom and Associates' office is located within Alligator Water's office, and Alligator Water's employees are actually Odom and Associates employees.
- Considering his employment with Odom and Associates, Councilman Linton violated several statutory ethical obligations imposed on him as a public official of the Town of McBee by voting in favor of this motion.
- Section 8-13-700(A) of the South Carolina Code prohibits a public officer from using his official position or 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." And section 8-13-700(B) provides a public officer cannot "make, participate in making, or in any way attempt to use his office, membership, or employment 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."
- There is more than enough reason to believe that Odom and Associates, including Councilman Linton, has and will continue to receive an economic interest in the Town's decision to use Alligator Water on this "temporary" basis. It is disingenuous to assert to the contrary. This economic interest was the direct result of Councilman Linton's participation in the vote to make Alligator Water the temporary water supplier for the Town of McBee. These actions violate Councilman Linton's ethical obligations under sections 8-13-700(A) and (B). Moreover, there is reason to believe that Councilman Linton will continue this pattern of serving his own economic interest through his position with Odom and Associates when the "temporary" period is up and when bids for the permanent water supplier are received by the Town Council.

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )

Complaint C2023-052 )

Gregory Rogers )  
Bob Sambor )  
Complainants. )

**NOTICE OF HEARING**

James Linton )  
Respondent. )

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**  
**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 James Linton, Town of McBee Councilmember, did in Richland County, participate in discussion during a February 10, 2023 special called meeting to hire Allegator Water, a business with which he was associated, to provide services to McBee, 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**

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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 22<sup>nd</sup> 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 Glenn Odom, P.O. Box 248, McBee, SC 29101 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 26<sup>th</sup> day of January 2024, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



**Rachael O'Bryan, Administrative Assistant**

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )

Complaint C2023-052 )

Gregory Rogers )  
Bob Sambor )  
Complainants. )

James Linton )  
Respondent. )

**AMENDED  
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, April 17, 2025 at 9:30 a.m. at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

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Meghan Walker Dayson, Executive Director  
State Ethics Commission

Dated this 10<sup>th</sup> day,  
of October 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on RESPONDENT'S ATTORNEY Jay Parker, P.O. Box 487, Hampton, SC 29924 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 11<sup>th</sup> day of October 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 )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )  
COMPLAINT C2023-052 )

Gregory Rogers, Bob Sambor, )  
Complainants, )

**CONSENT ORDER**

James Linton, )  
Respondent. )  
\_\_\_\_\_ )

This matter comes before the South Carolina State Ethics Commission (Commission) by way of a complaint filed on April 21, 2023. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against James Linton (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to the following:

**STATEMENTS OF FACT**

1. Respondent was elected to the McBee Town Council (Council) in 2020 and was sworn into office on February 10, 2023.<sup>1</sup>
2. At all times relevant, Respondent has been employed by Alligator Rural Water & Sewer Company (AWS), a South Carolina non-profit corporation incorporated in 1987 that sells residential and commercial water and sewer services.
3. On February 10, 2023, the Town's water system operator, Joey Oliver, submitted a resignation letter to Council stating that he was no longer interested in operating the Town's water system.

<sup>1</sup> The delay in Respondent's swearing-in was due to litigation related to the 2020 Town election results, to include Respondent's seat. The litigation concluded on February 8, 2023 by order of the South Carolina Supreme Court, thereby allowing Respondent to take the oath of office. Odom v. McBee Mun. Election Comm'n, 440 S.C. 367, 891 S.E.2d 663 (2023).

4. Following Oliver's resignation, the Town's water system and supplies were inspected. The chemicals found during the inspection were determined to be unusable and potentially unsafe due to age and deteriorating conditions.<sup>2</sup>
5. That same day (February 10, 2023), Town Mayor Glenn Odom (Odom) contacted Paula Brown at DHEC and explained that the Town did not have enough usable chemicals to continue adequately treating the Town's water. According to Odom, Brown advised that AWS was a DHEC-approved water source.
6. On February 11, 2023, the Town convened an emergency Council meeting for the purpose of discussing the Town's water system. Council voted to accept Oliver's resignation, then retreated to executive session to discuss personnel matters related to the operation of the Town's water system. Following executive session, Council voted "to have [AWS] temporarily operate" the Town's water system. Respondent participated in the discussion during executive session and voted to allow AWS to temporarily operate the Town's water system in open session.
7. Thereafter, AWS assumed operation of the Town's water system and the Town paid AWS a flat rate of \$6,666.50 per month to supply the Town with water and to operate the Town's water system.
8. In September of 2023, the Town solicited bids for the operation of its water system. According to the bids received, AWS was the low-bidder by approximately \$100,000.00.<sup>3</sup> On November 14, 2023, Council voted to accept AWS as the operator of its water system. Respondent

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<sup>2</sup> Employees from the South Carolina Department of Health and Environmental Control (DHEC) subsequently agreed that the chemicals should not be used.

<sup>3</sup> Council undertook a similar review of bids in 2022, wherein AWS was also the low-bidder by approximately \$75,000.00.

recused himself from this vote.

### **CONCLUSIONS OF LAW**

Based upon the Statements of Facts, the Commission 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(B) provides, in relevant part:

No [public official] may make, participate in making, or in any way attempt to use his [public 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(4) defines "business with which associated" as:

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 worth more than one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

4. Section 8-13-100(11) defines "economic interest," in relevant part, 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.
5. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation of any provision of the Ethics Act.”
6. Section 8-13-320(10)(l)(i) allows the Commission to require payment of a civil penalty of up to two thousand dollars for each violation of the Ethics Act.

### DISCUSSION

The Commission found probable cause to charge Respondent with two (2) counts of violating Section 8-13-700(B) for (1) participating in the February 11, 2023, executive session discussion regarding AWS’s temporary operation of the Town’s water system, and (2) voting on February 11, 2023 to allow AWS to temporarily operate the Town’s water system. Through this Consent Order, Respondent acknowledges that he violated the Ethics Act in this regard. In mitigation, Respondent states that in and around Oliver’s resignation, the Town discovered that the chemicals being used to disinfect the Town’s water system were improperly stored. Respondent states that given the lack of usable chemicals, utilizing AWS as an emergency water source was imperative and constituted a public health emergency. Respondent further states that based on the bid solicitations performed by the Town, he believed AWS to be the most cost-efficient solution for the Town at the time he participated in the aforementioned discussion and vote. Finally, Respondent states that his compensation as an AWS employee did not change as a result of AWS’s

temporary assumption of duties as the Town's water supplier and operator.

**DISPOSITION**

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-700(B).
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 this Public Reprimand to Respondent for violation of the Ethics Act;

AND orders Respondent to pay to the Commission, within six (6) months from receipt of this Order, a reduced civil penalty of \$2,000.00 and an administrative fee of \$300.00, for a total of \$2,300.00. Respondent agrees that if he does not pay the reduced civil penalty and administrative fee as described herein, the amount assessed will revert to the maximum possible penalty, which is \$4,300.00, as described below.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Act, but also confessing to a judgment of \$4,300.00 (less any money paid to the Commission) in the event he does not make full and timely payment or action as provided in this Order. In that event, the Commission shall file a Judgment against Respondent in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$4,300.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

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AND IT IS ORDERED THIS 17<sup>TH</sup> DAY OF APRIL, 2025.

STATE ETHICS COMMISSION

Neal D. Truslow, Vice Chair

JAMES LINTON  
RESPONDENT

JOHN E. PARKER  
RESPONDENT