

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2020-104)
State Ethics Commission,)
Complainants,)
Sharon Wall,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on December 18, 2020. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Sharon Wall (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 entry of the following:

STATEMENTS OF FACT

1. Respondent was the interim president of the Governor's School for Agriculture at John de la Howe (JDLH)¹ from June 2018 until June 30, 2020.
2. Student Centered Education Consulting Group (SCECG) is a South Carolina limited liability corporation providing a variety of education-based consulting services to schools and school districts. SCECG is owned and operated by Jimmy Littlefield.
3. In 2017 and 2018, in response to directives from the South Carolina General Assembly, the JDLH Board of Trustees (Board) contracted with SCECG to conduct a feasibility study to examine the

¹ JDLH is a public residential high school located in McCormick, South Carolina. JDLH was established in 1797 through the will of Dr. John de la Howe, a French physician. JDLH became a state agency in 1918, with a focus on serving students who struggled in conventional school settings. In approximately 2017, JDLH began its transition to the Governor's School of Agriculture, which provides training for students with a career aptitude in agriculture, natural resources, and biotechnology and serves as a research and resource center for teachers, farmers, and persons involved in the agricultural and natural resources industries. See S.C. Code Ann. § 59-49-10, *et seq.*

potential for expanding the agricultural and biotechnical education components of the school.²

4. SCECG prepared the feasibility study and the Board subsequently contracted with SCECG to implement the steps outlined therein. In that regard, during a September 6, 2019 Board meeting, the Board directed Respondent “to negotiate the contract for 180 days for [2020-2021]³ with [SCECG].”
5. Throughout late 2019 and early 2020, Littlefield and Gerald Moore, an SCECG consultant, worked with the Board and JDLH staff to execute the plans from the feasibility study. According to Moore, Littlefield, and Board Chair Hugh Bland, numerous members of the legislature encouraged Respondent to remain as a consultant once she concluded her tenure as interim president. In addition, Bland advised Respondent that this was the will of the entire JDLH Board.
6. In December 2019, the Board offered the permanent president position to then-JDLH employee Tim Keown. Keown officially assumed the role of president on July 1, 2020, but worked under Respondent from January 2020 through June 2020. According to Keown, during this time he frequently traveled with Respondent to meetings at the state house and the Governor’s office, where members of the legislature and representatives of the Governor’s office routinely encouraged him to retain Respondent as a consultant following her departure.
7. On April 30, 2020, while still employed as the JDLH interim president, Respondent approved the purchasing requisition allowing JDLH to obtain consulting services from SCECG. The documentation supporting the purchasing requisition stated that JDLH intended “to sole source

² Specifically, the General Assembly (via budget proviso) directed the JDLH to evaluate and report on the following: (1) what agricultural educational programs could be offered in alignment with the terms and purpose of the Dr. John De La Howe will; (2) what land management and operation changes were needed for the property and remaining assets to support the agricultural education programming mission of the will; and (3) the projected cost for these changes.

³ The meeting minutes contained a scrivener’s error listing 2019-2020 as the fiscal year instead of 2020-2021.

with [SCECG] for consulting services related to the agency becoming a governor's school for agriculture . . .”

8. Respondent's public employment as interim president with JDLH ended on June 30, 2020. She was subsequently hired as an independent contractor with SCECG.
9. On September 4, 2020, Respondent was introduced to the Board as a representative of SCECG and thereafter began working on the JDLH/SCECG contract.
10. Following the filing of the Complaint, Respondent ceased working on the JDLH/SCECG contract.

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 employee” pursuant to Section 8-13-100(25).
Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-760 provides, in relevant part:

 . . . it is a breach of ethical standards for a [public employee] who is participating directly in procurement . . . to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the [public employee's] official responsibilities.
3. Section 11-35-310(24) defines “procurement” as:

 buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, information technology, or construction. It also includes all functions that pertain to the obtaining of any supply, service, information technology, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phases of contract administration.
4. Section 8-13-320(10)(i) allows the Commission to require a public employee to pay a civil penalty of up to \$2,000 for each violation of the Ethics Act.
5. Section 8-13-130 allows the Commission to assess an administrative fee on any person who violates the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-760 for directly participating in the procurement of the JDLH/SCECG contract, then leaving JDLH and accepting employment with SCECG to provide consulting services under that same contract. Through this Consent Order, Respondent acknowledges that these actions violated Section 8-13-760. In mitigation, Respondent states that she believed her actions were proper given that the JDLH Board and numerous others encouraged her to serve as a consultant once her tenure as interim president concluded. The Commission notes that Respondent was not strictly prohibited from providing consulting services to JDLH following her departure as interim president. However, Section 8-13-760 prohibited her from providing such services under a contract she helped to procure during her public employment. Nonetheless, the Commission acknowledges that the facts of this case contain sufficient mitigation to warrant a reduced civil penalty as set forth below.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-760.
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 orders the Respondent pay the Commission, within six (6) months from receipt of this Order, a reduced civil penalty of \$500.00, and an administrative fee of \$300.00, for a total of \$800.00.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$800.00 (less any money paid to the Commission) in the event she 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 \$800.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 21st DAY OF February 2024.

Sharon Wall
SHARON WALL
RESPONDENT

Butch Bowers
BUTCH BOWERS
RESPONDENT'S ATTORNEY

STATE ETHICS COMMISSION

Scott E. Frick
SCOTT E. FRICK, CHAIR