

I. Amendment No. 3 to S.0036 “Sales Tax Exemptions” - Amazon Exemption:

According to the Respondent’s 2012 Statement of Economic Interest, he was paid \$7,500 in rental income for 2011 from Amazon.

In 2011, the Respondent was the chief sponsor of the Amendment No. 3 to S.0036, he also wrote an OP-ED for the news website FITSNEWS.COM, titled “Kenny Bingham: SC Should “Fix” Amazon Mistake” and voted Yea on the Amendment as well as the bill. Additionally, he was the sole sponsor for amendment 1 to H. 3488, which failed, that in essence did the same thing as Amendment 3 to S. 0036.

Fits Editorial: <http://www.fitsnews.com/2011/05/17/kenny-bingham-sc-should-fix-amazon-mistake/>

S. 0036 Amendment 3: <http://www.scstatehouse.gov/amendments.php?KEY=22330>

Vote #359 Roll Call: <http://www.scstatehouse.gov/votehistory.php?KEY=2866>

Vote #358 Roll Call: <http://www.scstatehouse.gov/votehistory.php?KEY=2865>

H.3488 Amendment 1: <http://www.scstatehouse.gov/amendments.php?KEY=22174>

Vote #280: <http://www.scstatehouse.gov/votehistory.php?KEY=2601>

I. H 5005 (Municipal Utilities):

According to the Respondent’s 2014 Statement of Economic Interest was paid \$70,071.00 by SCANNA, \$182,397.00 by City of Columbia, \$163,615.91 by Town of Lexington & \$29,932.50 by Richland County. Voted against H 5005 (Municipal Utilities) which passed. This bill related “to the powers and duties of municipalities in regard to municipal utilities including a water system.

The bill amended SC Code 5-31-610 to allow a city, without a favorable vote in a referendum, to “Contract for the erection of plants for waterworks, sewerage or lighting purposes”. Building water, sewer or electric plants is specifically what the Respondent’s company, American Engineering Consultants, Inc. has done for municipalities in previous years. Currently, according to American Engineering Consultants, Inc’s website “Richland County Public Works retained the services of AEC as their Construction Manager to oversee the construction of their new \$27 million Broad River Wastewater Treatment Facility”.

City of Columbia website states, “The Department of Utilities & Engineering maintains the City's drinking water supply, collects and treats the City's wastewater, designs and oversees construction of many City construction projects, and performs other related duties.”

Town of Lexington website states, “The Town of Lexington provides water and sewer service to nearly 9,000 customers both within the town limits and in unincorporated areas of Lexington County.”

Richland County website states, “This office offers sewer service and limited water service in the northwest portion of Richland County as well as limited water and sewer in the Hopkins area.”

H 5005: http://www.scstatehouse.gov/sess120_2013-2014/bills/5005.htm

City of Columbia: <http://www.columbiasc.net/utilities-engineering>

Town of Lexington: http://www.lexsc.com/ws_index.htm

Richland

County: <http://www.richlandonline.com/Government/Departments/Utilities.aspx>

American Engineering website: <http://www.aec-sc.com/6/15>

I. **H. 4813 Appropriation Bill; Passage of Section 15A**

Respondent’s Company, American Engineering, has received the following amounts during, according to the University of South Carolina’s Spending Transparency Page, 11-12: \$16,625 12-13: \$147,235; 13-14: \$93,892 from USC. In FY 2012-2013, Bingham voted to ratify Sec 15A (Vote #758) of H. 4813 which was the section that allocated the funds to USC for that FY.

This is a violation of S.C. Code Ann. § 8-13-700(B) even if he complied with § 8-13-700(B)(2) he still participated in the vote. His Statement of Economic Interests from 2012-13 do mention money he received from USC but we do not know if he presented this to the “presiding officer” [which is required under § 8-13-700(B)(2)], thus he may have committed a violation there as well. Regardless, he still voted for the bill which had a consulting contract to “a business with which he is associated [that] has an economic interest”. Therefore it seems like a pretty clear violation.

Furthermore, he has not voted for this section in the future versions of the budget. Which could lead someone to believe that he knows he that he is unable to vote for these sections.

Transparency: <http://spend.admin.sc.edu/payee.php?Vendor=AMERICAN+ENGINEERING&FY=1213&FM=%25%25&Campus=%25>

Vote #758 Roll Call: <http://www.scstatehouse.gov/votehistory.php?KEY=3792>

SEIs: <http://apps.sc.gov/PublicReporting/SEIPrintView.aspx>

SC Code: <http://www.scstatehouse.gov/code/t08c013.php>

1. House Rules or Statutes:

S.C. Code Ann. § 8-13-700 states,

“§8-13-700. Use of official position or office for financial gain; disclosure of potential conflict of interest.

1. *No public official, public member, or public employee may knowingly use his official office, membership, or employment 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. This prohibition does not extend to the incidental use of public materials,*

personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

2. *No public official, public member, or public employee may 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. A public official, public member, or public employee 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:*
 - A. *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;*
 - B. *if the public official is a member of the General Assembly, he shall deliver a copy of the statement to the presiding officer of the appropriate house. The presiding officer shall have the statement printed in the appropriate journal and require that the member of the General Assembly be excused from votes, deliberations, and other action on the matter on which a potential conflict exists;*
 - C. *if he is a public employee, he shall furnish a copy of the statement to his superior, if any, who shall assign the matter to another employee who does not have a potential conflict of interest. If he has no immediate superior, he shall take the action prescribed by the State Ethics Commission;*
 - D. *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;*
 - E. *if he is a public member, he shall furnish a copy to the presiding officer 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 shall 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 such disqualification and the reasons for it to be noted in the minutes.*

3. *Where a public official, public member, or public employee or a member of his immediate family holds an economic interest in a blind trust, he is not considered to have a conflict of interest with regard to matters pertaining to that economic interest, if the existence of the blind trust has been disclosed to the appropriate supervisory office.*
4. *The provisions of this section do not apply to any court in the unified judicial system.*
5. *When a member of the General Assembly is required by law to appear because of his business interest as an owner or officer of the business or in his official capacity as a member of the General Assembly, this section does not apply.”*