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Sent: 8/12/2015 7:30:46 PM
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Subject: S&W vs. City of Columbia

Ethics

The trial between architectural and engineering firm Stevens & Wilkinson and the City of Columbia ended last week with a favorable verdict for S&W - \$1.65 million, in fact. But all that was far enough back in time to suggest significant interest charges, almost \$3 million, according to announcements by S&W attorney Dick Harpootlian.

Harpootlian was once head of the state's Democrat Party, and with all the fund raising connected to that position, he must have a pretty strong recall of the campaign ethics laws in South Carolina.

In the South Carolina 1976 Code of Laws is Section 8-13-1342, Restrictions on Contributions by Contractor to Candidate Who Participated in Awarding of Contract, which I pulled from public records and cited in the Columbia Star in April 2006.

Section 8-13-1342 states:

"No person who has been awarded a contract with the State, a county, a municipality, or a political subdivision thereof, other than contracts awarded through competitive bidding practices, may make a contribution after the awarding of the contract or invest in a financial venture in which a public official has an interest if that official was in a position to act on the contractor's award. No public official or public employee may solicit campaign contributions or investments in exchange for the prior award of a contract or the promise of a contract with the State, a county, a municipality, or a political subdivision thereof."

The Memorandum of Understanding that tied together S&W and its development team with the City of Columbia was dated April 25, 2003. S&W's \$500 contribution to Mayor Coble's campaign was dated December 30, 2005.

S&W filed suit against the city in earlier 2005, and the questionable corporate \$500 contribution was at the end of the year. Why give more money?

Former Mayor Coble's testimony broadcast to the jury – Coble was recovering from a heart attack and was asking not to appear in person - was presumably key to S&W's victorious outcome.

According to The State:

"However, (Judge) Lee said she hasn't decided whether she will let Stevens & Wilkinson lawyers read a crucial portion of the deposition in which Coble, who was mayor at the time in 2003, supports the firm's assertion that the city had an agreement with Stevens & Wilkinson to pay them while the firm continued to work on the project in its initial stages."

Another campaign contribution, another \$500, but this time by S&W head Bobby Lyles personally, came to Coble's campaign on February 3, 2006. Campaign contributions by an individual are simply part of that individual's exercise in free speech, not part of any corporate wheeling and dealing or pre-trial preparation.

About a week before S&W gained a payment of \$697,000 in late December 2003, S&W paid \$1,000 to city councilman E. W. Cromartie's campaign fund. Actually, the S&W check to Cromartie was dated December 22, 2003.

Finally, the architectural profession has something to say about free work.

In October 2003, the South Carolina Board of Architectural Examiners published