

## ***SEN. TOMMY MOORE AND ETHICS***

### **I. OPERATION LOST TRUST AND ITS AFTERMATH**

***Sen. Moore’s legislative record shows that he was inattentive to details, easily misled and unconcerned about providing an unbiased investigation of the state’s worst legislative bribery scandal (resulting in 10 percent of the legislature being indicted), and also shows that he failed to learn the overriding lessons of Operation Lost Trust, that is, the absolute necessity of legislative due diligence in reviewing legislation to protect the taxpayers and the importance of strict ethics laws.***

- Sen. Moore served on the finance subcommittee that allowed the bribery-tainted tax cut to be inserted into the budget and also on the budget conference committee. ***Source I (a).***
- Sen. Moore admitted that, despite serving on the subcommittee and conference committee, he never fully read the budget. ***Source I (b).***
- Despite serving on the subcommittee and conference committee, Sen. Moore later co-chaired the Senate committee investigating how the tax cut made its way into the budget. He continued to co-chair the Senate investigation committee despite having a conflict of interest and led witnesses to explain how easily Sen. Jack Lindsay could have inserted legislation in the budget without other subcommittee members – himself included – noticing what had been done. ***Source I (c).***
- In the aftermath of Operation Lost Trust, Sen. Moore successfully advocated an ethics bill that didn’t provide for an independent watchdog and instead allowed legislators to police themselves, also saying that “[t]he public is the watchdog now.” ***Source I (d).***
- Subsequent to the watered-down ethics law passing, many legislators ignored the reporting requirement of the Ethics Reform Act and no disciplinary action was taken against the offenders by the self-policing legislature. ***Source I (e).***
- Even after Operation Lost Trust, Sen. Moore supported legislation that allowed legislators to ask lobbyists for campaign contributions “anytime, anyplace.” ***Source I (f).***
- In the year after the bribery-tainted tax cut was included in the budget, Sen. Moore declined to work over the weekend on the budget and “passed the buck” on the tough decisions to Sen. Jimmy Waddell and Sen. Jack Lindsay – expressly saying that “our lives and our fates” were in their hands. ***Source I (g).***

- A decade after Operation Lost Trust and one week after the Senate committee issued its findings on the scandal Sen. Moore committed the same negligence condemned by the committee by joining with the rest of the Senate without reviewing the entire document. By way of excuse, Sen. Moore says “[t]here’s a certain amount of trust that we have to put in our colleagues…” *Source I (h)*.
- Sen. Moore uses budget “pass-throughs” for special projects – a secret way of funding that is not specified on a line in the budget and not subject to due diligence review by either the legislature or the governor. If “the public is the watchdog in regard to legislative behavior, how is it supposed to do its job in regard to secret spending? *Source I (i)*.
- Last legislative session (2006), Sen. Moore supported the billboard protection act and the special interest legislative caucus act. The first law is representative of the new inroads being made by special interests in the legislative process; the second opens the door for potential ethical abuses. *Source I (j) and Source I (k)*.

## **II. THE TAX INCREMENT FINANCING BILL AND FINE-DEERING**

***Sen. Moore sponsored a bill that benefits an out-of-state developer wanting a new form of public assistance for a private project and the developer and its associates subsequently contributed \$14,000 to Sen. Moore’s gubernatorial campaign and hired Sen. Moore’s son to lobby on its behalf.***

- The Tax Increment Financing (TIF) bill (S. 97) passed in 2005 allowed Aiken County to provide a new form of public assistance for a private development proposed by an out-of-state company called Fine-Deering. *Source II (a)*.
- Sen. Moore played the lead role in ensuring that the TIF bill became law by convincing other legislators to override Gov. Sanford’s veto. *Source II (b)*.
- One of the legislators who Sen. Moore convinced to change his vote and to override Gov. Sanford’s veto of the TIF bill subsequently said he failed to understand the law because it had been poorly explained. *Source II (c)*.
- Subsequently, Sen. Moore received \$14,000 from individuals and companies associated with Fine-Deering. *Source II (d) and Source II (e)*.
- Sen. Moore’s son, Baylen T. Moore, a registered lobbyist, attended a closed-door meeting with the Aiken County Council to assist the law firm that was representing FineDeering in its attempt to secure public assistance for its private development. *Source II (f)*.
- An independent study concluded that a TIF district for Fine-Deering was not in the best interest of the public. *Source II (g) and Source II (h)*.

## **SUPPORTING DOCUMENTATION**

*\* Note: copies of indicated sources are attached as exhibits in the order referenced.*

### **I. OPERATION LOST TRUST AND ITS AFTERMATH**

- a) “One really odd thing about this investigation is that it is being conducted by a committee of the Legislature – the very body known to have perpetrated the act. Another, even odder thing is that among the first nine witnesses to be called, there is not a single present or former member of the Legislature. Oddest of all, the two top senators leading this investigation not only were members of the body in 1988, but would have been expected to know more about the budget bill than the average senator... Sen. Tom Moore, D-Aiken, is the chairman of the committee that will hold hearings this week. In 1988, he was a member of the very subcommittee that inserted the requested proviso into the budget. He was also one of three senators on the conference committee that put the budget into its final form that year...” (*The State, 9/30/97*)
- b) “Mr. Moore heads the Senate Capital Gains Investigation subcommittee... Mr. Moore and the other senators on the 1988 budget subcommittee admitted they never entirely read all of legislation they passed that year.” (*The Augusta Chronicle, 10/26/97*)
- c) “Moore, who has come under heavy criticism because he served on the subcommittee and the conference committee, led witnesses to explain how easily Lindsay could have inserted legislation in the budget without other subcommittee members noticing... [Moore asked the witness:] ‘If someone was very adroit and very talented at explaining something – if it was presented as a ‘technical amendment’ as to tax conformity – do you think members of the subcommittee might go along with that?’” (*The State, 10/3/97*)
- d) “Sen. Tom Moore, D-Aiken and chairman of the committee, said the legislative committees didn’t need to enforce the law the Legislature has been writing since December. ‘The public is the watchdog now,’ he said. ‘The public would continue to be the watchdog.’” (*The State, 8/29/91*)
- e) “The highly praised Ethics Reform Act is less than a year old, but already is suffering abuse and neglect at the hands of the people who wrote it... Most legislators and candidates are ignoring many of the reporting requirements intended to make it easier for voters to keep track of who’s bankrolling campaigns, and how the money’s being spent... They are doing it with impunity, because no governmental agency systematically reviews the reports to make sure candidates are following the law.” (*The State, 9/27/92*)

- f) “Remember when convicted Rep. Luther Taylor claimed that the \$4,300 bribe lobbyist Ron Cobb gave him was a campaign contribution? ... Remember when legislators were going to make sure such claims could never again be made by outlawing campaign contributions while the Legislature was in session? ... Although the fight is far from over, the Senate Judiciary Committee backtracked Thursday and said legislators can ask lobbyists for campaign contributions any time, any place.... Voting to let the fundraising continue were ... Sen. Tom Moore...” (*The State*, 2/22/91)
- g) “Senate Finance Committee members passed the buck Friday, asking the panel’s senior members to work through the weekend and offer budget-balancing solutions Monday... After a week of mind-numbing calculations and conflicts, the committee seemed more than willing to leave tough decisions to Waddell and Lindsay. .. ‘I think our lives and our fates are in your hands,’ Sen. Tom Moore said.” (*The Charlotte Observer*, 4/29/89)
- h) “[The Senate] unanimously gave final approval to this year’s \$4.9 billion state budget on the last day of the legislative session without seeing the entire document... ‘It’s not like we bought a pig in a poke or that there was blind trust,’ said Sen. Tom Moore, D-Aiken, who led the Lost Trust Investigating subcommittee. ‘There’s a certain amount of trust that we have to put in our colleagues.’” (*The State*, 7/22/98)
- i) “Those are all examples of how legislators use one-time money, state revenue that is supposed to be available for just one year... Most of the others who found money for their districts in the tight budget also took credit. A photo of ... [Sen.] Moore holding an oversized \$500,000 check stares out from the Web site of the Edgefield County Senior Citizens Council, which is using the state money to replace a senior center... Moore said he’s not always comfortable with the behind-the-scenes method of inserting individual projects into agency budgets.” (*The State*, 5/11/03)
- j) “Sen. Tommy Moore, D-Clearwater, led the conference committee and worked out a final version of the legislation [special legislative interest caucus bill].” (*The Myrtle Beach Sun-News*, 6/2/06)
- k) “Legislators approved a billboard bill that makes it more difficult for local governments to regulate that industry after it spent \$339,000 to protect sign businesses... Lawmakers ‘basically said, ‘Show me the money,’” Sen. Phil Leventis, a Sumter Democrat, said... John Crangle, director of the government watchdog group Common Cause South Carolina, said the outdoor advertising association’s campaign contributions constituted ‘legalized bribery’... ‘It’s a question of property rights and what is just compensation,’ said [Sen.] Moore, explaining why he voted to override Sanford’s veto.” (*Associated Press*, 3/6/06)

## II. THE TAX INCREMENT FINANCING BILL AND FINE-DEERING

- a) “The law resulting from Senate Bill 97 allowed the FineDeering Development Group to apply for a tax increment financing district on property near Graniteville, where it has plans to build two subdivisions.” (*The Augusta Chronicle*, 12/6/05)
- b) “Mr. Moore and the majority of the Senate voted to override the veto, but the House, including Mr. Smith, voted to uphold it. However, after speaking with Mr. Moore, Mr. Smith gave a speech in support of the bill that swayed the House to support it, according to records and Mr. Smith. Mr. Smith has said repeatedly that he voted to uphold the veto because the legislation was poorly explained and that he changed his mind because Mr. Moore clarified it...” (*The Augusta Chronicle*, 10/26/05)
- c) “Mr. [Roland] Smith, a Republican from Langley, acknowledged that he led an effort in the House to override the governor's veto without fully understanding the law's implications.” (*The Augusta Chronicle*, December 6, 2005)
- d) “State Sen. Tommy Moore, a Democrat from Clearwater who is running for governor, received campaign contributions from two developers after he supported legislation that stands to help them financially... The senator received \$3,500 - the most one person can give to a campaign for constitutional office before the primary - from Aiken County businessman Weldon Wyatt on July 28, according to campaign contribution forms filed with the State Ethics Commission... He received an additional \$3,500 from Richard Fine, of Houston, on Aug. 3, records show... Mr. Wyatt and Mr. Fine are partners in the FineDeering Development Group, which has asked the county to create a tax increment financing district for proposed developments on either side of Graniteville.” (*The Augusta Chronicle*, 10/26/05)
- e) In addition to the above \$7,000, Sen. Moore’s campaign received a maximum \$3,500 contribution from Fine-Deering representative Richard Darrah and, on the same day, another \$3,500 check from a Houston-based company called “Charizard Joint Venture” – a joint venture company that has the same address as the one listed on Fine-Deering’s website. (*The South Carolina Ethics Commission*; [www.finedeering.com](http://www.finedeering.com))
- f) “Mr. Moore isn't the only member of his family who has been involved in the proposed bond deal... His son Baylen, a registered lobbyist at the Statehouse who once worked for the McNair Law Firm in Columbia that is assisting FineDeering, attended a closed door meeting Aug. 17 between the county council and FineDeering, after which the council voted to create a TIF district.” (*The Augusta Chronicle*, 10/26/05)

- g) “[The school board] chairman said the report showed that FineDeering's proposed development would initially cost the school district ‘millions of dollars’ and bring a large increase in student population, but without an increase in funding for the school district.”(*The Augusta Chronicle, 11/8/05*)
- h) “[The Aiken County Council voted to] reject a proposed \$36.3 million bond deal between the county and [Fine-Deering]... ‘I don't think there's any way we can support it with these numbers,’ school board member Jack Hunter said before the board's vote. ‘This report put the nail in the coffin. It's just not going to work’... The board's vote puts an official end to FineDeering's current push for public assistance in its proposed developments.” (*The Augusta Chronicle, 11/9/05*)