

SUPREME COURT OF SOUTH CAROLINA

In the Matter of Former Abbeville County Magistrate George T. Ferguson

409 S.C. 261 (2014) · No. 2014-001385 · Decided August 6, 2014

SUMMARY

The South Carolina Supreme Court accepted an Agreement for Discipline by Consent and publicly reprimanded former Abbeville County Magistrate George T. Ferguson. The reprimand followed his guilty pleas to two counts of misconduct in office involving improper benefits and sexual contact with individuals appearing before him, and his agreement not to seek or accept another South Carolina judicial position without the Court's permission.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Per Curiam; Chief Justice Toal; Justice Pleicones; Justice Beatty; Justice Kittredge; Justice Hearn
JURISDICTION	South Carolina
DECIDED	August 6, 2014
DOCKET	2014-001385
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary matter arising from an Agreement for Discipline by Consent under Rule 21 of the Rules for Judicial Disciplinary Enforcement.
PRECEDENTIAL VALUE	Published opinion; precedential

TOPICS

administrative law

remedies

PRACTICE AREAS

judicial discipline

administrative law

professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court should accept the respondent's Agreement for Discipline by Consent.

2. What disciplinary sanction should be imposed on a former magistrate who admitted violating multiple provisions of the Code of Judicial Conduct and the Rules for Judicial Disciplinary Enforcement.

HOLDINGS

1. The court accepted the Agreement for Discipline by Consent after the respondent admitted misconduct and consented to discipline.
2. The respondent was publicly reprimanded and prohibited from seeking or accepting another judicial position in South Carolina without the Supreme Court's express written permission after written notice to the Office of Disciplinary Counsel.

KEY QUOTATIONS

“We accept the Agreement and publicly reprimand respondent, the most severe sanction we are able to impose under these circumstances.” (409 S.C. 261)

“Accordingly, respondent is hereby reprimanded for his conduct.” (409 S.C. 261)

FACTUAL BACKGROUND

The former magistrate was indicted on two counts of misconduct in office alleging that he offered or gave money or other benefits to two women in connection with legal matters before him in exchange for sexual contact. He pleaded guilty to both counts and received prison sentences that were wholly or partially suspended in favor of probation. Because he no longer held judicial office, the Supreme Court determined that a public reprimand was the most severe sanction available under the circumstances.

PROCEDURAL HISTORY

The respondent, a former magistrate, entered guilty pleas to two counts of misconduct in office. He and the Office of Disciplinary Counsel then submitted an Agreement for Discipline by Consent in which he admitted violations of the Code of Judicial Conduct and consented to a public reprimand and restrictions on seeking or accepting future judicial office.

DISPOSITION

other

CASES CITED

- In the Matter of O'Kelley, 361 S.C. 30, 603 S.E.2d 410 (2004)

OPINION

PER CURIAM.

THE STATE OF SOUTH CAROLINA In The Supreme Court In the Matter of Former Abbeville County Magistrate George T. Ferguson, Respondent. Appellate Case No. 2014-001385 Opinion

No. 27428 Submitted July 9, 2014 – Filed August 6, 2014 PUBLIC REPRIMAND Lesley M. Coggiola, Disciplinary Counsel, and Joseph P. Turner, Jr., Assistant Disciplinary Counsel, both of Columbia, for Office of Disciplinary Counsel.

Billy J. Garrett, Jr., Esquire, of The Garrett Law Firm, PC, of Greenwood, for Respondent. PER CURIAM: In this judicial disciplinary matter, respondent and the Office of Disciplinary Counsel have entered into an Agreement for Discipline by Consent (Agreement) pursuant to Rule 21 of the Rules for Judicial Disciplinary Enforcement (RLDE) contained in Rule 502 of the South Carolina Appellate Court Rules (SCACR).

In the Agreement, respondent admits misconduct and consents to the imposition of a public reprimand and agrees never to seek nor accept a judicial office in South Carolina without the express written permission of this Court after written notice to ODC.

We accept the Agreement and publicly reprimand respondent, the most severe sanction we are able to impose under these circumstances.¹ The facts, as set forth in the Agreement, are as follows. 1 Since respondent no longer holds judicial office, a public reprimand is the most severe sanction which can be imposed.

In the Matter of O'Kelley, 361 S.C. 30, 603 S.E.2d 410 (2004). Facts Respondent was indicted on two counts of Misconduct in Office. The first indictment alleged respondent offered and gave Jane Doe #1 money and/or other benefits for the handling and disposition of legal matters involving Jane Doe #1 before him in his official capacity as Magistrate in return for Jane Doe #1 allowing respondent to have sexual contact with her from 1996 to 2009.

The second indictment alleged respondent offered and gave Jane Doe #2 money and/or other benefits for the handling and disposition of legal matters involving Jane Doe #2 before him in his official capacity as Magistrate in return for Jane Doe #2 allowing respondent to have sexual contact with her from 2001 to 2011.

On May 16, 2014, respondent entered a guilty plea to Misconduct in Office on the first indictment. He was sentenced to one (1) year imprisonment provided that, upon service of ninety (90) days, the balance would be suspended with probation for a period of five (5) years.

On the same day, respondent entered a guilty plea to Misconduct in Office on the second indictment. He was sentenced to one (1) year imprisonment, suspended with probation for a period of five (5) years. Law Respondent admits that by his conduct he has violated the following provisions of the Code of Judicial Conduct, Rule 501, SCACR: Canon 1 (judge shall uphold integrity and independence of judiciary); Canon 1A (judge should participate in establishing, maintaining and enforcing high standards of conduct, and shall personally observe those standards so that integrity and independence of judiciary will be preserved); Canon 2 (judge shall avoid impropriety and appearance of impropriety in all of judge's activities); Canon 2A (judge shall

respect and comply with the law and shall act at all times in manner that promotes public confidence in integrity and impartiality of judiciary); Canon 2B (judge shall not allow social or other relationships to influence judge's judicial conduct or judgment; judge shall not lend prestige of judicial office to advance private interests of judge or others; judge shall not convey or permit others to convey impression that they are in special position to influence judge); Canon 3 (judge shall perform duties of judicial office impartially and diligently); Canon 3B(2) (judge shall be faithful to law); Canon 3B(7) (judge shall accord to every person who has legal interest in proceeding, or that person's lawyer, right to be heard according to law; judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to judge outside the presence of the parties concerning pending or impending proceeding); Canon 3E(1) (judge shall disqualify himself in proceeding in which judge's impartiality might reasonably be questioned); Canon 4A(1) (judge shall conduct his extra-judicial activities so as to minimize risk with judicial obligations); Canon 4A(2) (judge shall conduct all of his extra-judicial activities so that they do not demean judicial office); and Canon 4A(3) (judge shall conduct all of his extra-judicial activities so that they do not interfere with proper performance of judicial duties).

Respondent also admits he has violated the following Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR: Rule 7(a)(1) (it shall be ground for discipline for judge to violate Code of Judicial Conduct). Conclusion We accept the Agreement for Discipline by Consent and issue a public reprimand because respondent is no longer a judge and because he has agreed not to hereafter seek nor accept another judicial position in South Carolina without first obtaining express written permission from this Court after due notice in writing to ODC.

As previously noted, this is the most severe sanction we can issue, given the fact that he has already resigned his duties as a judge. See *In the Matter of O'Kelley*, id. Accordingly, respondent is hereby reprimanded for his conduct. PUBLIC REPRIMAND. TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.