

# Controversy plagues Green Diamond

■ Task force asks board of trustees chairman to recuse himself from issue

BY BRANDON LARRABEE  
THE GAMECOCK

A group that opposes the proposed development of land along the Congaree River has called for USC's chairman of the board of trustees to publicly recuse himself from any university or board decision concerning a proposed technology park in the controversial Green Diamond project.

The Congaree Task Force for Economic and Environmental Responsibility, a group that opposes Burroughs and Chapin's proposed development in the floodway of the Congaree River, said Chairman Mack Whittle shouldn't be involved in any university decisions on the matter because it would give the appearance of a conflict of interest.

Whittle is president and chief executive officer of South Financial, a partner in Columbia Venture, Limited Liability Co., a corporation formed for the Green Diamond project.

"There's no question there's an appearance of a big conflict of interest here that I think anybody looking at this could see," task force spokesman Robert Adams said in an interview with The Gamecock.

Because of Whittle's place within the company, Adams said the chairman shouldn't be involved in any discussions with the university's board, administration and staff, as well as state, county or local officials, concerning the development.

"If he has, we think that's something he shouldn't be doing," Adams said.

The task force also wants Whittle to refrain from participating in any board meetings related to the project.

An informal advisory opinion, issued by the State Ethics Commission in response to a "hypothetical situation" from Weston Adams, Robert's brother, stated that "John Doe" — apparently meant to resemble Whittle — would have a conflict of interest if he were "associated with" a hypo-



Travis Lynn/The Gamecock

The Congaree River has played a key role in debates over the Burroughs & Chapin development south of Columbia.

thetical company that mirrors Columbia Venture, LLC. But Doe's involvement with another hypothetical company, this one similar to South Financial, might not mean Doe was "associated with" the partnership under state ethics law.

"Business with which he is associated" means a business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class," the Dec. 18 letter, signed by Executive Director Herbert Hayden, quoted state law as saying.

"If you're not one of those things, then that's not a business with which you're associated," said Cathy Hazelwood, general counsel for the commission.

Adams said he didn't know whether Whittle would fall into any of the categories in the commission's opinion.

A subsequent opinion, based on two other scenarios offered by Adams, also failed to turn up a clear case that Whittle violated ethics laws.

One floated the possibility of an employee of the company resembling South Financial working for the company resembling Columbia Venture, LLC. In a Jan. 9 response to the second request, the commission said the hypothetical employee

would have to fall under the definition of "associated with" in the Dec. 18 opinion.

The second request also raised the possibility that Doe was "de facto" a director or compensated agent of the company resembling Columbia Venture, LLC. The commission shot that down as well, saying "the Commission has no right to look for or impose another meaning."

Whittle didn't respond to a message Thursday seeking comment. However, he has spoken about the issue before. Whittle told The State in December that the project hasn't come before the board.

"In the past, I have excused myself and would continue to do that," Whittle told the paper. "If and when it ever becomes an issue, I will deal with it in the professional manner I have dealt with everything else at the university and areas outside of the university."

But Adams said Whittle should still publicly recuse himself now, at least partly because of the way USC has allowed Columbia Venture LLC to use the university's name in association with the development.

"That is not the norm and it makes it look like Mr. Whittle had a hand in that," Adams said.

The city desk can be reached at [gamecockcitydesk@hotmail.com](mailto:gamecockcitydesk@hotmail.com)

■ Law firm says county could be held liable for levees

BY CHARLES PRASHAW  
THE GAMECOCK

When Myrtle Beach developer Burroughs & Chapin Realty first proposed a multimillion-dollar residential project for the lower Congaree River, they thought the City of Columbia would be more accepting.

The Green Diamond Project could create hundreds of jobs, bring millions of dollars to the local economy and could result in a proposed USC research park. But the Grand Strand developers soon found that in Columbia, politics are more complicated.

There are sufficient legal and liability problems with the project, namely the proposed new levee construction, an independent law firm contracted by Richland County announced Thursday.

"In summary, the County will likely not be able to take steps to insulate itself entirely from substantial liability exposure to third parties in the case of a significant levee failure," Nelson Mullins Riley & Scarborough law firm said in a formal release.

The legal statement could persuade County Council members to vote against the project in upcoming zoning and building permit hearings.

Earlier last year, Burroughs & Chapin announced details of the Green Diamond Project, which would include an extension to I-77, a USC high-technology village, an 18-hole golf course, a hotel and convention center, retail villages and homes.

The southern part of the property would include an extension of the technology park, three-fourths of the residential development and a second golf course. It would also have a 350-acre nature preserve, a site for a school and a site for a new state Farmers Market, if state officials want to move it there.

The property would be 30 to 40 percent green space and dotted with ponds to control flooding. The entire project is expected to take up to 30 years to complete.

Burroughs & Chapin first ran into problems when the Federal Emergency Management Agency declared 70 percent of the Green Diamond site a flood plain. Under current Richland County ordinances, buildings may not be constructed in a flood plain. The rest of the land is protected by a floodway.

If the project goes through, Burroughs & Chapin would need to take preventive measures to avoid flooding. The county and the city would have to upgrade existing levees, which would cost taxpayers about \$10 million. Nelson Mullins Riley & Scarborough said if Richland County failed to upgrade levees for the project, residents could sue.

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# City donates \$10K to local Sistercare

BY VALERIE MATCHETTE  
THE GAMECOCK

Columbia Mayor Bob Coble made a \$10,000 donation at a press conference Thursday to Sistercare of the Midlands, an organization dedicated to providing care and shelter to victims of domestic violence.

According to the mayor, the donation symbolized the City of Columbia's commitment to fighting domestic violence. He said that while the figures for victims of domestic abuse for 2000 have not yet been released, he said he expects a decrease in the number of crimes.

"We are very pleased that we are making some progress," Coble said.

Nancy Barton, director of Sistercare, accepted the check on behalf of her organization. She was appreciative of the donation and said it represented "a partnership between the public and private sectors," because Sistercare is already being partially supported by a private grant.

She also emphasized the profound impact domestic violence has on everyone.

"This is a community problem, and we need a full, holistic community response," she said. "It affects all of us in some way."

According to Barton, the money from the donation will be used to check on women and children who have left the Sistercare shelter after a period of time. The money used for the donation came from fines charged to offenders in domestic violence court.

Columbia Police Chief Charles Austin also had a few words to say about domestic violence. He said it's been treated like a "dirty little secret" for far too long because it often goes unreported by its victims and has been largely ignored by the community. He also said he had grown up in an environment with domestic abuse.

"There is somewhat of a personal emotional attachment to dealing with this matter," Austin explained, adding that no children should have to be scarred permanently by living with domestic abuse. He went on to stress the police department's commitment to ending domestic violence.

Sistercare is one of 13 shelter programs within a statewide network, and serves Fairfield, Kershaw, Lexington, Newberry and Richland counties. The network was established in 1980 by the South Carolina Department of Social Services.

According to a DSS Web site, its Battered Spouse Program "provides support for crisis intervention and prevention services to victims of family violence, their children, and abusers through a network of community-based, non-profit service providers."

The goal of Sistercare and similar organizations is to give shelter to victims of abuse, raise public awareness about domestic violence, work with other programs for the good of the community and coordinate with law enforcement when necessary.

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