STATE OF SOUTH CAROLINA	)	BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND	)	
IN THE MATTER OF:	)	
COMPLAINT C2012-069	)	**DECISION AND ORDER**
STATE ETHICS COMMISSION, Complainant;	)	
vs.	)	
GUSTAVO SOTO, Respondent.	)	

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STATE ETHICS COMMISSION

Pursuant to Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, the State Ethics Commission reviewed the above captioned complaint on March 21, 2012 charging the Respondent, Gustavo Soto, with a violation of Section 8-13-1140, Code of Laws for South Carolina, 1976, as amended.

Present at the meeting were Commission Members Phillip Florence, Jr, Chairman, E. Kay Biermann-Brohl, Vice-Chair, Richard H. Fitzgerald, Edward E. Duryea, JB Holeman, Jonathan H. Burnett, Priscilla L. Tanner, and G. Carlton Manley. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

ALLEGATIONS

That the Respondent, an employee of the South Carolina Department of Employment and Workforce, failed to file Statement of Economic Interests reports on or before April 15, 2011.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. The Respondent was employed as an at-will employee of the South Carolina Department of Employment and Workforce as a Division Director.

2. In a letter dated March 14, 2011, the Respondent was advised that "your at-will employment will be separated effective close of business March 31, 2011."

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent was a public employee as defined by Section 8-13-100(25).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. In accordance Reg. 52.601 (D), "A person required to file a Statement who is no longer in office on April 15 of the year following the first filing, is not required to file an updated Statement."

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Gustavo Soto, violated Section 8-13-1140, S.C. Code Ann., 1976, as amended. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 16th DAY OF May, 2012.

STATE ETHICS COMMISSION

Phillip Florence, Jr., Chair

COLUMBIA, SOUTH CAROLINA