

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2013-089)
State Ethics Commission,)
Complainant;)
vs.)
Toya D. Pound,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on January 8, 2013. On March 20, 2013, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging Respondent Toya D. Pound with a violation of Section 8-13-1140, and probable cause was found.

Prior to the call of the case, Respondent Toya D. Pound agreed to entry of the following statement of facts, conclusions of law, admission, and disposition in this matter as follows.

FINDINGS OF FACTS

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

1. The Respondent, Toya D. Pound, is a member of the College of Charleston Board of Trustees and as a member of a state board or commission she was required to file an annual Statement of Economic Interests (SEI) form.

2. Respondent received a letter dated August 16, 2012 for failure to file her 2012 SEI. The letter was resent certified on September 18, 2012. It was returned as "Return to Sender – Unclaimed" on October 15, 2012. The certified letter was re-mailed first class on October

16, 2012. Penalties began accruing on October 27, 2012.

3. On January 22, 2013 Respondent returned a telephone call to a Commission investigator. She advised that she would file the late SEI report. On the same day Respondent complied by filing the 2012 SEI. The outstanding penalty is \$5,000.00.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Toya D. Pound, was a public member of a state board or commission as defined by Sections 8-13-100(26) and (31).

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

3. Sections 8-13-1110 and 8-13-1140 provide that certain public employees shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

ADMISSIONS

The Respondent, Toya D. Pound, admits that she unintentionally violated Section 8-13-1140.

DECISION

THE STATE ETHICS COMMISSION hereby finds Toya D. Pound in violation of Section 8-13-1140 of the Ethics Reform Act, and hereby adopts the Statement of Facts,

Conclusions of Law, Admissions, and Disposition as agreed upon by Toya D. Pound.

THEREFORE, the State Ethics Commission hereby issues this written warning to Toya D. Pound for her violation of Section 8-13-1140,

AND, orders Toya D. Pound to pay a reduced late filing penalty of \$500.00 within thirty days of receipt of the signed order or the late filing penalty will revert to the original sum of \$5000.00,

AND IT IS SO ORDERED THIS _____ DAY OF _____ 2013.

STATE ETHICS COMMISSION

PHILLIP FLORENCE, JR.
CHAIR



Toya D. Pound
Respondent