

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

) BEFORE THE STATE ETHICS COMMISSION

)
IN THE MATTER OF:)
COMPLAINT C2013-005)

)
State Ethics Commission,)
Complainant;)

)
vs.)

)
Kimberly S. Valentin)
Respondent.)
_____)

DECISION AND ORDER

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on July 12, 2012. On September 19, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Kimberly S. Valentin, with three violations of Section 8-13-1140 and probable cause was found.

Present at the Hearing on November 28, 2012 were Commission Members E. Kay Biermann Brohl, Chair, JB Holeman and Richard H. Fitzgerald. Respondent was not present, but was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Kimberly S. Valentin, an Easley City Council Member, did in Richland County, fail to timely file a 2010 annual Statement of Economic Interests form on or before April 15, 2010 in violation of Section 8-13-1140.

COUNT TWO
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Kimberly S. Valentin, an Easley City Council Member, did in Richland County, fail to timely file a 2011 annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

COUNT THREE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Kimberly S. Valentin, an Easley City Council Member, did in Richland County, fail to timely file a 2012 annual Statement of Economic Interests form on or before April 15, 2012 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, Kimberly S. Valentin, is an Easley City Council Member and she is required to file an annual Statement of Economic Interests form (SEI) prior to April 15th of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent was re-elected to Easley City Council in November 2009. Respondent has had two previous complaints filed against her for failing to file her 2007, 2008 and 2009 SEIs. Respondent was penalized \$200.00 in a April 2, 2012 letter for failure to file her 2010 and 2011 SEIs. That letter was re-sent certified on April 17, 2012 and was returned as "return to sender – unclaimed". It was re-mailed first class on May 23, 2012 and was not returned to the Commission. Respondent was penalized \$100.00 in a July 12, 2012 letter for failure to file her 2012 SEI. Respondent filed her

2010 and 2011 SEIs on August 28, 2012; however, she did not file her 2012 SEI and she has not paid the \$15,000.00 late-filing penalty.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Kimberly S. Valentin, was a public official, as defined by Section 8-13-100(27).

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

3. Sections 8-13-1110 and 8-13-1140 provide that certain public officials 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;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

5. Section 8-13-320(10)(l) provides:

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions

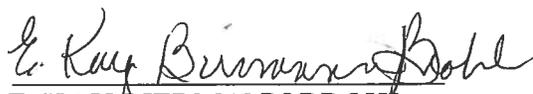
of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Kimberly S. Valentin is in violation of three counts of Section 8-13-1140; and therefore, Respondent Kimberly S. Valentin is hereby Publicly Reprimanded and she is assessed a fine of \$3,000.00, in addition to the late-filing penalty of \$15,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$18,000.00 is, and shall be entered against Respondent.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$18,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Kimberly S. Valentin has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 9th DAY OF January, 2013.
STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA