STATE OF SOUTH CAROLINA	)	
	)	BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND	)	
	)	
IN THE MATTER OF:	)	
COMPLAINT C2012-107	)	
	)	
State Ethics Commission,	)	
Complainant;	)	
	)	
vs.	)	**DECISION AND ORDER**
	)	
Samuel McCollum,	)	
Respondent.	)	
	)	

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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 March 15, 2012. On May 16, 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, Samuel McCollum, with a violation of Section 8-13-1308(D) and probable cause was found.

Present at the hearing on July 18, 2012 were Commission Members Phillip Florence, Jr., Chair, Edward E. Duryea, and George Carlton Manley. Respondent was present and appeared *pro se.* Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Samuel McCollum, a candidate for Clio Town Council, did in Richland County, on or about March 29, 2010, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

FINDINGS OF FACT

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

1. The Respondent, Samuel McCollum, is a member of Clio Town Council and he is required to file a pre-election campaign disclosure form 15 days before an election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent filed an SEI stating he was a candidate for Clio Town Council in an April 13, 2010 election. Respondent was penalized in a December 21, 2011 letter for failure to file a pre-election CD. That letter was re-sent certified on January 30, 2012 and was delivered on February 4, 2012. On February 6, 2012 Respondent complied by filing the pre-election CD. The outstanding late-filing penalty of $2,700.00 was not paid at that time.

3. Respondent didn't realize that he was suppose to file a pre-election CD since he didn't spend or collect any money. He thought that when he filed his Statement of Economic Interests and paid the late-filing penalty that he was in compliance. Only after speaking to the Commission investigator did he realize that there was separate form to be filed, which he filed immediately.

CONCLUSIONS OF LAW

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

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

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

3. Section 8-13-1308(D)(1) provides:

> At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee

must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

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.

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 Samuel McCollum is in violation of Section 8-13-1110; and therefore, Respondent Samuel McCollum is hereby assessed a reduced late-filing penalty of $200.00 to be paid within 90 days of receipt of the order. If the reduced late-filing penalty of $200.00 is not paid within 90 days of receipt of the order, then the late-filing penalty will revert to the full amount of $2,700.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of $2,700.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

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 $2,700.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 15th DAY OF Aug., 2012.

STATE ETHICS COMMISSION

PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA