

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
)
 COUNTY OF RICHLAND)
)
 In the Matter of:)
 COMPLAINT C2012-114)
)
 Thomas S. Legare,)
 Respondent,)
)
 State Ethics Commission,)
 Complainant.)
 _____)

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission, on April 12, 2012. On July 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Thomas S. Legare, with one violation of Section 8-13-1356(B).

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

The following allegations were considered:

The complaint alleged that the Respondent failed to file a completed Statement of Economic Interests (SEI) report required at the time of filing for the November 2 ,2010 election.

STATEMENT OF FACTS

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

1. The Respondent was a candidate for Charleston County Council in a November 2, 2010 general election.

2. On April 23, 2010 the Respondent filed a paper copy of the Statement of Economic Interests with the State Ethics Commission as a candidate for Charleston County Council.

3. On July 28, 2010 the Statement of Economic Interests Form is returned because it was incomplete. The Respondent was instructed to return the corrected form within ten days.

4. On December 20, 2011, after no response, a \$100.00 penalty was assessed for failure to file a properly completed Statement of Economic Interests Form as a candidate.

5. On January 6, 2012 the letter of December 20, 2011 is returned as "Return to Sender – Unclaimed." It is re-mailed to the Respondent's business address at Legare Farms.

6. On February 2, 2012 the letter of December 20, 2011 is sent certified.

7. On March 1, 2012 the certified letter is returned as "Return to Sender – Unclaimed".

8. On March 7, 2012 the certified letter is re-mailed first class.

9. On March 17, 2012 penalties begin accruing at \$10 per day for the first ten days.

10. On March 27, 2012 penalties begin accruing at \$100 per day, and after no response from the Respondent, a complaint was filed on April 4, 2012.

11. On April 10, 2012 a Commission investigator contacted the Respondent and advised him of the late filing and penalties accrued. The Respondent was advised to file his Statement of Economic Interests online.

12. Subsequent to the interview with the Respondent the South Carolina Supreme Court ruled in *Anderson vs. State Election Commission* that Statements of Economic Interests filed by candidates are not filed with the Commission, but with the election official. Therefore, any failure to file is with the election official and not the Commission.

CONCLUSIONS OF LAW

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

1. The Respondent, Thomas S. Legare, was a candidate as defined by Section 8-13-1300(4).

2. In accordance with the Court's ruling the State Ethics Commission does not have personal and/or subject matter jurisdiction.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Thomas S. Legare, violated Section 8-13-1356(B), 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 11th DAY OF Sept., 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA