

STATE OF SOUTH CAROLINA)
) BEFORE THE STATE ETHICS COMMISSION
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2012-116)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.) **DECISION AND ORDER**
)
 Lewis Orr,)
 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 April 4, 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, Lewis Orr, with a violation of Section 8-13-1110 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 STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Lewis Orr, a member of Olar Town Council, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2009 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, Lewis Orr, is a member of Olar Town Council and he 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 filed his 2010 SEI; however, his term began in 2008 and he had not filed a 2009 SEI. Respondent was penalized in a February 10, 2012 letter for failure to file an SEI. That letter was re-sent certified on March 12, 2012 and was delivered on March 13, 2012. On April 17, 2012 Respondent complied by filing the 2009 SEI. The outstanding late-filing penalty of \$1,500.00 was not paid at that time.

3. Respondent received the paperwork from the Commission but didn't understand what was going on. He tried to file, but he isn't good with computers, so he had to wait for his cousin to help. Respondent's cousin did help him file the 2009 and the 2012 SEI.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Lewis Orr, 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.

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 Lewis Orr is in violation of Section 8-13-1110; and therefore, Respondent Lewis Orr is hereby assessed a reduced late-filing penalty of \$100.00 to be paid within 30 days of receipt of the order. If the reduced late-filing penalty of \$100.00 is not paid within 30 days of receipt of the order, then the late-filing penalty will revert to the full amount of \$1,500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$1,500.00 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 \$1,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Lewis Orr 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