

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2012-134)
State Ethics Commission,)
Complainant;)
vs.)
Lou Ann Pyatt,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

RECEIVED
2013 DEC 11 PM 1:56
STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on May 23, 2012. On July 18, 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, Lou Ann Pyatt, with a violation of Section 2-17-30 and probable cause was found.

Present at the Hearing on November 20, 2013 were Commission Members Phillip Florence, Jr., Chair, Jonathan H. Burnett and Richard H. Fitzgerald. Respondent was present and was represented by William Pyatt. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A LOBBYIST DISCLOSURE REPORT
SECTION 2-17-30, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Lou Ann Pyatt, a registered lobbyist in 2011 for SC Morticians Association, Inc., did fail to file a Lobbyist Disclosure statement for the June 1, 2011 through December 31, 2011 reporting period by the January 21, 2012 deadline.

FINDINGS OF FACT

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

1. On January 3, 2011 Respondent, Lou Ann Pyatt, registered as a lobbyist for SC Morticians Association, Inc. (SCMA).

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by certified letter dated April 17, 2012, Respondent was advised that her Lobbyist Disclosure statement (LD) for the period June 1, 2011 to December 31, 2011 had not been received and a late filing penalty was being levied and she was put on notice to cease and desist lobbying activity. The certified letter was delivered on April 19, 2012. By letter dated October 27, 2011, Respondent was advised that a complaint had been filed against her. On June 15, 2012 Respondent submitted the late LD; however, the late-filing penalty of \$3,700.00 remains unpaid.

3. Respondent testified that she was registered as a lobbyist for SCMA during June 1, 2011 to December 31, 2011; however, beginning in January 2012 through late June she was under a doctor's care. She did not lobby for SCMA during that period. She is the general secretary of SCMA and that is an administrative job and not a lobbying one.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Lou Ann Pyatt, was a registered lobbyist as defined by Section 2-17-10(13).

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

3. Section 2-17-30(A) provides:

Each lobbyist, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-20.

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 re-quired 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 Lou Ann Pyatt is in violation of Section 2-17-30; and therefore, Respondent Lou Ann Pyatt is hereby Publicly Reprimanded and she is assessed a reduced late-filing penalty of \$300.00 to be paid within 60 days of receipt of the order. In addition a \$200.00 administrative fee is assessed and it must be paid within 60 days of receipt of

the order. If the reduced late filing penalty and administrative fee are not timely paid then the amount owed will revert to the original late-filing penalty of \$3,700.00.

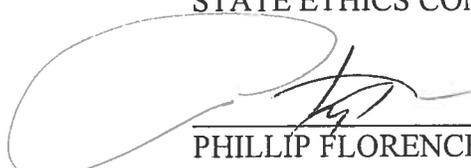
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$3,700.00 is, and shall be entered against Respondent, if he fails to pay the late-filing penalty and administrative fee within the time permitted.

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 \$6,200.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Lou Ann Pyatt 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 Dec, 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA