

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2012-128)

State Ethics Commission,)
Complainant;)

vs.)

James B. Ramsey,)
Respondent.)
_____)

DECISION AND ORDER

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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 May 15, 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, James B. Ramsey, with two 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, James B. Ramsey, Fairfield County Coroner, 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, James B. Ramsey, Fairfield County Coroner, did in Richland County, fail to timely file a 2010 annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, James B. Ramsey, is the Fairfield County Coroner 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 Fairfield County returned its 2010 and 2011 entity lists and Respondent was listed as the coroner and therefore someone required to file an annual SEI. Respondent was penalized \$200.00 in a February 17, 2012 letter for failure to file his 2010 and 2011 SEIs. That letter was re-sent certified on March 12, 2012 and was returned as "return to sender – vacant". It was re-mailed first class to the Fairfield County Coroner's Office on April 13, 2012 and was not returned to the Commission. Respondent filed his 2010 and 2011 SEIs on November 5, 2012; however, he has not paid the \$10,000.00 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, James B. Ramsey, 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.

6. Section 8-13-130 provides:

The State Ethics Commission may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation of the "Ethics, Government Accountability and Campaign Reform Act of 1991".

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 James B. Ramsey is in violation for two counts of Section 8-13-1140 for failure to file annual SEIs; and therefore, Respondent James B. Ramsey is hereby Publicly Reprimanded and he is assessed a fine of \$4,000.00, in addition to the late-filing penalty of \$10,000.00 and an administrative fee of \$500.00 is HEREBY

ASSESSED.

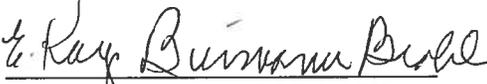
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$14,500.00 is, and shall be entered against Respondent.

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 \$14,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent James B. Ramsey 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. KAYBIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA