

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE MATTER OF:)
COMPLAINT C2012-129)

State Ethics Commission,)
Complainant;)

vs.)

Stewart H. Rodman,)
Respondent.)
_____)

) BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS
COMMISSION

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on May 15, 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, Stewart H. Rodman, with a violation of Section 8-13-1110 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 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 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Stewart H. Rodman, a Beaufort County Council Member, did in Richland County, fail to timely file an 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, Stewart H. Rodman, is a member of Beaufort County 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 the Commission received a copy of Beaufort County's 2011 entity list, which showed Respondent as a member of county council. Respondent was penalized in a February 22, 2012 letter for failure to file his 2011 SEI. That letter was re-sent certified on March 13, 2012 and delivered on March 20, 2012. On May 29, 2012 Respondent filed his SEI.

3. Daniel Choate, State Ethics Commission investigator, testified that he spoke to Respondent on May 29, 2012. Respondent stated he was having difficulty filing the form, but did file after receiving staff assistance.

4. Respondent testified that he had ran for the South Carolina House of Representatives and had had some communication with House Ethics and had filed a final report with them. He initially believed that the Commission's correspondence was about that report and he knew it was done. He testified that he had no excuse except that confusion from the House Ethics filing.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Stewart H. Rodman, 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.

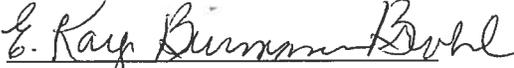
DECISION

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 Stewart H. Rodman is in violation of Section 8-13-1140; and therefore, Respondent Stewart H. Rodman is hereby assessed a late-filing penalty of \$500.00 to be paid within 30 days of receipt of the order.

FINALLY, Respondent Stewart H. Rodman 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. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA