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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2013-009)
)
State Ethics Commission,)
Complainant;)
)
vs.) **DECISION AND ORDER**
)
Edward K. Segars,)
Respondent.)
_____)

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on July 27, 2012. On September 19, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Edward K. Segars, with a violation of Section 8-13-1140 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 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, Edward K. Segars, an elected member of Darlington Conservation District, did in Richland County, fail to timely file a 2009 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, Edward K. Segars, is an elected member of Darlington Conservation District 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 began his four year term on the Darlington Conservation District Commission in January 2009. Respondent was penalized \$100.00 in a March 14, 2012 letter for failure to file his 2009 SEI. That letter was re-sent certified on June 18, 2012 and was delivered on June 19, 2012. Respondent filed his 2009 SEI on August 8, 2012; however, he has not paid the \$3,100.00 late-filing penalty.

3. Commission Investigator Dan Choate testified that on August 7, 2012 Respondent advised him that he thought he had filed a 2009 SEI. Respondent stated he would go online and file the 2009 SEI, which he did on August 8, 2012.

4. Respondent testified that he was serving his fourth term on the Darlington County Conservation District. In all those years he only had two forms slip through the cracks. He doesn't have a computer, so the clerk helped him now when it went electronic. Respondent no longer serves on the Commission largely as a result of this. He apologized for the error.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Edward K. Segars, 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.

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 Edward K. Segars is in violation of Section 8-13-1140; therefore, Respondent Edward K. Segars is hereby Publicly Reprimanded and he is hereby assessed a reduced late-filing penalty of \$100.00 to be paid within 60 days of receipt of the order. In addition a \$100.00 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 \$3,100.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$3,100.00 is, and shall be entered against Respondent, if he fails to pay the late-filing penalty and administrative fee within the time permitted.

FINALLY, Respondent Edward K. Segars 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