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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2013-012)
)
 State Ethics Commission,)
 Complainant,)
)
 vs.)
)
 Frank Wright,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on August 10, 2012. On November 28, 2012, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Frank Wright, with violations of Section 8-13-1140 and a violation of Section 8-13-1308 and probable cause was found.

Present at the Hearing on March 19, 2014 were Commission Members, Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, and James I. Warren. Respondent was not present, but he 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, Frank Wright, a Berkeley County School District Trustee, 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.

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, Frank Wright, a Berkeley County School District Trustee, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2012 in violation of Section 8-13-1140.

COUNT THREE

**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Frank Wright, a Berkeley County School District Trustee, did in Richland County, on or about October 18, 2010, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

FINDINGS OF FACT

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

1. The Respondent, Frank Wright, is a member of and was a candidate for Berkeley County School Board in a November 2010 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that in November 2006 Respondent was elected as a Trustee for Berkeley County School District. As an elected official, he was required to file an annual Statement of Economic Interests (SEI) form. On August 19, 2010 he filed an SEI stating he was running for re-election as a Trustee for Berkeley County School District in the November 2, 2010 election. As a candidate, he was provided instructions for filing the Campaign Disclosure (CD) forms, including the pre-election CD. On April 4, 2012 a \$100.00 penalty was assessed for failure to file a 2011 SEI. On May 2, 2012 the April 4, 2012 letter was sent certified. On May 7, 2012, according to the United States Postal

Service website, the certified letter was delivered at 3:12 p.m. On May 18, 2012 penalties began accruing at \$10 per day for the first ten days and \$100 per day starting on May 28, 2012. On June 1, 2012 a \$100.00 penalty was assessed for failure to file a pre-election CD by October 18, 2010. This letter was sent certified. On June 25, 2012 the certified letter was returned as “Return to Sender – Unclaimed” and was re-mailed first class. On July 6, 2012 penalties began accruing at \$20 per day for the first ten days and at \$100.00 per day on July 16, 2012. On October 24, 2012 Respondent filed the SEI and on December 13, 2012 filed the pre-election CD. The penalty of \$15,000.00 was not paid.

2. Daniel Choate, State Ethics Commission Investigator, testified that on August 14, 2012 Respondent advised him that he had received the correspondence from the Commission office regarding his non-compliance. He stated he would file the necessary reports. Mr. Choate advised Respondent that late filing penalties were accruing. On August 21, 2012 and August 28, 2012 a message was left at Respondent’s telephone concerning his non-compliance. On October 24, 2012 Respondent filed the SEI and on December 13, 2012 filed the pre-election CD. The penalty of \$15,000.00 was not paid.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Frank Wright, was a candidate as defined by Section 8-13-1300(4) and a public official as defined by Section 8-13-100(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-1140 provides that all public officials must file an annual Statement of Economic Interests each year by April 15th.
4. Section 8-13-1308(D) provides that a candidate must file a pre-election

Campaign Disclosure form 15 days before the election.

5. 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;

6. Section 8-13-130 states in part:

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". The fee must be used to reimburse the commission for costs associated with the investigation and hearing of a violation.

7. 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 Frank Wright is in violation of Section 8-13-1140 and Section 8-13-1308; and therefore, Respondent Frank Wright is hereby Publicly Reprimanded and he is assessed a fine of \$6,000.00, in addition to the late-filing penalty of \$15,000.00 and he is assessed an administrative fee of \$500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$21,500.00 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 \$21,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Frank Wright 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 May, 2014.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA