

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2013-086)
))
State Ethics Commission,)
Complainant,)
))
vs.)
))
Albert M. Lynch, Jr.,)
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 January 8, 2013. On March 20, 2013, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Albert M. Lynch, Jr., with a violation of Section 8-13-1308 and probable cause was found to warrant an evidentiary hearing.

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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Albert M. Lynch, Jr., a candidate for Commissioner for the Spartanburg Sanitation Sewer District, did in Richland County on or about October 10, 2011, fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

FINDINGS OF FACT

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

1. The Respondent, Albert M. Lynch, Jr., was a candidate for Commissioner for the Spartanburg Sanitation Sewer District in a November 2, 2010 election.
2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by letter dated November 13, 2012, Respondent was penalized \$200.00 for failing to file an October 10, 2011 and a July 10, 2012 Campaign Disclosure form (CD). On November 19, 2012 Respondent filed the July 10, 2012 CD. The November 13th letter was amended to only include the October 10, 2011 CD and it was re-sent certified on December 4, 2012. It was delivered on December 12, 2012. Penalties began accruing on December 18, 2012. Respondent filed the required CD on January 12, 2013, but the \$1,700.00 late-filing penalty was not paid.
3. Respondent testified that he is a home builder and he has had a difficult time of it since the recession. He filed the July 2012 and thought the outstanding October report was for 2012 and he filed it also. Respondent testified that that was not a defense, but an excuse and he was seeking mercy.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Albert M. Lynch, Jr., was a candidate as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1308(B) provides:

Following the filing of an initial certified campaign report, additional

certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

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;

5. 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.

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 Albert M. Lynch, Jr. is in violation of Section 8-13-1308; and therefore, Respondent Albert M. Lynch, Jr. is hereby Publicly Reprimanded and he is hereby assessed a late-filing penalty of \$300.00 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 \$1,700.00.

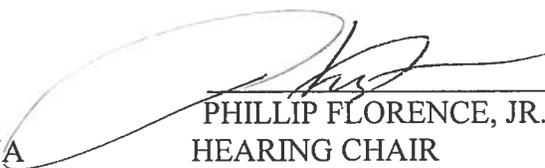
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$1,700.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty and administrative fee within the time permitted.

FINALLY, Respondent Albert M. Lynch, Jr. 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

COLUMBIA, SOUTH CAROLINA


PHILLIP FLORENCE, JR.
HEARING CHAIR