

SOUTH CAROLINA)
 OF RICHLAND)
)
 THE MATTER OF:)
 COMPLAINT C2013-114)
)
 State Ethics Commission,)
 Complainant,)
)
 vs.)
)
 Sarah B. Watson,)
 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 February 22, 2013. On September 18, 2013, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2013), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Sarah B. Watson, with a violation of Section 8-13-1308(D) 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Sarah B. Watson, a candidate for Irmo Town Council in a November 8, 2011 election, did in Richland County, on or about October 24, 2011, 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, Sarah B. Watson, was a candidate for Irmo Town Council in a November 8, 2011 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on September 6, 2011 Respondent filed a Statement of Economic Interests form stating she was a candidate for Irmo Town Council in the November 8, 2011 election. In a letter dated November 29, 2012, Respondent was penalized \$100.00 for failing to file a pre-election Campaign Disclosure form (CD) by October 24, 2011. The letter was re-sent certified on December 28, 2012. The certified letter was returned as unclaimed on January 28, 2013. It was re-mailed first class. Penalties began accruing on February 8, 2013. Respondent filed the required CD on February 27, 2013, but the \$1,100.00 late-filing penalty was not paid.

3. Respondent testified that she was a lay person and had an initiative to do something for her community. Some council members tried to help her. In 2009 she came to the Commission to file her pre-election, but in 2011 she did not. She did not accept any campaign contributions, but only spent her own money. Respondent is a cancer survivor and she has been in and out of the hospital. She is currently unemployed and chose not to run for a third term in 2013.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Sarah B. Watson, 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(D) provides that a candidate must file a pre-election

campaign disclosure form 15 days before the election.

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 Sarah B. Watson is in violation of Section 8-13-1308; and therefore, Respondent Sarah B. Watson is hereby Publicly Reprimanded and she is hereby assessed a late-filing penalty of \$200.00 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 \$1,100.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the

amount of \$1,100.00 is, and shall be entered against Respondent, if she fails to pay the reduced late-filing penalty and administrative fee within the time permitted.

FINALLY, Respondent Sarah B. Watson 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