

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE MATTER OF:)
COMPLAINT C2013-118)

State Ethics Commission,)
Complainant;)

vs.)

Tripp Newsome,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on March 13, 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, Tripp Newsome, with ten violations of Article 13 of Title 8 and probable cause was found to warrant an evidentiary hearing.

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

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to timely file an initial quarterly Campaign Disclosure Report within ten days of receiving or spending \$500.00, all in violation of Section 8-13-1308(A).

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

That Tripp Newsome, a candidate for Lexington Town Council, 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).

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

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to timely file a July 10, 2012 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

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

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to timely file a October 10, 2012 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

COUNT FIVE
FAILURE TO ITEMIZE EXPENDITURES
SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to disclose the vendor name and address of an expenditure for \$296.00 dated February 1, 2012 on a quarterly Campaign Disclosure Report, all in violation of Section 8-13-1308(F)(4).

COUNT SIX
FAILURE TO ITEMIZE EXPENDITURES
SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to disclose the vendor name and address of an expenditure for \$1,174.00 dated February 2, 2012 on a quarterly Campaign Disclosure Report, all in violation of Section 8-13-1308(F)(4).

COUNT SEVEN
FAILURE TO DISCLOSE CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to disclose a contribution in the amount of \$248.83 made by the candidate on January 19, 2012, all in violation of Section 8-13-1308(F)(1).

COUNT EIGHT
FAILURE TO ITEMIZE CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to disclose the name and address of a contribution in the amount of \$248.83 made by the candidate on January 19, 2012, all in violation of Section 8-13-1308(F)(2).

COUNT NINE
FAILURE TO DISCLOSE EXPENDITURE
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to disclose an expenditure in the amount of \$248.83 made on January 19, 2012, all in violation of Section 8-13-1308(F)(3).

COUNT TEN
FAILURE TO ITEMIZE EXPENDITURE

SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Tripp Newsome, a candidate for Lexington Town Council, did, in Richland County, fail to disclose the name and address of the vendor of an expenditure in the amount of \$248.83 made on January 19, 2012, all in violation of Section 8-13-1308(F)(4).

STATEMENT OF FACTS

1. The Respondent, Tripp Newsome, was a candidate for Lexington Town Council in a November 2011 election and he was required to file quarterly campaign disclosure forms (CD) until final disbursement.
2. Kristin Smith, Administrative Coordinator of non-compliance, testified that Respondent was penalized \$200.00 for failure to file two quarterly campaign disclosure (CD) forms in a letter dated October 30, 2012. Respondent paid the late filing penalty and filed a final CD on January 4, 2013. A first class letter was sent to the Respondent on January 9, 2013 advising him that he needed to file an amended disclosure report to properly identify the reimbursements totaling \$1,470.00 made to himself on February 1 and 2, 2012 as shown in a disclosure report filed January 4, 2013. A certified copy of the letter was delivered to the Respondent on February 21, 2013. He was advised that if he did not comply a complaint would be filed.
3. Commission Investigator Dan Choate testified that on March 20, 2013 he left a message with an individual at Respondent's listed telephone number concerning the complaint. On March 21, 2013 Respondent advised Investigator Choate that he would amend his final CD and account for the \$256.50 over payment. On April 4, 2013 Respondent returned a call from the investigator and reported that he would file the

amended CD. On April 16, 2013 the investigator again left a message concerning an amended CD. On April 23, 2013 Respondent filed the amended CD. He indicated that the amount in question was used to pay printing cost incurred by Respondent; however, he failed to provide the name and address of the vendor. Investigator Choate advised Respondent that he would need to provide receipts to confirm the expenditure. On June 6, 2013 Respondent provided receipts that reflected an expenditure of \$1,718.83 and not \$1,470.00 as previously disclosed. As a result of the inaccuracies in Respondent's disclosure reports, an audit was conducted of his entire disclosure file. That audit revealed the following:

A. An expenditure of \$652.00 was incurred on July 15, 2011 requiring the filing of an initial disclosure report no later than July 25, 2011; however, the initial report was not filed until October 8, 2011.

B. A pre-election report was due no later than October 24, 2011; however, was not filed.

C. A January quarterly report was due no later than January 10, 2012; however, was not filed until January 4, 2013. Respondent paid a \$100.00 late filing penalty.

D. An April quarterly report was due no later than April 10, 2012; however, was not filed. Respondent paid a \$100.00 late filing penalty.

E. A July quarterly report was due no later than July 10, 2012; however, was not filed.

F. An October quarterly report was due no later than October 10, 2012; however, was not filed.

G. On January 4, 2013 Respondent filed a final disclosure report indicating that he had reimbursed himself \$1,470.00 to close the account; however, his report reflected that he only contributed \$1,223.50 to his campaign.

H. On April 23, 2013 Respondent filed an amended final indicating that he had reimbursed himself \$1,470.00 for “printing”; however, his report still reflected that he only contributed \$1,223.50 to his campaign.

I. On June 6, 2013 Respondent filed a second amended final report in which he disclosed an additional contribution from himself in the amount of \$248.83, and an additional expenditure of \$248.83 for printing.

J. The final report still failed to properly disclose the name and address of the vendor, but rather reflected that Respondent reimbursed himself for the expenditure. Respondent provided an invoice to The Copy Shop.

K. Respondent’s initial disclosure report filed October 8, 2011 reflects a similar expenditure to The Copy Shop on July 15, 2011; therefore, it is apparent that he was aware of the requirement to disclose the vendor’s name and address, but elected not to do so.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Tripp Newsome, 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(A) provides that a candidate must file an initial campaign disclosure report upon the receipt or expenditure of campaign funds in excess of \$500.00.

4. 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.

5. Section 8-13-1308(D) provides that a candidate must file a pre-election campaign disclosure form 15 days before the election.

6. Section 8-13-1308(F) requires a candidate to disclose all expenditures and all contributions, to include his own, on the candidate campaign disclosure form.

7. 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.

8. Section 8-13-320(10)(l)

(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.

9. Section 8-13-130 provides:

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”.

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 Tripp Newsome is in violation of all counts of his Notice of Hearing; and therefore, Respondent Tripp Newsome is PUBLICLY REPRIMANDED AND is hereby assessed a fine of \$20,000.00 for the ten violations of Section 8-13-1308 and a \$500.00 administrative fee.

IT IS FURTHER ORDERED, that Respondent must forward to the Children's Trust Fund \$256.00 for the over re-payment to himself in campaign funds.

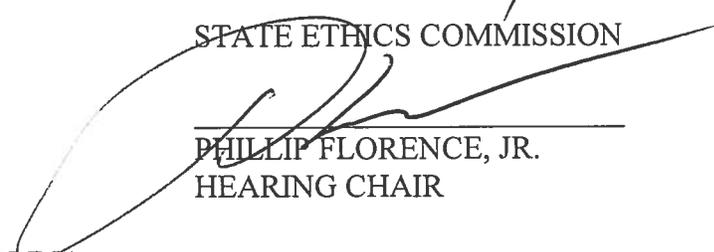
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$20,500.00 is, and shall be entered against Respondent.

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 \$20,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Tripp Newsome has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 21st DAY OF May, 2014.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA