

1. The Respondent, Charles Mitchell, Jr., was a candidate for Jasper County Sheriff in a June 12, 2012 primary election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by letter dated November 19, 2012, Respondent was penalized \$300.00 for failing to file a January 10, 2102, a July 10, 2012, and an October 10, 2012 Campaign Disclosure form (CD). On December 17, 2012 the letter was re-sent certified. On January 18, 2013 USPS.com noted that the certified letter was still "Depart USPS Sort Facility", but no delivery had been noted. A copy of the letter was mailed first-class by a temporary employee to an address found on-line. On February 22, 2013 USPS.com noted that the certified letter was still "Depart USPS Sort Facility". The letter was re-mailed first class to the address in the electronic filing system. Penalties began accruing on March 5, 2013. Respondent filed the final CD on April 2, 2013, but the \$2,100.00 late-filing penalty was not paid.

3. Commission Investigator Dan Choate testified that on March 20, 2013 he left a message at Respondent's listed telephone number informing him of the late CDs and accruing penalties. On March 22, 2013 a person answering the telephone at the listed number stated that Respondent no longer resided at that location and the person claimed not to know any other contact numbers. On March 26, 2013 Investigator Choate left a message for Respondent at the Port Royal Police Department where Respondent was employed. On the same date, Respondent returned the call. He stated he had closed out his campaign account. He stated he would file a final CD showing how the balance in his account was disbursed. On April 2, 2013 Respondent filed a final CD. The outstanding penalty remains at \$2,100.00.

3. Respondent testified that on December 17, 2012 he moved from Jasper County to Port Royal. Respondent testified that he never received any of letters in January or February. He spoke to Investigator Choate and that is when he knew there was a problem. He came to the office in April to file a final CD to ensure it was correctly completed.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Charles Mitchell, 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

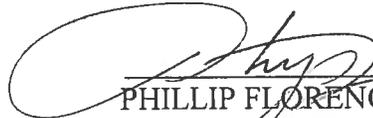
NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Charles Mitchell, Jr. is in violation of Section 8-13-1308; and therefore, Respondent Charles Mitchell, Jr. is hereby Publicly Reprimanded and he is hereby assessed a late-filing penalty of \$200.00 to be paid within 60 days of receipt of the order. In addition a \$200.00 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 \$2,100.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,100.00 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 Charles Mitchell, 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


PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA