

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2013-123)
))
State Ethics Commission,)
Complainant,)
))
vs.)
))
Joanna Cardwell,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on April 25, 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, Joanna Cardwell, 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, Joanna Cardwell, a candidate for Jasper County School Board, did in Richland County, on or about October 22, 2012, 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, Joanna Cardwell, was a candidate for Jasper County School Board in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on September 19, 2012 Respondent filed a Statement of Economic Interests form (SEI) stating she was a candidate for Jasper County School Board in the November 6, 2012 election. In a letter dated January 17, 2013, Respondent was penalized \$100.00 for failing to file a pre-election Campaign Disclosure form (CD) by October 22, 2012. The letter was re-sent certified on February 19, 2013. The certified letter was delivered on March 13, 2013. Upon receipt Respondent forwarded a copy of her 2012 SEI. She was informed in a letter dated March 13, 2013 that the SEI was not the correct form and she still needed to file a pre-election CD. Penalties began accruing on March 13, 2013. Respondent filed the required CD on May 13, 2013, but the \$5,000.00 late-filing penalty was not paid.

3. Commission Investigator Dan Choate testified that on May 2 and May 7, 2013 he left messages at Respondent's telephone concerning the late CD and accruing penalties. On May 13, 2013 Respondent complied by filing the CD. She advised that she misunderstood staff's request. She believed that as long as she did not exceed \$500 in contributions, she did not need to file campaign reports. The outstanding penalty remains at \$5,000.00.

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, Joanna Cardwell, 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 Joanna Cardwell is in violation of Section 8-13-1308; and therefore, Respondent Joanna Cardwell is hereby Publicly Reprimanded and she is hereby as-

essed a late-filing penalty of \$100.00 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 \$5,000.00.

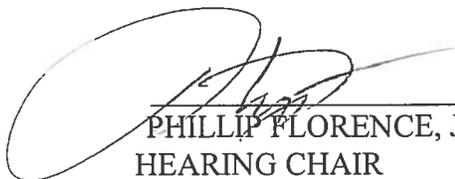
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent, if she fails to pay the reduced late-filing penalty and administrative fee within the time permitted.

FINALLY, Respondent Joanna Cardwell 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