

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
  
IN THE MATTER OF: )  
COMPLAINT C2013-124 )  
  
State Ethics Commission, )  
Complainant, )  
  
vs. )  
  
David Bodle, )  
Respondent. )  

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BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

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COMMISSION

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, David Bodle, 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 David Bodle, a candidate for Myrtle Beach City Council, did in Richland County, fail to timely file a final Campaign Disclosure Report upon final disbursement on February 13, 2012, 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, David Bodle, was a candidate for Myrtle Beach City Council in a November 1, 2011 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by letter dated February 19, 2013, Respondent was penalized \$400.00 for failing to file an April 10, 2012, a July 10, 2012, an October 10, 2012 and a January 10, 2013 Campaign Disclosure form (CD). On March 14, 2013 the letter was re-sent certified. It was delivered on March 22, 2013. On March 14, 2013 Respondent sent a letter stating he believed his January 10, 2012 was his final report. He was instructed otherwise in a letter dated April 1, 2013. Penalties began accruing on April 2, 2013. Respondent filed the final CD on May 14, 2013, but the \$3,400.00 late-filing penalty was not paid.

3. Commission Investigator Dan Choate testified that on May 2, 2013 he contacted Respondent by telephone. Respondent believed he had filed a final CD. He stated he would contact the Commission staff for assistance in filing the CD. On May 7, 2013 Respondent sent an email to staff advising that he was having difficulty obtaining his campaign bank account records that he needed in order to file a final CD. On May 14, 2013 Respondent filed a final CD. His campaign bank account was closed out on February 13, 2012. The outstanding penalty remains at \$3,400.00.

3. Respondent testified that this was a clerical error on both sides. The e-mail in the system for him was an AOL account, which he has never had. He thought he had filed a final report in January 2012 and closed his account in February 2012. Once he identified the problem then he fixed it with staff's assistance.

### CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, David Bodle, 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 David Bodle is in violation of Section 8-13-1308; and therefore,

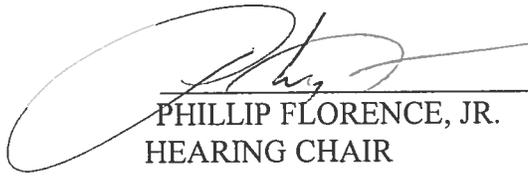
Respondent David Bodle is hereby Publicly Reprimanded and he is hereby assessed a late-filing penalty of \$200.00 to be paid within 60 days of receipt of the order. In addition a \$100.00 administrative fee is assessed and it must be paid within 60 days of receipt of the order. If the reduced late-filing penalty and administrative fee are not timely paid then the amount owed will revert to the original late filing penalty of \$3,400.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$3,400.00 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 David Bodle has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 9<sup>th</sup> DAY OF Dec., 2013.

STATE ETHICS COMMISSION

  
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PHILLIP FLORENCE, JR.  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA