

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2013-131)
)
 State Ethics Commission,)
 Complainant,)
)
)
 Seth E. Powell,)
 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 May 29, 2013. On November 20, 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, Seth E. Powell, with a violation of Section 8-13-1308 and probable cause was found.

Present at the Hearing on July 16, 2014 were Commission Members, James I. Warren, III, Chair, James H. Burns, and Regina H. Lewis. Respondent was not present, but he was duly noticed. 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, Seth E. Powell, a candidate for Greenville 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, Seth E. Powell, was a candidate for Greenville County School Board in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on August 10, 2012, Respondent filed a Statement of Economic Interests stating he was a candidate for Greenville County School Board. On March 11, 2013 Respondent was assessed a \$100.00 late filing penalty for failure to file a pre-election Campaign Disclosure form (CD) by October 22, 2012. On April 16, 2013 the penalty letter was sent certified. It was delivered on May 2, 2013. Penalties began accruing at \$10 per day on May 13, 2013 and at \$100 per day on May 23, 2013. Respondent filed the pre-election CD on June 5, 2013. The late filing penalty of \$1,500.00 has not been paid.

2. Daniel Choate, State Ethics Commission Investigator, testified that in a conversation he had with Respondent on June 5, 2013 Respondent stated he would enlist the assistance of Commission staff to set up on-line and file the late pre-election CD. On the same date he complied. The outstanding penalty remains at \$1500.00.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Seth E. Powell, 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 Seth E. Powell is in violation of Section 8-13-1308; and therefore, Respondent Seth E. Powell is hereby Publicly Reprimanded and he is assessed an administrative fee of \$500.00, in addition to the late-filing penalty of \$1,500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,000.00 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 \$2,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

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



IT IS SO ORDERED THIS _____ DAY OF _____, 2014.

STATE ETHICS COMMISSION



JAMES I. WARREN, III
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA