

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2013-132)
)
 State Ethics Commission,)
 Complainant,)
)
 vs.)
)
 Lucius Moses, Jr.,)
 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 Commission on May 29, 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, Lucius Moses, Jr., 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, Lucas Moses, Jr., a candidate for Hampton County Two 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, Lucius Moses, Jr., was a candidate for Hampton County Two School Board in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that in a letter dated March 11, 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 May 2, 2013. The certified letter was delivered on May 4, 2013. Penalties began accruing on May 15, 2013. Respondent filed the required CD on June 18, 2013, but the \$2,600.00 late-filing penalty was not paid.

3. Commission Investigator Dan Choate testified that on June 4, 5 and 11, 2013 incomplete calls were made to Respondent's telephone. On June 18, 2013 he contacted Respondent by telephone. Respondent advised he had received the correspondence from the Commission office. He stated he would file the late CD. On June 18, 2013 Respondent filed the pre-election CD. The outstanding penalty remains at \$2600.00.

3. Respondent testified that it was his fault and he was seeking mercy.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Lucius Moses, 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(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 Lucius Moses, Jr. is in violation of Section 8-13-1308; and therefore, Respondent Lucius Moses, Jr. is hereby Publicly Reprimanded and she 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 \$2,600.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,600.00 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 Lucius Moses, 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