

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
)   
IN THE MATTER OF: )  
COMPLAINT C2013-134 )  
)   
State Ethics Commission, )  
Complainant, )  
)   
vs. )  
)   
Dr. Terry V. Eades, )  
Respondent. )  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on May 30, 2013. On September 18, 2013, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Dr. Terry V. Eades, with five violations of Section 8-13-1308 and probable cause was found.

Present at the Hearing on March 19, 2014 were Commission Members, Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, and James I. Warren. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

**COUNT ONE  
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT  
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That Terry V. Eades, a candidate for Marlboro County School Board, did, in Richland County, fail to timely file a January 10, 2011 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

**COUNT TWO**  
**FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That Terry V. Eades, a candidate for Marlboro County School Board, did, in Richland County, fail to timely file a April 10, 2011 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

**COUNT THREE**  
**FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That Terry V. Eades, a candidate for Marlboro County School Board, did, in Richland County, fail to timely file a July 10, 2011 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

**COUNT FOUR**  
**FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That Terry V. Eades, a candidate for Marlboro County School Board, did, in Richland County, fail to timely file a October 10, 2011 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

**COUNT FIVE**  
**FAILURE TO FILE FINAL CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That Terry V. Eades, a candidate for Marlboro County School Board, did, in Richland County, fail to timely file a final Campaign Disclosure Report upon final dis-

bursement, 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, Dr. Terry V. Eades, was a candidate for Marlboro County School Board in a November 2, 2010 election.
2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by letter dated October 30, 2012, Respondent was penalized \$100.00 for a late pre-election Campaign Disclosure form (CD) for the November 2, 2010 election. Respondent appealed the late filing penalty on November 13, 2012, but it did not contain sufficient extenuating circumstances to warrant a waiver. On December 13, 2012 the appeal is denied, and Respondent is informed that he still shows contributions on hand and he must file a final CD, or additional late filing penalties will be levied for quarterly CDs. The letter was re-sent certified on January 7, 2013. According to the United States Postal Service website, the letter was delivered at 11:48 a.m. on January 9, 2013. Penalties began accruing on January 29, 2013 at \$100 per day per quarterly Campaign Disclosure Form for a total of \$900 per day. On February 8, 2013 Respondent paid the late filing penalty, but he did not file a final CD. By letter dated February 20, 2013, Respondent is informed for the third time that he has contributions on hand and that he must file a final CD to avoid additional late filing penalties for accruing quarterly CDs. In this letter, staff gave detailed instructions on how to file the "Saved Not Filed" final CD in his account. On May 2, 2013 the letter of February 20, 2013 is sent certified. Respondent provided bank information showing that the account was closed in December, 2011. Five, rather than nine, CDs were due based on that information. Respondent filed a final

CD on June 5, 2013. The late filing penalty of \$25,000.00 was not paid.

3. Respondent testified that when he ran the Marlboro County Election office was having lots of problems and he did not receive instructions on what to file when. He experienced lots of problems with the electronic filing site. When he spoke to Investigator Dan Choate he was told he just needed to get the report filed. He took care of it as soon as he knew there was a problem.

### CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Dr. Terry V. Eades, 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 Dr. Terry V. Eades is in violation of Section 8-13-1308; and therefore, Respondent Dr. Terry V. Eades is hereby assessed a reduced late-filing penalty of \$10,000.00 to be paid within 6 months of receipt of the order. If the reduced late-filing penalty is not timely paid then the amount owed will revert to the original late filing penalty of \$25,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$25,000.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Dr. Terry V. Eades has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 8<sup>th</sup> DAY OF May, 2014.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA