

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2013-143)
State Ethics Commission,)
Complainant,)
vs.)
Linwood Carl Altman,)
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 June 14, 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, Linwood Carl Altman, with a violation of Section 8-13-1140 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 represented by Bruce Davis. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, Linwood Carl Altman, a member of Dillon County Board of Education, did in Richland County, fail to timely file a 2013 annual Statement of Economic Interests form on or before April 15, 2013 in violation of Section 8-13-1140.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. The Respondent, Linwood Carl Altman, is a member of the Dillon County Board of Education and he is required to file a Statement of Economic Interests (SEI) form annually by April 15th at the time of the complaint.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that upon receipt of the reappointment letter from the Governor's office, Commission staff sent a written notice to Respondent on March 1, 2013 advising him that he was required to file an SEI for 2013. After no response, Respondent was advised of his noncompliance by first class letter on April 18, 2013 and by certified letter delivered on May 17, 2013. Penalties began accruing at \$10.00 per day for the first 10 days on June 7, 2013 and \$100.00 per day on June 14, 2013. Respondent filed his 2013 SEI on June 25, 2013; however, the late filing penalty of \$2000.00 was not paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on June 25, 2013 he contacted Respondent who advised he would seek staff's assistance in filing the SEI. On the same date Respondent filed a completed SEI. The outstanding penalty is \$2,000.00.

4. Respondent testified that he went on line to try to file. He made an attempt and it wasn't successful. He then spoke to Investigator Choate and then he was able to file it with staff's help. Respondent testified that he is an off-shore fisherman. School board is a volunteer position. He receives \$100.00 per month for all the time that is involved. Now someone will help him at the district business office. Respondent testified that he did try two or three times to file and he is seeking a merciful and enlightened judgment.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Linwood Carl Altman, was a public official as defined by Section 8-13-100(27).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-1140 provides that certain public officials shall file a Statement of Economic Interests prior to taking the oath of office and annually by April 15.

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 Linwood Carl Altman is in violation of Section 8-13-1140; and therefore, Respondent Linwood Carl Altman is hereby assessed a reduced late-filing penalty of \$750.00 to be paid within 60 days 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 \$2,000.00.

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, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Linwood Carl Altman has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 8th DAY OF May, 2014.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA