

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2013-144)
)
State Ethics Commission,)
Complainant,)
)
vs.)
)
Juliet W. Lee,)
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, Juliet W. Lee, with a violation of Section 8-13-1110 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 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 STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

The Respondent, Juliet W. Lee, a member of Berea Public Service Commission, did in Richland County, fail to file upon appointment in March 2013 a Statement of Economic Interests form in violation of Section 8-13-1110.

FINDINGS OF FACT

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

1. The Respondent, Juliet W. Lee, was appointed to the Berea Public Service Commission on March 6, 2013 and she is required to file a Statement of Economic Interests (SEI) upon appointment and annually thereafter.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on March 6, 2013 The Office of the Governor forwarded confirmation that Respondent had been appointed to the Berea Public Service Commission. On March 7, 2013 a memo was sent to Respondent stating that she must electronically file a 2013 Statement of Economic Interests (SEI). On April 18, 2013 a \$100.00 penalty was assessed for failure to file a 2013 SEI upon appointment. On May 16, 2013 the letter of April 18, 2013 was sent certified. On May 21, 2013 the certified letter was delivered at 4:23 p.m. according to the United States Postal Service website. On June 2, 2013 penalties began accruing at \$10 per day for the first ten days and at \$100.00 per day on June 12, 2013.

2. Daniel Choate, State Ethics Commission Investigator, testified that on June 25, 2013 he determined that the listed telephone number for Respondent had been disconnected. On June 26, 2013 an attempt was made to contact Respondent at a work telephone number. Respondent did call back and reported that she filed a Campaign Disclosure form but not an SEI. On July 1, 2013 Respondent complied by filing a SEI. The outstanding late filing penalty of \$2,100 was not paid.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Juliet W. Lee, 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 8-13-1110 provides that certain public officials shall file a Statement of Economic Interests prior to taking the oath of office.

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.

6. Section 8-13-320(10)(l) provides:

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each 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 Juliet W. Lee is in violation of Section 8-13-1110; and therefore, Respondent Juliet W. Lee is hereby Publicly Reprimanded and he is assessed a fine of \$2,000.00, in addition to the late-filing penalty of \$2,100.00 and she is assessed an ad-

ministrative fee of \$500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$4,600.00 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 \$4,600.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Juliet W. Lee 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