

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2012-133 )  
 )  
 State Ethics Commission, )  
 Complainant; )  
 )  
 vs. )  
 )  
 Beverly M. Farmer, )  
 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 24, 2012. On July 18, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Beverly M. Farmer, with a violation of Section 8-13-1110 and probable cause was found.

Present at the Hearing on November 28, 2012 were Commission Members E. Kay Biermann Brohl, Chair, JB Holeman and Richard H. Fitzgerald. Respondent was present and represented by Carl Saleeby. 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**

That the Respondent, Beverly M. Farmer, a member of Bethune Town Council, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

**FINDINGS OF FACT**

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

1. The Respondent, Beverly M. Farmer, is a member of Bethune Town Council and she is required to file an annual Statement of Economic Interests form (SEI) prior to April 15<sup>th</sup> of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent was penalized in a February 15, 2012 letter for failure to file her 2011 SEI and a candidate SEI. Respondent appealed the late filing penalty and paid the \$200.00. The appeal was denied in a March 8, 2012 letter and she was instructed that she needed to file the 2011 SEI immediately. That letter was re-sent certified on April 4, 2012 and delivered on April 10, 2012. On June 13, 2012 Respondent filed her 2011 SEI.

3. Respondent testified that she kept amending a report thinking she had filed, but she was amending her Campaign Disclosure report. Investigator Choate had left a message with the town clerk who left a message for Respondent. Karen Wiggins helped her file immediately. Respondent testified that she spent no money to run for office and receives \$100 per month for her service on town council.

### **CONCLUSIONS OF LAW**

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

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

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

3. Sections 8-13-1110 and 8-13-1140 provide that certain public officials shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to 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;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

**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 Beverly M. Farmer is in violation of Section 8-13-1140; and therefore, Respondent Beverly M. Farmer is hereby assessed a late-filing penalty of \$200.00, which has already been paid. No further payment is due.

FINALLY, Respondent Beverly M. Farmer has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 9<sup>th</sup> DAY OF January, 2013.

STATE ETHICS COMMISSION

  
E. KAY BIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA