

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2012-138)
))
James K. Westbury,)
Complainant;)
))
vs.) **DECISION AND ORDER**
))
Pamela Claxton,)
Respondent.)
_____)

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by James K. Westbury, Complainant, on June 12, 2012. On September 19, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Pamela Claxton, with violations of Article 13 of Title 8 and probable cause was found to warrant an evidentiary hearing.

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 appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
FAILURE TO FILE AN INITIAL CAMPAIGN DISCLOSURE REPORT
S.C. CODE ANN. § 8-13-1308(A)

That Pamela Claxton, a candidate for Calhoun County Council, did, in March 2012 in Richland County, fail to file an initial Campaign Disclosure Report within ten days of receiving or spending an accumulated aggregate of \$500 or more, all in violation of Section 8-13-1308(A).

COUNT TWO
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
S.C. CODE ANN. § 8-13-1308(B)

That Pamela Claxton, a candidate for Calhoun County Council, did, on April 10, 2012 in Richland County, fail to timely file a 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 ITEMIZE CONTRIBUTORS
S.C. CODE ANN. § 8-13-1308(F)(2)

That Pamela Claxton, a candidate for Calhoun County Council, did, in March 2012, fail to disclose and itemize the name and address of contributors and the amount and date of contributions in her initial campaign disclosure report, all in violation of Section 8-13-1308(F)(2).

COUNT FOUR
FAILURE TO ITEMIZE CONTRIBUTORS
S.C. CODE ANN. § 8-13-1308(F)(2)

That Pamela Claxton, a candidate for Calhoun County Council, did, in April 2012, fail to disclose and itemize the name and address of contributors and the amount and date of contributions in her April quarterly campaign disclosure report, all in violation of Section 8-13-1308(F)(2).

COUNT FIVE
FAILURE TO ITEMIZE EXPENDITURES ON
CAMPAIGN DISCLOSURE REPORT
S.C. CODE ANN. § 8-13-1308(F)(4)

That Pamela Claxton, a candidate for Calhoun County Council, did, in March 2012, fail to detail in a filed initial campaign disclosure report campaign expenditures of \$251.00, all in violation of Section 8-13-1308(F)(4).

**COUNT SIX
FAILURE TO ITEMIZE EXPENDITURES ON
CAMPAIGN DISCLOSURE REPORT
S.C. CODE ANN. § 8-13-1308(F)(4)**

That Pamela Claxton, a candidate for Calhoun County Council, did, in April 2012, fail to detail in a filed April 10 quarterly campaign disclosure report campaign expenditures of \$1128.89, all in violation of Section 8-13-1308(F)(4).

STATEMENT OF FACTS

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

1. The Respondent, Pamela Claxton, was a candidate for Calhoun County Council in a June 12, 2012 primary election and she was required to file an initial and quarterly campaign disclosure forms (CD) until final disbursement.

2. Commission Investigator Dan Choate testified that on May 31, 2012 she filed an initial CD listing contributions of \$900 and one expenditure of \$480 for her filing fee. No other contributions or expenditures were disclosed. According to the complaint, Respondent had multiple expenditures, which were not disclosed.

3. On June 18, 2012 Investigator Choate interviewed Respondent. She admitted that she had received other contributions and also contributed personal funds to her campaign prior to filing the initial CD. She was advised of the necessity to amend her initial CD to reflect her actual contributions and expenditures. Over the next week Respondent filed multiple amended CDs.

4. A review of her file revealed that Respondent filed her initial CD on May 31, 2012 and showed that she reached the first \$500 on May 24, 2012. Amendment 7 filed June 27, 2012 revealed that she actually reached \$500 on March 3, 2012; therefore, the

initial CD should have been filed no later than March 13, 2012.

5. A comparison of the original initial CD and the final amendment to the April 10 quarterly reveals that the Respondent failed to disclose nine contributions totaling \$1,679.89 and seven expenditures totaling \$1,379.89.

6. Respondent testified that she was a first time candidate and she was unclear as to what needed to be filed and when it needed to be filed. She attempted to make the corrections, but it took several tries.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Pamela Claxton, 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(A) provides:

Upon the receipt or expenditure of campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8-13-1304 must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate or a committee that does not receive or expend campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

4. 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.

5. Section 8-13-1308(F) requires a candidate to disclose all expenditures and all contributions, to include his own, on the candidate campaign disclosure form.
6. 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 Pamela Claxton is in violation of Section 8-13-1308; and therefore, Respondent Pamela Claxton is hereby assessed a late-filing penalty of \$200.00 to be paid within 30 days of receipt of the order.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$200.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

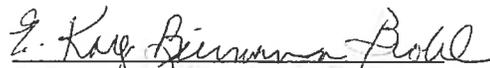
IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$200.00

upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Pamela Claxton 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 January, 2013.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA