

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2014-002)
))
State Ethics Commission,)
Complainant,)
))
vs.)
))
Robert E. Bell,)
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 July 11, 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, Robert E. Bell, with a violation 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 charge was considered:

COUNT ONE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Robert E. Bell, a candidate in a November 6, 2012 election for Laurens School Board Trustee, did in Richland County, on or about October 22, 2012, fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

FINDINGS OF FACT

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

1. The Respondent, Robert E. Bell, was a candidate for Laurens 55 School Board in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified on dated August 8, 2012 Respondent filed s a Statement of Economic Interests form (SEI) stating he was a candidate for Laurens 55 School Board in the November 6, 2012 election. On April 25, 2013 Respondent was assessed a \$100.00 late filing penalty for failure to file a pre-election campaign disclosure form (CD) by October 22, 2012. May 22, 2013: The letter of April 25, 2013 was sent certified. On June 14, 2013 the certified letter was returned as "Return to Sender – Unclaimed" and was re-mailed first class. Penalties began accruing at \$10 per day for the first ten days on June 25, 2013 and \$100 per day on July 5, 2013. Respondent filed the pre-election CD on July 23, 2013. The late filing penalty of \$2,000.00 was not paid.

3. Respondent testified that he was first time candidate. No one else in his family had ever run for office before. He filed the SEI because the election official instructed him to. He received no instructions on filing CDs, so did not know he needed to file one. This is an unpaid position. He did not receive the correspondence, but as soon as he spoke to Investigator Choate he filed the CD.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Robert E. Bell, 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(D) provides that a candidate must file a pre-election

Campaign Disclosure form 15 days before the election.

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 Robert E. Bell is in violation of Section 8-13-1308; and therefore, Respondent Robert E. Bell is hereby assessed a reduced late-filing penalty of \$500.00 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 Robert E. Bell 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