

STATE OF SOUTH CAROLINA ) BEFORE THE STATE ETHICS COMMISSION  
COUNTY OF RICHLAND )  
) )  
IN THE MATTER OF: ) )  
) )  
COMPLAINT C2014-017 ) )  
) )  
State Ethics Commission, ) )  
Complainant, ) )  
) )  
) )  
Colleen T. Condon, ) )  
Respondent. ) )  
\_\_\_\_\_ ) )

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STATE ETHICS  
COMMISSION

**DECISION AND ORDER**

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on August 8, 2013. On November 20, 2013, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2013), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Colleen T. Condon, with violations of Section 8-13-1308 and probable cause was found.

Present at the Hearing on July 16, 2014 were Commission Members, James I. Warren, III, Chair, James H. Burns, and Regina H. Lewis. 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT  
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Colleen T. Condon, a member of Charleston County Council, was in a November 6, 2012 election, did in Richland County, fail to timely file a July 10, 2011 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).



**COUNT TWO**  
**FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Colleen T. Condon, a member of Charleston County Council, was in a November 6, 2012 election, did in Richland County, fail to timely file a January 10, 2013 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 FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Colleen T. Condon, a member of Charleston County Council, was in a November 6, 2012 election, did in Richland County, fail to timely file an April 10, 2013 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

**COUNT FOUR**  
**FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Colleen T. Condon, a member of Charleston County Council, was in a November 6, 2012 election, did in Richland County, fail to timely file a July 10, 2013 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

**FINDINGS OF FACT**

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

1. The Respondent, Colleen T. Condon, is a member of Charleston County Council and was in a November 6, 2012 election.



2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on April 12, 2013 Respondent was assessed a \$100.00 late filing penalty for failure to file a July 10, 2011 Campaign Disclosure form (CD). On May 16, 2013 the penalty letter was sent certified and delivered on May 20, 2013. Penalties began accruing at \$10 per day on May 31, 2013 and at \$100 per day on June 10, 2013. On June 21, 2013 Respondent was penalized in a certified letter \$200.00 for failure to file a January 10, 2103 and an April 10, 2013 CD. The letter was delivered on June 24, 2013. Penalties began accruing at \$10 per day per form on July 5, 2013 and at \$100 per day per form on July 15, 2013. Respondent filed the July 2011 CD on March 18, 2014 and the 2013 quarterly CDs on September 20, 2013. The late filing penalty of \$15,100.00 has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on August 13, 2013 he was in telephone contact with Respondent. She stated she had been receiving correspondence from the Commission regarding her failure to file CDs. She stated she was having trouble getting her bank statements. She did state she would contact Commission staff for assistance in filing. On August 27, 2013 Investigator Choate testified that he left a message for the Respondent concerning her failure to comply. On September 19, 2013 he contacted Respondent. She stated she would comply tomorrow. She was advised concerning the accruing penalties. On September 20, 2013 Respondent complied by filing the January 10, April 10 and July 10, 2013 CDs. The July 10, 2011 CD was filed on March 18, 2014.

3. The Respondent, Colleen T. Condon, testified that she acknowledged she was behind in her filings. She filed the 2013 CDs in September 2013 and urged the hearing



panel to go to SC.Gov to change the system. Staff stipulated at Respondent's request that the 2011 CD could not be filed without assistance from staff. But for the quarterly bank fees there was no activity in her account during the time at issue.

### CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Colleen T. Condon, 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(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 8-13-1510(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;

### 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 Colleen T. Condon is in violation of Section 8-13-1308; and therefore, Respondent Colleen T. Condon is hereby assessed a reduced late-filing penalty of



\$7,500.00 to be paid within three months 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 \$15,100.00.

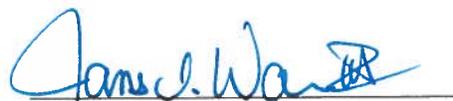
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$15,100.00 is, and shall be entered against Respondent, if she fails to pay the reduced late-filing penalty within the time permitted.

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 \$15,100.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Colleen T. Condon has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 6 DAY OF Aug, 2014.

STATE ETHICS COMMISSION



JAMES I. WARREN, III  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA