STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2014-019	)	
State Ethics Commission, Complainant,	)	
vs.	)	**DECISION AND ORDER**
Jeffrey T. Tyner, Respondent.	)	

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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 August 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, Jeffrey T. Tyner, 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 PRE-ELECTION CAMPAIGN DISCLOSURE
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Jeffrey T. Tyner, a candidate in a November 6, 2012 election for Darlington County Council, 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, Jeffrey T. Tyner, was a candidate for Darlington County Council in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on April 27, 2012 Respondent filed s a Statement of Economic Interests form (SEI) stating he was a candidate for Darlington County Council in the November 6, 2012 election. On March 12, 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. On March 18, 2013 the letter of March 12, 2013 was returned as "Moved Left No Address – Unable to Forward. "A search online showed that Respondent was a pastor at Hartsville Advent Christian Church, and the letter was mailed to the church on March 27, 2013. On April 19, 2013 Ms. Smith emailed Respondent regarding the late filing penalty and included a copy of the late filing penalty letter. On July 8, 2013 the penalty letter was sent certified c/o Respondent's mother and on July 12, 2013 the certified letter was delivered. Penalties began accruing at $10 per day on July 23, 2013 and at $100 per day on August 2, 2013. Respondent filed the pre-election CD on August 22, 2013. The late filing penalty of $2,200.00 was not paid.

2. Daniel Choate, State Ethics Commission Investigator, testified that on August 20, 2013 he left a message at Respondent's voice mail concerning the late CD and accruing penalty. On August 21, 2013 Respondent contacted Investigator Choate and stated he was in the process of filing the late CD. On August 22, 2013 Respondent did comply by filing the correct CD. The outstanding penalty of $2,200.00 was not paid.

3. Respondent testified that he was one of the candidates in 2012 who was removed from the ballot and instead ran as a petition candidate. He managed to collect the required signatures in the allowed time. At the same time Commission correspondence was being sent to his old address he was caring for his mother who had had a stroke in a January 2013. His house was foreclosed on, so his wife and three daughters lived with his mother. He had two emergency room visits for heart pain. He is better now and his mother has been to rehab and is better. Respondent testified that he does not excuse not filing, but rather he seeks leniency and mercy.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Jeffrey T. Tyner, 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 Jeffrey T. Tyner is in violation of Section 8-13-1308; and therefore, Respondent Jeffrey T. Tyner is hereby assessed a reduced late-filing penalty of $150.00 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 $2,200.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of $2,200.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Jeffrey T. Tyner 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