

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
  
IN THE MATTER OF: )  
COMPLAINT C2014-028 )  
  
State Ethics Commission, )  
Complainant, )  
  
vs. )  
  
Clinton M. Carter, )  
Respondent. )  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

STATE ETHICS  
COMMISSION

2014 MAY 12 PM 4: 35

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on September 5, 2013. On November 20, 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, Clinton M. Carter, 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, Clinton M. Carter, a candidate for Bamberg 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, Clinton M. Carter, was a candidate for Bamberg County Council in a November 6, 2012 election.
2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on March 30, 2012 Respondent filed a Statement of Economic Interests form (SEI) stating he was a candidate for Bamberg County Council in the November 6, 2012 election. On May 21, 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 May 28, 2013 the letter of May 21, 2013 was returned as "Return to Sender – Forward Time Expired" and it was re-mailed to the forwarding address. On July 2, 2013 the penalty letter is sent certified. It is returned as unclaimed and re-mailed first class on July 30, 2013. Penalties began accruing at \$10 per day on August 10, 2013 and at \$100 per day on August 20, 2013. Respondent filed the pre-election CD on September 20, 2013. The late filing penalty of \$3,300.00 was not paid.

2. Daniel Choate, State Ethics Commission Investigator, testified that on September 19, 2013 he spoke with the Bamberg County Administrator's office trying to locate Respondent. On the same date Respondent telephoned him. Respondent stated he did not receive the Commission correspondence regarding the late CD. He stated he did reside at the address listed on the complaint. He stated that his home phone had been disconnected. He further stated he would seek assistance from the Commission staff so he could file the CD. On September 20, 2013 Respondent filed the CD.

3. Respondent testified that he had never been in one of these hearings before. When Dan Choate contacted him he tried to file, but had to wait a day to get help. He tes-

tified that he received no mail from the Commission. He did move and forgot to do a forwarding address. He has no house phone. He contacted the clerk to council. This is his third term on council and he has never had a problem before and has always been timely. This is the first election in which he had to file CDs electronically.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Clinton M. Carter, 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 Clinton M. Carter is in violation of Section 8-13-1308; and therefore, Respondent Clinton M. Carter is hereby assessed a reduced late-filing penalty of \$1500.00 to be paid within 90 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 \$10,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$10,000.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Clinton M. Carter 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