

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2014-032)
)
 State Ethics Commission,)
 Complainant,)
)
 vs.)
)
 Sam Davis,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

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 COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on September 9, 2013. On January 15, 2014, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2014), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Sam Davis, with six violations of Section 8-13-1308(F) and probable cause was found.

Present at the Hearing on September 17, 2014 were Commission Members, James I. Warren, Chair, Francis E. Grimbball, and Julie S. Jeffords-Moose. 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 ACCURATE
CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED

That Sam Davis, a candidate for Columbia City Council, did, in April 2011, fail to detail in a quarterly campaign disclosure report an accurate balance as the campaign bank account had been closed on January 18, 2011, all in violation of Section 8-13-1308(F)(4).

COUNT TWO
FAILURE TO FILE ACCURATE
CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED

That Sam Davis, a candidate for Columbia City Council, did, in July 2011, fail to detail in a quarterly campaign disclosure report an accurate balance as the campaign bank account had been closed on January 18, 2011, all in violation of Section 8-13-1308(F)(4).

COUNT THREE
FAILURE TO FILE ACCURATE
CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED

That Sam Davis, a candidate for Columbia City Council, did, in January 2012, fail to detail in a quarterly campaign disclosure report an accurate balance as the campaign bank account had been closed on January 18, 2011, all in violation of Section 8-13-1308(F)(4).

COUNT FOUR
FAILURE TO FILE ACCURATE
CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED

That Sam Davis, a candidate for Columbia City Council, did, in April 2012, fail to detail in a quarterly campaign disclosure report an accurate balance as the campaign bank account had been closed on January 18, 2011, all in violation of Section 8-13-1308(F)(4).

COUNT FIVE
FAILURE TO FILE ACCURATE
CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED

That Sam Davis, a candidate for Columbia City Council, did, in July 2012, fail to detail in a quarterly campaign disclosure report an accurate balance as the campaign bank

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account had been closed on January 18, 2011, all in violation of Section 8-13-1308(F)(4).

**COUNT SIX
FAILURE TO FILE ACCURATE
CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED**

That Sam Davis, a candidate for Columbia City Council, did, in October 2012, fail to detail in a quarterly campaign disclosure report an accurate balance as the campaign bank account had been closed on January 18, 2011, all in violation of Section 8-13-1308(F)(4).

FINDINGS OF FACT

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

1. The Respondent, Sam Davis, was a candidate for Columbia City Council in an election in April 2010 and he is required to file accurate campaign disclosure (CD) forms until final disbursement.

2. Daniel Choate, State Ethics Commission Investigator, testified that on September 12, 2013 he contacted Dalton Tresvant, identified as the campaign manager for Respondent. Mr. Tresvant stated he would fax the bank account statement showing that the campaign account had been closed and would file a final CD. A review of Respondent's campaign filings indicated that Respondent filed quarterly CDs for April and July 2013 which showed that Respondent was still receiving campaign contributions. On September 19, 2013 Mr. Tresvant advised Investigator Choate that Respondent had closed his campaign bank account sometime in November 2011 and at an unknown time had opened a new campaign bank account. Investigator Choate testified that upon reviewing the bank account records, it was clear Respondent had filed CDs showing a balance on hand when

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the account was empty.

3. Respondent testified that his practice was to get the reports filed and close the account after the election. Respondent did not normally file CDs himself, but would have someone else do it because he didn't want to mess it up. He messed it up because he knew there was no money in the account, but because he couldn't file a final accurately, he just kept filing from quarter to quarter. He filed a couple CDs and he had a couple of volunteers file CDs.

4. Dalton Tresvant, Respondent's campaign manager in the April 2010 election, testified that he ceased to be with the campaign with the last quarterly filing in 2010, the October 10th filing. He knew that the account was nearly empty when he ceased to file the reports. He worked with Sandra McClellan to get the account to zero as there was a deficit due to bank fees while running the 2012 election. The campaign continued to receive quarterly notices, so it continued to file.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Sam Davis, was a candidate defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-1308(F) provides that candidates must file accurate campaign disclosure forms.
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:

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(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 Sam Davis is in violation of six counts of Section 8-13-11308(F); and therefore, Respondent Sam Davis is issued a public reprimand; is hereby assessed a reduced late-filing penalty of \$250.00 per violation to be paid within 90 days of receipt of the order; and finally is assessed a \$500.00 administrative fee. If the combined reduced late-filing penalty and administrative fee of \$2,000.00 is not timely paid then the amount owed will revert to \$6,500.00

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$6,500.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

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



IT IS SO ORDERED THIS 15th DAY OF October, 2014.

STATE ETHICS COMMISSION



JAMES I. WARREN III
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA

