

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
)
 COMPLAINT C2014-041)
)
 State Ethics Commission,)
 Complainant,)
)
)
 James L. Gordon, III,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS
 COMMISSION

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 17, 2013. On January 15, 2014, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2013), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, James L. Gordon, III, with violations of Section 8-13-1308 and probable cause was found.

Present at the Hearing on July 16, 2014 were Commission Members, James L. 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 James L. Gordon, III, a candidate for Hampton County Sheriff, in a June 6, 2010 primary election, did in Richland County, fail to timely file a July 10, 2010 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, James L. Gordon, III, was a candidate for Hampton County Sheriff in a June 6, 2010 primary election.
2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on July 16, 2013 Respondent was assessed a \$13,000.00 late filing penalty for failure to file a July 10, 2010, October 10, 2010, January 10, 2011, April 10, 2011, July 10, 2011, October 10, 2011, January 10, 2012, April 10, 2012, July 10, 2012, October 10, 2012, January 10, 2013, April 10, 2013, and July 10, 2013 quarterly Campaign Disclosure forms (CD). On August 8, 2013 the penalty letter was sent certified. The letter was delivered on August 19, 2013. Penalties began accruing at \$10 per day per form on August 29, 2013 and at \$100 per day per form on September 9, 2013. Respondent filed a final CD on December 12, 2013. Correspondence was provided showing the closing of the bank account in June 2010, which reduced the late filing penalty to \$5,000.00.
3. Daniel Choate, State Ethics Commission Investigator, testified that on October 29, 2013 he left a telephone message at Hardeeville Police Department requesting a call back from Respondent. On October 30, 2013 he left a message concerning the complaint, late quarterly CDs and accruing penalties with Respondent's attorney. On the same date Respondent contacted the investigator. Respondent stated he had just obtained information regarding his campaign bank account and he stated he would comply. On December 12, 2013 Respondent complied by filing a July 10, 2010 CD. This was the only required CD since Respondent's campaign account was closed on or around June 10, 2010.



The outstanding penalty is \$5,000.00.

3. Respondent, James L. Gordon, III, testified that this was the first time he had ever run for office. He received help from a previous sheriff who was sick and eventually died. Respondent thought he was doing everything right and he wasn't. He paid the filing fee and filed the paperwork and thought he had done the right thing. He testified that he could not afford \$5,000.00. He didn't even raise \$5,000.00 in the whole campaign.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, James L. Gordon, III, 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.

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;

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 James L. Gordon, III is in violation of one count of Section 8-13-1308; and therefore, Respondent James L. Gordon, III is hereby assessed a late-filing penalty of \$2,500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,500.00 is, and shall be entered against Respondent.

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 \$2,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent James L. Gordon, III 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 L. WARREN, III
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA