STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2014-043	)	
State Ethics Commission, Complainant,	)	**DECISION AND ORDER**
Travis Cash, 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 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, Travis Cash, with a violation 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Travis Cash, a candidate for Laurens City Council, in a November 6, 2012 election, 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, Travis Cash, was a candidate for Laurens City Council, in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on August 15, 2012, Respondent filed a Statement of Economic Interests stating he was a candidate for Laurens City Council, in a 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 July 2, 2013 the penalty letter was sent certified. The letter was returned and re-mailed first class on July 24, 2013. Penalties began accruing at $10 per day on August 4, 2013 and at $100 per day on August 14, 2013. Respondent filed the pre-election CD on October 29, 2013. The late filing penalty of $5,000.00 has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on October 29, 2013 he contacted Respondent and advised him of the late CD and penalties accruing. Respondent stated he would file the CD on this date. Respondent did file the pre-election CD on October 29, 2013. The outstanding penalty remains at $5,000.00.

4. Respondent, Travis Cash, testified that he wasn't done with the filing. He and his wife had set up multiple accounts trying to do the right report. He and his wife went to the Laurens County Election office for help. That office told him everything was done. Once he spoke with Investigator Choate and was talked through the process he filed that day.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Travis Cash, 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;

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 Travis Cash is in violation of Section 8-13-1308; and therefore, Respondent Travis Cash 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 Travis Cash 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