

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
)
 COMPLAINT C2014-049)
)
 State Ethics Commission,)
 Complainant,)
)
)
 Johnny L. Sarratt, Jr.,)
 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 October 22, 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, Johnny L. Sarratt, Jr., with violations 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, Johnny L. Sarratt, Jr., a candidate for Cherokee County School Board, in an August 14, 2012 election, did in Richland County, on or about July 30, 2012, fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

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

That the Respondent, Johnny L. Sarratt, Jr., a candidate for Cherokee County School Board, in an August 14, 2012 election, did in Richland County, fail to timely file an October 10, 2012 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

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

That the Respondent, Johnny L. Sarratt, Jr., a candidate for Cherokee County School Board, in an August 14, 2012 election, did in Richland County, fail to timely file a January 10, 2013 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

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

That the Respondent, Johnny L. Sarratt, Jr., a candidate for Cherokee County School Board, in an August 14, 2012 election, did in Richland County, fail to timely file a July 10, 2013 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

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

That the Respondent, Johnny L. Sarratt, Jr., a candidate for Cherokee County School Board, in an August 14, 2012 election, did in Richland County, fail to timely file a



October 10, 2013 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, Johnny L. Sarratt, Jr., was a candidate for Cherokee County School Board in an August 14, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on June 7, 2012, Respondent filed a Statement of Economic Interests stating he was a candidate for Cherokee County School Board in an August 14, 2012 election. On July 31, 2013 Respondent was assessed a \$400.00 late filing penalty for failure to file a pre-election Campaign Disclosure form (CD) by July 30, 2012 and three quarterly CDs: October 10, 2012, January 10, 2013 and July 10, 2013. On September 4, 2013 the penalty letter was sent certified. The letter was returned and re-mailed first class on September 25, 2013. Penalties began accruing at \$10 per day on October 6, 2013 and at \$100 per day on October 16, 2013. Respondent filed a final CD on March 31, 2014. The late filing penalty of \$20,000.00 has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on October 29, 2013 he attempted to leave a message at Respondent's telephone. The mailbox was reported full. On October 30, 2013 and November 5, 2013 he left a message advising Respondent concerning the late CDs and accruing penalties. On November 21, 2013 he made a final attempt to contact Respondent. On that date the mailbox was full.

3. Respondent, Johnny L. Sarratt, Jr., testified that he went to the Cherokee Coun-



ty Election Commission. He was instructed to file something on-line, which he did and he then thought he was done. The form he filed was his candidate Statement of Economic Interests. He thought he had filed everything he needed to because he had done what the election official told him to do. Respondent presented bank records showing that the account was closed on October 12, 2012.

4. At the conclusion of Respondent's testimony, staff moved to dismiss four of the five allegations as only one CD was due following the closing of the campaign account. The motion was granted.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Johnny L. Sarratt, Jr., 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 8-13-1308(D) provides that a candidate must file a pre-election Campaign Disclosure form 15 days before the election.

5. 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 Johnny L. Sarratt, Jr. is in violation of one count of Section 8-13-1308; and therefore, Respondent Johnny L. Sarratt, Jr. is hereby assessed a late-filing penalty of \$5,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 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 \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Johnny L. Sarratt, Jr. 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