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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2014-050)
)
 State Ethics Commission,)
 Complainant;)
)
)
 Christopher Collins,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 22, 2013. On January 16, 2013, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Christopher Collins, with three 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 not present, but he was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

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

That Christopher Collins, a candidate for Charleston County School Board, in a November 6, 2012 election, did in Richland County, fail to timely file an April 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 TWO
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED



That Christopher Collins, a candidate for Charleston County School Board, in a November 6, 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 THREE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Christopher Collins, a candidate for Charleston County School Board, in a November 6, 2012 election, did in Richland County, fail to timely file an 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, Christopher Collins, is a member of the Charleston County School Board and he was a candidate in the November 6, 2012 election in which he filed Campaign Disclosure forms (CD) with a balance on hand.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent was re-elected to the Charleston County School Board in November 2012. Respondent was penalized \$200.00 in a July 22, 2013 letter for failure to file an April 10, 2013 quarterly CD and a July 10, 2013 quarterly CD. That letter was re-sent certified on August 19, 2013. The letter was returned on September 9, 2013 as "return to sender – unclaimed" and was re-mailed first class. Penalties be-



gan accruing on September 20, 2103. Respondent filed the three CDs on January 10, 2104; however, the late-filing penalty of \$10,000.00 has not been paid.

2. Daniel Choate, State Ethics Commission Investigator, testified that on October 29, 2013 he left a message at Respondent's telephone concerning the late CDs and accruing penalties for non-compliance on April 10, 2013, July 10, 2013 and October 10, 2013. Respondent was penalized for the April and July 2013 CDs: \$5000.00 per report. For the October 2013 CD, Respondent was not penalized.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Christopher Collins, was a candidate, as defined by Section 83-13-100(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;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one



hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

5. Section 8-13-320(1)(l) provides:

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

6. 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 Christopher Collins is in violation of Section 8-13-1308(B); and therefore, Respondent Christopher Collins is hereby Publicly Reprimanded and he is assessed a fine of \$6,000.00 for the three violations alleged, in addition to the late-filing penalty of \$10,000.00 and he is assessed an administrative fee of \$500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$16,500.00 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 \$16,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Christopher Collins 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