

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2014-052)
))
State Ethics Commission,)
Complainant,)
))
Shawn T. Ragin,)
Respondent.)
_____)

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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 23, 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, Shawn T. Ragin, 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 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 Shawn T. Ragin, a candidate for Sumter County Coroner, in a November 6, 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 TWO
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Shawn T. Ragin, a candidate for Sumter County Coroner, 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 THREE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Shawn T. Ragin, a candidate for Sumter County Coroner, 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 FOUR
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Shawn T. Ragin, a candidate for Sumter County Coroner, 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, Shawn T. Ragin, was a candidate for Sumter County Coroner in a November 6, 2012 election.

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2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on July 29, 2013 Respondent was assessed a \$300.00 late filing penalty for failure to file a January 10, 2013, April 10, 2013 and July 10, 2013 Campaign Disclosure form (CD). On August 19, 2013 the penalty letter was sent certified. On September 11, 2013 the letter was returned and re-mailed first class on September 12, 2013. Penalties began accruing at \$10 per day per form on September 23, 2013 and at \$100 per day per form on October 3, 2013. Ms. Smith spoke to Respondent on February 21, 2014 and instructed him to file a final CD as he had closed his bank account July 6, 2012. Respondent filed on April 14, 2014. The late filing penalty of \$15,100.00 has not been paid.

3. 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. On October 30, 2013 Respondent contacted the investigator and advised that he had closed out his campaign account in November 2012. He stated he would file a final CD.

4. Respondent, Shawn T. Ragin, testified that he was a candidate in the 2012 primary election mess. He won the July 26, 2012 run-off, but ultimately after multiple court cases Respondent had to run as a write-in candidate. This was the first time he ran for office and he did not know he was supposed to file a final CD. He works part-time for a funeral home and makes very little in salary.

5. At the conclusion of Respondent's testimony staff moved to dismiss three of the four counts because Respondent closed his bank account in 2012. The motion was granted.

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CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Shawn T. Ragin, 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 8-13-130 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 Shawn T. Ragin is in violation of Section 8-13-1308; and therefore, Respondent Shawn T. Ragin is hereby issued a written reprimand and is assessed an administrative fee of \$125.00.

FINALLY, Respondent Shawn T. Ragin 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