

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2014-053)
State Ethics Commission,)
Complainant;)
vs.)
Jennifer D. Gruber,)
Respondent.)
_____)

) BEFORE THE STATE ETHICS COMMISSION

) **DECISION AND ORDER**

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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 24, 2013. On January 15, 2014, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Jennifer D. Gruber, with a violation of Section 8-13-1308(D) and probable cause was found. Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, George Carlton Manley, Richard H. Fitzgerald, and Jonathan H. Burnett. The following allegation was considered:

ALLEGATION

On October 23, 2013 the State Ethics Commission filed a complaint against Jennifer D. Gruber, candidate, Town of Reevesville Council. The complaint alleged that the Respondent failed to file a pre-election Campaign Disclosure statement (CD) that was due by November 26, 2012.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact

1. The Respondent, Jennifer D. Gruber, was a candidate for the Reevesville Town Council in an election on December 11, 2012 and she was required to file a pre-election CD by November 26, 2012.

2. Respondent was penalized in an August 13, 2013 letter for failure to file a pre-election CD in her December 2012 election. That letter was re-sent certified on September 18, 2013 and was delivered on September 20, 2013.

3. On October 29 and October 30, 2013 a Commission investigator attempted to contact Respondent by telephone. On November 15, 2013 the investigator left a message at a new telephone number advising Respondent about the late CD and accruing penalties. It was determined that Respondent complied on November 12, 2013 by filing the late CD. The outstanding penalty remains at \$3,500.00.

4. Respondent filed an initial CD that was not required. No election was ultimately held in Reevesville as Respondent was the only candidate. She was confused as to the requirements after filing too early and not actually being on the ballot.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Jennifer D. Gruber, 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 8-13-320(10)(i) provides in part:

(10) to conduct its investigation, inquiries, and hearings in this manner:

(i) . . . If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

DECISION

Based upon the evidence presented and the filing of the disclosure form, the State Ethics Commission has determined that the Respondent, Jennifer D. Gruber, has complied with the disclosure requirements of the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings.

IT IS SO ORDERED THIS 10th DAY OF Feb., 2014.

STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA