

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2014-055)
State Ethics Commission,)
Complainant,)
John S. James,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

STATE ETHICS
COMMISSION

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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 30, 2013. On January 15, 2014, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, John S. James, 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 represented by Joe Epting. 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, John S. James, a candidate for Williams Town Council, in an April 10, 2012 election, did in Richland County, on or about March 26, 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, John S. James, was a candidate for Williams Town Council in an April 10, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on April 9, 2012 Respondent filed a Statement of Economic Interests form stating he was a candidate for Williams Town Council in an April 10, 2012 election. On September 5, 2013 Respondent was assessed a \$100.00 late filing penalty for failure to file a pre-election Campaign Disclosure form (CD) by March 26, 2012. On October 1, 2013 the penalty letter was sent certified. The letter was delivered on October 2, 2013. Penalties began accruing at \$10 per day on October 12, 2013 and at \$100 per day on October 22, 2013. Respondent filed the pre-election CD on November 19, 2103. The late filing penalty of \$3,000.00 has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on November 12, 2013 he left a message at the Williams Town Hall and attempted to contact Respondent at his listed telephone. On November 15, 2013 he left a message for Respondent at a newly obtained telephone number and Respondent contacted him that day. Respondent stated he did not receive or spend any money in his campaign and he filed a final CD reflecting this. He stated he would file a pre-election CD. On November 19, 2013 Respondent complied. The outstanding penalty remains at \$3,000.00.

3. The Respondent, John S. James, testified that he resigned from town council days after the election because of various family problems. He was separated from his



wife and his mother-in-law was collecting the family's mail. Respondent was caring for his father. His teenage son was seriously injured twice during the time of the complaint. His daughter suffered an appendicitis and he himself was hospitalized. He has reconciled with his wife. He works for the Charleston County Detention Center and cannot afford a \$3000.00 fine.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, John S. James, 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 8-13-130 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 John S. James is in violation of Section 8-13-1308; and therefore, Respondent John S. James is hereby Publicly Reprimanded and he is assessed an administrative fee of \$200.00.



FINALLY, Respondent John S. James 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