

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2014-057)
)
 State Ethics Commission,)
 Complainant,)
)
)
 James Shadd, III,)
 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. 2013), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, James Shadd, III, 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, and James H. Burns. Commission Member, Regina H. Lewis, recused. 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 James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file a July 10, 2010 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 James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file an October 10, 2010 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 James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file a January 10, 2011 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 James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file an April 10, 2011 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 James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file a July 10, 2011 quarterly Cam-



paigned Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

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

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file an October 10, 2011 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

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

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file a January 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 EIGHT
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file an April 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 NINE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**



That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary election, did in Richland County, fail to timely file a July 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 TEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary 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 ELEVEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary 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 TWELVE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary 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 vio-



lation of Section 8-13-1308(B).

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

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary 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 FOURTEEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That James Shadd, III, a candidate for Fifth Circuit Solicitor, in a June 2010 primary 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, James Shadd, III, was a candidate for Fifth Circuit Solicitor in a June 2010 primary election.
2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on July 29, 2013 Respondent was assessed a \$1,300.00 late filing penalty for failure to file a a July 10, 2010, October 10, 2010, January 10, 2011, April 10, 2011, July 10, 2011, October 10, 2011, January 10, 2012, April 10, 2012, July 10, 2012, October 10, 2012, January 10, 2013, April 10, 2013, and July 10, 2013 Campaign Disclo-



sure form (CD). On September 19, 2013 the penalty letter was sent certified. It was delivered on September 30, 2013. Penalties began accruing at \$10 per day per form on October 10, 2013 and at \$100 per day per form on October 20, 2013. Respondent came to the Commission office on October 22, 2013 and paid \$1300.00, but did not file the CDs. Respondent filed on January 10, 2014. The late filing penalty of \$65,000.00 has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on November 5, 2013 he contacted Respondent by telephone. Respondent stated he would contact Commission staff for assistance in filing the late quarterly CDS's.

4. Respondent, James Shadd, III, testified that he was at fault. After losing the primary the campaign fell off his radar. He is a sole practitioner and it's all on him and he was behind following the election. He has four daughters. He believed that since he had lost the primary he had no other filing to do. He continues to have a problem with his account as it has a negative balance in the system, but a positive balance in the bank statements. His intention is to donate the excess to charity. He asked that the panel take into consideration that he was a novice and that he did pay the \$1,300.00 upon notice.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, James Shadd, III, 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 8-13-1510(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 James Shadd, III is in violation of Section 8-13-1308; and therefore, Respondent James Shadd, III is hereby issued a assessed a reduced late-filing penalty of \$6,500.00 to be paid within six months of receipt of the order. If the reduced late-filing penalty is not timely paid then the amount owed will revert to \$13,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$13,000.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

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



\$13,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

written reprimand and is assessed an administrative fee of \$125.00.

FINALLY, Respondent James Shadd, III 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