

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2014-069)
)
State Ethics Commission,)
Complainant,)
)
Andrew H. Jablonecki, II,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

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COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on December 17, 2013. On March 19, 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, Andrew H. Jablonecki, II, with a violation of Section 8-13-1308 and probable cause was found.

Present at the Hearing on September 17, 2014 were Commission Members, James I. Warren, Chair, Francis E. Grimbald, and Julie S. Jeffords-Moose. Respondent was present and appeared *pro se*. 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, Andrew H. Jablonecki, II, a candidate for Hilton Head Island Town Council, in a November 6, 2012 election, did in Richland County, on or about October 22, 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, Andrew H. Jablonecki, II, was a candidate for Hilton Head Island Town Council in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent was on the November 6, 2012 ballot for Hilton Head Town Council. 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 October 22, 2012. On October 1, 2013 the penalty letter was sent certified. It was returned and re-mailed first class on October 22, 2013. Penalties began accruing at \$10 per day on November 1, 2013 and at \$100 per day on November 11, 2013. Respondent filed the pre-election CD on January 14, 2014. The maximum late filing penalty of \$5,000.00 was reached on December 27, 2013 and has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on January 2, 2014 he left a voice message at Respondent's telephone that informed Respondent of the late CD and accruing penalties. On January 6, 2014 Respondent contacted Investigator Choate and advised that he was unaware of the requirement to file a CD. Respondent stated he would get set up on line so he could file. On January 14, 2014 Respondent complied by filing the CD. The outstanding penalty remains at \$5,000.00.

4. Respondent testified that he received a letter in October 2013 informing him that he needed to file a pre-election campaign disclosure form. He gave the letter to his mother in October because she usually deals with the family mail. When Investigator

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Choate telephone he filed the form. This was the first time he ran for office. He was not informed by anyone at Hilton Head Town Hall that he had to file anything beyond the forms to become a candidate.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Andrew H. Jablonecki, II, 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 8-13-1510(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;

5. 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 Andrew H. Jablonecki, II is in violation of Section 8-13-1308; and



therefore, Respondent Andrew H. Jablonecki, II is hereby Publicly Reprimanded; and is hereby assessed a reduced late-filing penalty of \$2500.00 to be paid within 90 days of receipt of the order; and finally is assessed a \$500.00 administrative fee. If the combined reduced late-filing penalty and administrative fee of \$3,000.00 is not timely paid then the amount owed will revert to \$5,500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,500.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Andrew H. Jablonecki, II has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 15th DAY OF October, 2014.

STATE ETHICS COMMISSION



JAMES I. WARREN, III
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA

