

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2014-081)
))
State Ethics Commission,)
Complainant,)
))
vs.) **DECISION AND ORDER**
))
Norman Jackson,)
Respondent.)
_____)

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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 January 6, 2014. On June 17, 2014, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2014), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Norman Jackson, with three violations of Section 8-13-1303(B) and probable cause was found.

Present at the Hearing on September 17, 2014 were Commission Members, James I. Warren, Chair, Francis E. Grimbball, and Julie S. Jeffords-Moose. 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 Norman A. Jackson, Sr., a candidate for Richland County Council in a November 2, 2010 election, did in Richland County, fail to timely file an July 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 TWO
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Norman A. Jackson, Sr., a candidate for Richland County Council in a November 2, 2010 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 THREE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Norman A. Jackson, Sr., a candidate for Richland County Council in a November 2, 2010 election, did in Richland County, fail to timely file a final Campaign Disclosure Report upon final disbursement from his account, 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, Norman Jackson, was a candidate for Richland County Council in an election in November 2010 and he was required to file quarterly campaign disclosure (CD) forms until final disbursement.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on September 5, 2013 Respondent was sent a \$900.00 late filing penalty letter for failure to file a 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 CDs. The last CD he filed showed a balance of \$6,749.00 and a \$13,750.00 loan



balance. In addition, Respondent was penalized \$100.00 for a late January 10, 2011 CD. On September 11, 2013 Respondent wrote an appeal letter addressing the \$100.00 late filing penalty for the late January 10, 2011 CD. He also stated that he closed his account and showed a \$0 balance. On September 19, 2013 Respondent was sent a letter stating that he had not previously paid a penalty for his late January 10, 2011 CD. He was told which late reports had been paid, dating back to 2007. He was also told that his final CD was "Saved, Not Filed". On September 30, 2013 Respondent paid \$100.00. On October 23, 2013 that letter of September 19th was re-mailed certified. On November 18, 2013 the certified letter was returned as "Return to Sender – Unclaimed" and was re-mailed first class. On November 28, 2013 penalties began accruing at \$10 per day per quarterly CD for a total of \$90 per day. On December 8, 2013 penalties began accruing at \$100 per day per quarterly CD for a total of \$900 per day. Respondent filed the three quarterly CDs on February 18, 2014; however, the late filing penalty of \$14,900.00 was not paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on January 15, 2014 he left a message on Respondent's telephone advising him about the complaint and accruing penalties. On this same date Respondent contacted him and advised he would contact the Commission staff for assistance in filing the required CDs. The last CD on file was dated April 14, 2011 which showed a balance on hand of \$5,749.00. On February 5, 2014 a Commission staff member contacted Respondent and advised him to send in his bank statements and file a final CD. On February 18, 2014 Respondent was in compliance. According to Respondent's bank closing statement, Respondent was only required to file two quarterly CDs and a final CD. The outstanding penalty remains \$5,000.00 for each report.



4. Respondent testified that he did not like to have an open campaign account. He always wanted to file a final report and he thought he had, but he had a positive balance. Respondent testified that he had to go to the credit union for paper copies after a time. He sent two checks. He had no intent to neglect the filing, but he was working on it and did not know there was complaint. It was a misunderstanding on his part. Respondent testified that he doesn't accept contributions, so it's all his money and he didn't think he needed to disclose his money. When he learned he did need to disclose it he had to go to the credit union for the records. He closed his bank account in November 2011.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Norman Jackson, was a candidate 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 candidates must file quarterly campaign disclosure forms.
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 Norman Jackson is in violation of three counts of Section 8-13-11308(D); and therefore, Respondent Norman Jackson is issued a public reprimand; 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 Norman Jackson 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

