

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
  
IN THE MATTER OF: )  
COMPLAINT C2014-083 )  
  
State Ethics Commission, )  
Complainant; )  
  
James M. McQuilla, )  
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 January 27 2014. 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 the Respondent, James M. McQuilla, with a violation of Section 8-13-1140 and probable cause was found.

Present at the Hearing on were Commission Members James I. Warren, Chair, Francis E. Grimball, and Julie S. Jeffords-Moose. Respondent was not present, but he was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

The Respondent, James M. McQuilla, a member of the Citadel Board of Visitors, did in Richland County, fail to timely file a 2013 annual Statement of Economic Interests form on or before April 15, 2013 in violation of Section 8-13-1140.

**FINDINGS OF FACT**

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



1. The Respondent, James M. McQuilla, is a member of the Citadel Board of Visitors and he is required to file an annual Statement of Economic Interests form (SEI) prior to April 15<sup>th</sup> of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent began his appointment on the Board of Visitors in February 2009. The 2013 entity list listed Respondent as a required filer. On September 5, 2013 Respondent was listed on the Citadel's web-site as a member of the Board of Visitors. Respondent was penalized \$100.00 in an October 28, 2013 letter for failure to file his 2013 SEI. That letter was re-sent certified on December 17, 2013. It was returned as "Unable to Forward/For Review" on December 23, 2013. The letter was re-mailed first class on December 23, 2013 to the Citadel address. Penalties began accruing at \$10.00 per day on January 6, 2014 and at \$100.00 per day on January 16, 2014. Respondent filed the 2013 SEI on February 5, 2014; however, the late-filing penalty of \$2,200.00 has not been paid.

3. Commission Investigator Dan Choate testified that on February 4, 2014 he contacted Respondent by telephone. He stated he had received notification concerning the SEI. He stated he would comply. On February 5, 2014 Respondent did comply by filing the 2013 SEI. The outstanding penalty remains at \$2,200.00.

#### 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 M. McQuilla, was a public official, as defined by Section 8-13-100(27).

2. The State Ethics Commission has personal and subject matter jurisdiction



3. Sections 8-13-1110 and 8-13-1140 provide that certain public officials shall file a Statement of Economic Interests prior to taking the oath of office and annually thereafter prior to April 15.

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;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

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 James M. McQuilla is in violation of Section 8-13-1140; and therefore, Respondent James M. McQuilla is hereby Publicly Reprimanded and in addition to the late-filing penalty of \$2,200.00, he is assessed an administrative fee of \$500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the

amount of \$2,700.00 is, and shall be entered against Respondent.

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 \$2,700.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent James M. McQuilla has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 15<sup>th</sup> DAY OF October, 2014.

STATE ETHICS COMMISSION



JAMES I. WARREN, III  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA

