

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2014-085)
)
State Ethics Commission,)
Complainant,)
)
)
Jefford Hart,)
Respondent.)
_____)

BEFORE THE 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 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 Respondent, Jefford Hart, 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. Grimball, 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, Jefford Hart, a candidate for Lexington County School District Four, 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, Jefford Hart, was a candidate for Lexington County School District Four, in a November 6, 2012 election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that on August 13, 2012, Respondent filed a Statement of Economic Interests stating he was a candidate for Lexington County School District 4 in a November 6, 2012 election. On November 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 December 17, 2013 the penalty letter was sent certified. The letter was delivered on December 20, 2013. Penalties began accruing at \$10 per day on December 30, 2013 and at \$100 per day on January 9, 2014. Respondent filed the pre-election CD on February 7, 2014. The late filing penalty of \$3,000.00 has not been paid.

3. Daniel Choate, State Ethics Commission Investigator, testified that on February 4, 2014 he attempted to contact Respondent. A message was left on Respondent's voice-mail concerning the late CD and the accruing penalty. On February 7, 2014 Respondent complied by filing the CD. The outstanding penalty remains at \$3,000.00.

4. Respondent testified that he has served on the school board for 28 years. He was going to run for another term and he had to go to Lexington to complete the forms. I thought that was the only form I had to complete until after the election. Normally, he would receive a prompt form the superintendent, but he lost the election, so he received no prompt. He only knew he had a problem when he received a call that he was out of



compliance. Since he lost the election he didn't think he needed to file anything. He had only spent his own money.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Jefford Hart, 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 Jefford Hart is in violation of Section 8-13-1308; and therefore, Respondent Jefford Hart is hereby Publicly Reprimanded; and is hereby assessed a re-



duced late-filing penalty of \$1500.00 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 \$2,000.00 is not timely paid then the amount owed will revert to \$3,500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$3,500.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Jefford Hart 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

