

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2014-093)
)
 State Ethics Commission,)
 Complainant,)
)
 vs.)
)
 Scotty M. Richardson,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

RECEIVED
 2014 OCT 16 PM 3:06
 STATE ETHICS
 COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on February 10, 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, Scotty M. Richardson, with a violation of Section 8-13-1140 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 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, Scotty M. Richardson, a Barnwell County School District Trustee, 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. At the time of the complaint the Respondent, Scotty M. Richardson, was a Barnwell County School District Trustee and he was required to file a Statement of Economic Interests (SEI) form annually by April 15, 2013.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that in April 2011 Respondent was elected to Barnwell County School Board District 29 and was required to file an annual SEI. Respondent was advised of his noncompliance by first class letter on October 29, 2013. On November 19, 2013 Karen Wiggins emailed Respondent with a screen shot of his account, which showed the SEIs filed in 2011 and 2012. The certified letter was mailed on December 17, 2013 and was delivered on December 21, 2013. On December 30, 2013 Ms. Wiggins emailed Respondent his username. Penalties began accruing at \$10.00 per day for the first 10 days on December 31, 2013. Respondent paid \$100.00 on January 2, 2014. On January 9, 2014 Respondent was sent a letter acknowledging receipt of his late filing penalty. He was told he still must file his 2013 Statement of Economic Interests. Penalties begin accruing at \$100 per day on January 10, 2014. Respondent filed his 2013 SEI on February 26, 2014; however, the late filing penalty of \$4,800.00 was not paid.

3. Investigator Daniel Choate testified that on February 25, 2014 he contacted Respondent by telephone and discussed the late SEI. Respondent stated he would go online and comply. On February 26, 2014 Respondent was in compliance. The outstanding penalty is \$4,800.00. Respondent was cooperative and extremely sorry for the work he caused in failing to file the SEI.



3. Respondent testified that he was sorry for his oversight. He is newly divorced with two children and works three jobs. He was not trying to hide anything. It was a very costly divorce and he does not have the money to pay the whole late filing penalty. He graduated from high school and works for the phone company and two horse farms. He is no longer on the school board. He sought the help of the school board clerk early on, but they filed a campaign disclosure form instead of an SEI.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Scotty M. Richardson, was a public official as defined by Section 8-13-100(27).

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

3. Section 8-13-1140 provides that certain public officials shall file a Statement of Economic Interests prior to taking the oath of office and annually by 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;

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 Scotty M. Richardson is in violation of Section 8-13-1140; and therefore, Respondent Scotty M. Richardson is issued a public reprimand; is hereby assessed a reduced late-filing penalty of \$500.00 to be paid within twelve (12) months of receipt of the order; and finally is assessed a \$500.00 administrative fee. If the reduced late-filing penalty and administrative fee are not timely paid then the amount owed will revert to the original late filing penalty of \$2,500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,500.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

FINALLY, Respondent Scotty M. Richardson 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

