

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2012-140)
))
State Ethics Commission,)
Complainant;)
))
vs.) **DECISION AND ORDER**
))
Corey W. Ulmer, Jr.)
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 June 14, 2012. On July 18, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Corey W. Ulmer, Jr., with a violation of Section 8-13-1110 and probable cause was found.

Present at the Hearing on November 28, 2012 were Commission Members E. Kay Biermann Brohl, Chair, JB Holeman and Richard H. Fitzgerald. 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 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Corey W. Ulmer, Jr., a member of Willow Swamp Watershed District, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, Corey W. Ulmer, Jr., is a member of Willow Swamp Watershed District and he is required to file an annual Statement of Economic Interests form (SEI) prior to April 15th of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that the Commission received a copy of Willow Swamp Watershed District 2011 entity list, which showed Respondent as a person required to file an SEI. Respondent was penalized in an April 4, 2012 letter for failure to file his 2011 SEI. That letter was re-sent certified on May 2, 2012 and delivered on May 22, 2012. On June 19, 2012 Respondent filed his SEI.

3. Respondent testified that he was guilty. He had received the correspondence. They receive one meal a year and no compensation to be on the watershed board and he had been extremely busy. Respondent testified that nonetheless he was guilty.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Corey W. Ulmer, Jr., 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 at the time of assuming the duties of the position 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.

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 Corey W. Ulmer, Jr. is in violation of Section 8-13-1140; and therefore, Respondent Corey W. Ulmer, Jr. is hereby assessed a late-filing penalty of \$100.00 to be paid within 30 days of receipt of the order. The penalty will revert to the original \$900.00 if the reduced penalty is not paid within 30 days of receipt of the order.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$900.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

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 \$900.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Corey W. Ulmer, Jr. has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 9th DAY OF January, 2013.

STATE ETHICS COMMISSION


E. KAYBIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA