

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2012-141 )  
 )  
 Larry S. Hargett, )  
 Complainant; )  
 )  
 vs. )  
 )  
 John R. Hull, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

STATE ETHICS  
 COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by Larry S. Hargett, Complainant, on June 19, 2012. On September 19, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, John R. Hull, with violations of Section 8-13-1308 and probable cause was found to warrant an evidentiary hearing.

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 charges were considered:

**COUNT ONE**  
**FAILURE TO FILE AN INITIALCAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED**

That John R. Hull, a candidate for Dorchester County Council, did, in April 2012 in Richland County, fail to file an initial Campaign Disclosure Report within ten days of receiving or spending an accumulated aggregate of \$500 or more, all in violation of Sec-

tion 8-13-1308(A).

**COUNT TWO  
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE  
REPORT  
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That John R. Hull, a candidate for Dorchester County Council, did, in July 2012 in Richland County, fail to timely file a 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 DISCLOSE TOTAL EXPENDITURES  
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED**

That John R. Hull, a candidate for Dorchester County Council, did, in May 2012, fail to disclose a total amount of expenditures in a filed initial campaign disclosure report, all in violation of Section 8-13-1308(F)(3).

**COUNT FOUR  
FAILURE TO ITEMIZE EXPENDITURES ON  
CAMPAIGN DISCLOSURE REPORT  
SECTION 8-13-1308(F) (4), S.C. CODE ANN., 1976, AS AMENDED**

That John R. Hull, a candidate for Dorchester County Council, did, in May 2012, fail to detail in a filed initial campaign disclosure report a campaign expenditure of \$800.00 to the Dorchester County Republican Party, all in violation of Section 8-13-1308(F)(4).

**STATEMENT OF FACTS**

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

1. The Respondent, John R. Hull, was a candidate for Dorchester County Council in a June 12, 2012 primary election and he was required to file an initial and quarterly

campaign disclosure forms (CD) until final disbursement.

2. Commission Investigator Dan Choate testified that on July 3, 2012 Respondent was advised of the late filing of his initial CD. He stated he would amend his report and submit a statement of explanation. On July 24, 2012 Respondent stated he intended to file an initial CD in order to report the \$800.00 contribution and expenditure during the March 28, 2012 time frame, but he was confused and filed a Statement of Economic Interests and reported it there.

3. Respondent testified that the Dorchester County Republican Party was suppose to have appointments for their candidates to file correctly, but he did not have an appointment. Respondent had trouble filing and he thought he had filed when he disclosed the \$800.00 filing fee on his Statement of Economic Interests.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, John R. Hull, 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(A) provides:

Upon the receipt or expenditure of campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8 13 1304 must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate or a committee that does not receive or expend campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

4. Section 8-13-1308(B) provides:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

5. Section 8-13-1308(F) requires a candidate to disclose all expenditures and all contributions, to include his own, on the candidate campaign disclosure form.

6. 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 John R. Hull is in violation of Section 8-13-1308; and therefore, Respondent John R. Hull is hereby assessed a late-filing penalty of \$200.00 to be 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 \$200.00 is, and shall be entered against Respondent, if he fails to pay within

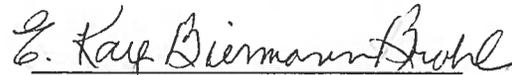
the time permitted.

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 \$200.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent John R. Hull has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 9<sup>th</sup> DAY OF January, 2013.

STATE ETHICS COMMISSION



E. KAYBIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA