

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE MATTER OF:)
COMPLAINT C2012-038)

State Ethics Commission,)
Complainant;)

vs.)

JoBrent Austin,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

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 November 1, 2011. On January 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 Respondent, JoBrent Austin, with a violation of Section 2-17-30, and probable cause was found to warrant an evidentiary hearing.

Present at the hearing on July 18, 2012 were Commission Members Phillip Florence, Jr., Chair, Edward E. Duryea, and George Carlton Manley. Respondent was not present, but was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A LOBBYIST DISCLOSURE REPORT
SECTION 2-17-30, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, JoBrent Austin, a registered lobbyist in 2010 for Waste Industries USA, Inc., did fail to file a Lobbyist Disclosure statement for the January 1, 2010 through May 30, 2010 reporting period by the June 30, 2010 deadline.

FINDINGS OF FACTS

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

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1. In April 2010 Respondent, JoBrent Austin, registered as a lobbyist for Waste Industries USA, Inc..

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by letter dated August 30, 2011, Respondent was advised that her Lobbyist Disclosure Statement (LDS) for the period January 1, 2010 to June 1, 2010 had not been received and a late filing penalty was being levied. By certified letter dated September 26, 2011 she was advised that the LDS had not been received and was put on notice to cease and desist lobbying activity. By letter dated October 27, 2011, Respondent was advised that a complaint had been filed against her.

3. On November 2, 2011 Respondent submitted the late LDS; however, the late-filing penalty of \$1,800.00 remains unpaid.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, JoBrent Austin, was a registered lobbyist as defined by Section 2-17-10(13).

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

3. Section 2-17-30(A) provides:

Each lobbyist, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-20.

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 re-quired 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 JoBrent Austin is in violation of Section 2-17-30; and therefore, Respondent JoBrent Austin is hereby assessed an administrative fine of \$500.00 in addition to the late-filing penalty of \$1,800.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,300.00 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 \$2,300.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 4th DAY OF Sept., 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA