

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2013-006)

State Ethics Commission,)
Complainant;)

vs.)

Jo Ann C. Owens)
Respondent.)
_____)

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 the Commission on July 12, 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 the Respondent, Jo Ann C. Owens, with a violation of Section 8-13-1140 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 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 STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Jo Ann C. Owens, an appointed member of the Orangeburg County Election and Voter Registration Commission, did in Richland County, fail to timely file a corrected 2010 annual Statement of Economic Interests form on or before April 15, 2010 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, Jo Ann C. Owens, is an appointed member of the Orangeburg County Election and Voter Registration Commission and she 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 Respondent filed an incomplete 2010 SEI on April 19, 2010. It was returned to her on July 22, 2010. Respondent was penalized \$100.00 in a February 16, 2012 letter for failure to return her 2010 SEI. Respondent appealed in an e-mail dated February 27, 2012. The appeal was denied in a letter dated March 27, 2012 and Respondent was informed that she needed to file her 2010 SEI. That letter was re-sent certified on April 17, 2012 and was returned as "return to sender – unclaimed". It was re-mailed first class on May 23, 2012 and was not returned to the Commission. Respondent filed her 2010 SEI on July 16, 2012.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Jo Ann C. Owens, 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 8-13-320(10)(I) provides:

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each vio-

lation.

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 Jo Ann C. Owens is in violation of Section 8-13-1140; and therefore, Respondent Jo Ann C. Owens is hereby Publicly Reprimanded and she is assessed a fine of \$2000.00.

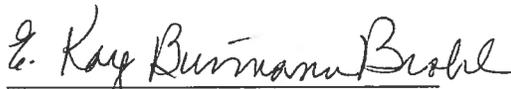
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,000.00 is, and shall be entered against Respondent.

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 \$2,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Jo Ann C. Owens 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. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA