

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2012-064)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 Walter Fuller,)
 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 January 11, 2012. On March 21, 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, Walter Fuller, with a violation of Section 8-13-1110 and probable cause was found.

Present at the hearing on July 18, 2012 were Commission Members Phillip Florence, Jr., Chair, Edward E. Duryea, and George Carlton Manley. 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 A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Walter Fuller, a member of the Horse Range Watershed District, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2009.

COUNT TWO
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT

SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Walter Fuller, a member of the Horse Range Watershed District, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2011.

FINDINGS OF FACT

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

1. The Respondent, Walter Fuller, is a member of the Horse Range Watershed District and he was 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 SEI in 2008 and 2011; however, he failed to file a 2009 and a 2011 SEI. Respondent was penalized in an October 28, 2011 letter for failure to file his 2009 and 2011 SEIs. That letter was re-sent certified on December 7, 2011 and was delivered on December 8, 2011. On January 24, 2012 Respondent complied by filing both SEIs; however, the outstanding late-filing penalty of \$6,800.00 was not paid at that time.

3. Respondent testified that he was confused. He thought he had filed because he brought his tax records to the secretary for help. The Chairman of the Horse Range Watershed District sent a letter, which was offered into evidence. The secretary ultimately did help Respondent file the report and his 2012 SEI, as well.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Walter Fuller, 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 in part:

(10) to conduct its investigation, inquiries, and hearings in this manner:

(i) . . . If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

DECISION

Based upon the evidence presented and the filing of the disclosure form the State Ethics Commission has determined that the Respondent, Walter Fuller, has complied with the disclosure requirements of the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings.

IT IS SO ORDERED THIS 15th DAY OF Aug., 2012.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA