

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2012-067)
)
State Ethics Commission,)
Complainant;)
)
vs.)
)
Robert Hardison,)
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, Robert Hardison, 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, Robert Hardison, Chief Procurement Officer of Richland County School District One, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2010.

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, Robert Hardison, Chief Procurement Officer of Richland County School District One, 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, Robert Hardison, is the chief procurement officer of Richland County School District One 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 on February 16, 2010 and January 24, 2011, respectively, Richland County School District One returned its 2010 and 2011 entity list and it reported Respondent as a person required to file an annual SEI in both years. Ms. Smith testified that Respondent received letters dated November 1, 2011 and December 7, 2011, which outlined the forms that needed to be filed and the increasing late-filing penalties. On January 26, 2012 Respondent complied; however, the \$5,800.00 late-filing penalty was not paid.

3. Respondent testified that he did attempt to file in person in the office, but he was told that the forms must be filed electronically. He received his username and instructions on how to file and he tried. He made every effort, but he had to have help. The entity does not come to him every year, so some years he receives notice from the district office and sometimes he doesn't.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Robert Hardison, was a public employee, as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Sections 8-13-1110 and 8-13-1140 provide that certain public employees 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 Robert Hardison is in violation of Section 8-13-1110; and therefore, Respondent Robert Hardison is hereby assessed a reduced late-filing penalty of \$300.00 to be paid within 30 days of receipt of the order. If the reduced late-filing penalty of \$300.00 is not paid within 30 days of receipt of the order, then the late-filing penalty

will revert to the full amount of \$5,800.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,800.00 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 \$5,800.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

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

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA