

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

) BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2012-085)

State Ethics Commission,)
Complainant;)

vs.)

Stephen C. Moses,)
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 February 23, 2012. On May 16, 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, Stephen C. Moses, 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 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 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Stephen C. Moses, an appointed member of Lee County Election and Registration Board, did in Richland County, fail to timely file a Statement of Economic Interests form upon his appointment in January 2011 in violation of Section 8-13-1110.

FINDINGS OF FACT

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

1. The Respondent, Stephen C. Moses, is a member of Lee County Election and Registration Board 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 the Commission received a copy of Respondent's appointment letter to the Lee County Election and Registration Board. Respondent was informed in a letter dated January 18, 2011 that he was required to file a 2011 SEI. Respondent was penalized in a December 20, 2011 letter for failure to file his 2011 SEI. That letter was re-sent certified on February 2, 2012 and delivered on February 3, 2012. On March 14, 2012 Respondent filed his SEI.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Stephen C. Moses, 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 8-13-1510(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 es-

tablished 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 Stephen C. Moses is in violation of Section 8-13-1110; and therefore, Respondent Stephen C. Moses is hereby assessed a administrative fee of \$500.00 in addition to the late-filing penalty of \$2,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,500.00 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 \$2,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Stephen C. Moses 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