

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
) IN THE MATTER OF:  
) COMPLAINT C2012-012 )  
) State Ethics Commission, )  
) Complainant; )  
) vs. )  
) Dean Allen, )  
) Respondent. )  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

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COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on August 2, 2011. On November 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Dean Allen, with six violations of Section 8-13-1308(B) and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 20, 2013 were Commission Members E. Kay Biermann Brohl, Chair, Priscilla Tanner and George Carlton Manley. Respondent was present and he was represented by David Thomas. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

**COUNT ONE**  
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Dean Allen, a candidate for South Carolina Adjutant General in the June 2010 primary election, on or about April 10, 2010, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

**COUNT TWO**  
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE  
REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Dean Allen, a candidate for South Carolina Adjutant General in the June 2010 primary election, on or about July 10, 2010, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

**COUNT THREE**  
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE  
REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Dean Allen, a candidate for South Carolina Adjutant General in the June 2010 primary election, on or about October 10, 2010, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

**COUNT FOUR**  
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE  
REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Dean Allen, a candidate for South Carolina Adjutant General in the June 2010 primary election, on or about January 10, 2011, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

**COUNT FIVE**  
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Dean Allen, a candidate for South Carolina Adjutant Gen-

eral in the June 2010 primary election, on or about April 10, 2011, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

**COUNT SIX**  
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE  
REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Dean Allen, a candidate for South Carolina Adjutant General in the June 2010 primary election, on or about July 10, 2011, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

**STATEMENT OF FACTS**

1. The Respondent, Dean Allen, was a candidate for South Carolina Adjutant General in the June 8, 2010 primary election and he was required to continue to file quarterly campaign disclosure forms (CD) until final disposition.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent received a letter dated September 26, 2011 regarding his non-compliance and potential criminal prosecution. Ms. Smith spoke with Respondent on October 17, 2011. Respondent received the required due process DOR letter on October 21, 2011.

3. Daniel Choate, State Ethics Commission investigator, testified that he left voice messages on Respondent's telephone on August 3 and August 9, 2011 about the missing CDs and accruing penalties. On September 20, 2011 Investigator Choate spoke to Respondent's attorney, David Thomas, about the need to file a final CD. He stated Respondent was having difficulty filing the form, but did file after receiving staff assistance.

4. Respondent testified that he was going to run for Adjutant General and properly

filed his initial CDs in 2009. He decided not to run for the office in May 2010. He did not communicate his withdrawal from the race to the Commission. He was not acting in bad faith as all fund-raising had ended in April 2010. Respondent testified that he stopped paying for his post office box and he did not realize mail was going to it. He knows it was his responsibility to file the proper forms.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Dean Allen, was a candidate as defined by Section 8-13-1300(4).

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

3. Section 8-13-1308(B) provides:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

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;

### **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 evi-

dence that Respondent Dean Allen is in violation of Section 8-13-1308; and therefore, Respondent Dean Allen is hereby assessed a reduced late-filing penalty of \$100.00 to be paid within 30 days of receipt of the order or it will revert to \$25,000.00.

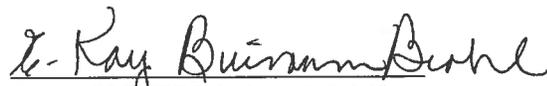
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$25,000.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

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 \$25,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 10<sup>th</sup> DAY OF May, 2013.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA