

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
) IN THE MATTER OF:)
) COMPLAINT C2013-052)
) State Ethics Commission,)
) Complainant;)
) vs.)
) Amy Brown,)
) Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION
DECISION AND ORDER

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STATE ETHICS COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 23, 2012. On January 16, 2013, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Amy Brown, with a violation of Section 8-13-1140 and probable cause was found.

Present at the Hearing on July 17, 2013 were Commission Members E. Kay Biermann Brohl, Chair, Jonathan H. Burnett and Richard H. Fitzgerald. Respondent was present and appeared *pro se*. 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, Amy Brown, a Chesterfield Town Council Member, did in Richland County, fail to timely file a 2011 annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, Amy Brown, is a member of Chesterfield City Council 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 a review of the City of Chesterfield's 2012 entity list showed Respondent as a member of city council and that she had not filed a 2011 SEI. By letter dated August 8, 2012, Respondent was penalized \$100.00 for failing to file her 2011 SEI. The letter was re-sent certified on September 18, 2012. The certified letter was delivered on September 25, 2012. Penalties began accruing on October 6, 2012. Respondent filed her 2011 SEI on November 8, 2012, but the \$2,500.00 late-filing penalty was not paid.

3. Commission Investigator Dan Choate testified that on November 6, 2012 he left a message at Respondent's telephone concerning the SEI that has not been filed and penalties accruing. On November 8, 2012 Respondent advised that she had received correspondence from the Commission office regarding the late SEI. She stated she thought she had filed her 2011 SEI. She stated she would contact the Commission office for assistance.

4. Respondent testified that she has been on Chesterfield City Council since 1996. She has never been late before on any form. She thought she had filed her annual

report. She made several attempts to file and only after speaking to someone in the office was she able to file electronically.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Amy Brown, was a public official, as defined by Section 8-13-100(27).

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

3. Section 8-13-1140 provides that certain public officials shall file a Statement of Economic Interests prior to taking the oath of office and annually by 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;

5. Section 8-13-130 states in part:

The State Ethics Commission may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, of the "Ethics, Government Accountability and Campaign Reform Act of 1991". The fee must be used to reimburse the commission for costs associated with the investigation and hearing of a violation.

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 Amy Brown is in violation of Section 8-13-1140; and therefore, Respondent Amy Brown is hereby assessed a reduced late-filing penalty of

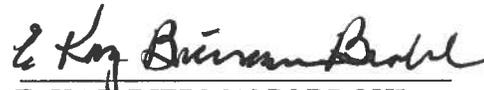
\$100.00 to be paid within 30 days of receipt of the order. In addition a \$150.00 administrative fee is assessed and it must be paid within 30 days of receipt of the order. If the reduced late filing penalty and administrative fee are not timely paid then the amount owed will revert to the original late filing penalty of \$2,500.00.

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, if she fails to pay the reduced late-filing penalty and administrative fee within the time permitted.

FINALLY, Respondent Amy Brown 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 August, 2013.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA