

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE MATTER OF:)
COMPLAINT C2013-064)

State Ethics Commission,)
Complainant;)

vs.)

Billy Cassidy,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
COMMISSION

2013 MAY 13 PM 3:03

RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on November 7, 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 the Respondent, Billy Cassidy, with a violation of Section 8-13-1140 and probable cause was found.

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 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, Billy Cassidy, a Chesterfield Town Council Member, did in Richland County, fail to timely file a 2012 annual Statement of Economic Interests form on or before April 15, 2012 in violation of Section 8-13-1140.

FINDINGS OF FACT

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

1. The Respondent, Billy Cassidy, is a Chesterfield Town Council Member. 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 was elected to Chesterfield Town Council May 2010. Respondent filed an amendment to his 2010 SEI on February 19, 2011, but he did not file a 2011 SEI. Respondent was penalized in an August 8, 2012 letter for failure to file the 2011 SEI. That letter was re-sent certified on September 18, 2012 and delivered on October 1, 2012. Penalties began to accrue on October 12, 2012. Respondent filed his 2012 SEI on November 9, 2012, but did not pay the late-filing penalty of \$5,100.00.

3. Respondent testified that he thought he had filed. He files every year and has not missed except for the 2011 SEI. He knows that it is his responsibility to file his SEI annually.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Billy Cassidy, 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 prior to the swearing in 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;

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 Billy Cassidy is in violation of Section 8-13-1140; and therefore, Respondent Billy Cassidy 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 \$5,100.00.

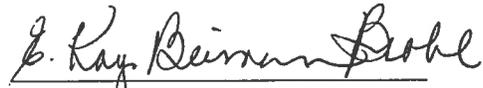
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,100.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty within the time permitted.

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 \$5,100.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 10th DAY OF May, 2013.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL
CHAIRMAN

COLUMBIA, SOUTH CAROLINA