

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2013-082)
)
State Ethics Commission,)
Complainant;)
)
vs.)
)
Margaret Louise Chapman,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

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 January 8, 2013. On March 20, 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, Margaret Louise Chapman, 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 represented by Melissa Miller. 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, Margaret Louise Chapman, a Board Member of the South Carolina Board of Examiners of Opticianry, did in Richland County, fail to timely file a 2011 Statement of Economic Interests form upon appointment in June 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, Margaret Louise Chapman, is a Board Member of the South Carolina Board of Examiners of Opticianry and she was required to file a Statement of Economic Interests form (SEI) upon her appointment and annually by April 15th.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that the Governor's office forwarded to the Commission an appointment letter to Respondent. In June 2011 staff sent Respondent a memo about her obligation to file an SEI upon appointment. By letter dated September 19, 2012, Respondent was penalized \$100.00 for failing to file her 2011 SEI. The letter was re-sent certified on October 12, 2012. It was returned and was re-mailed first class on November 6, 2012. Penalties began accruing on November 18, 2012. Respondent filed her 2011 SEI on January 31, 2013, but the \$5,000.00 late-filing penalty was not paid.

3. Commission Investigator Dan Choate testified that on January 22, 2013 he contacted Respondent's business partner, David Gosnell. Gosnell advised that Respondent was experiencing mental health issues. He stated he would contact Respondent and encourage her to file the 2011 SEI. On January 29, 2013 contact was again made with Gosnell in an effort to obtain compliance. Also, on January 29, 2013 Angie Combs representing the SC Board of Optician Examiners stated she would contact the board staff on behalf of the Respondent. Respondent filed on January 31, 2013.

4. Respondent testified that during all periods of correspondence and contact she was either dealing with her husband's mental decline and hospitalization or her own

worsening health. She was hospitalized several times in the last two years. She has now experienced serious financial set-backs because of her health problems and her spouse's. She is unable to work, so she is unable to pay a large late-filing penalty.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Margaret Louise Chapman, was a public member of a state board, commission or council, as defined by Section 8-13-100(26) and (31).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1110 provides that certain public members shall file a Statement of Economic Interests prior to taking the oath of office and annually by April 15.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that the Respondent, Margaret Louise Chapman, has complied with the disclosure requirements of the Ethics Reform Act of 1991. THEREFORE, in accordance with Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the State Ethics Commission waives further proceedings and suspends the penalty.

IT IS SO ORDERED THIS 15th DAY OF August, 2013.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA