

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

) BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )  
COMPLAINT C2013-084 )

State Ethics Commission, )  
Complainant; )

vs. )

Rodney Giles, )  
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 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 the Respondent, Rodney Giles, 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 not present, but he 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 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Rodney Giles, the Mayor for the Town of Andrews, 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, Rodney Giles, is the Mayor of the Town of Andrews and he was required to file an annual Statement of Economic Interests form (SEI) prior to April 15<sup>th</sup> of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent began a four year term as Mayor of the Town of Andrews in January 2008. Respondent was penalized \$100.00 in an August 13, 2012 letter for failure to file his 2012 SEI. That letter was re-sent certified on September 18, 2012. It was returned as "Return to Sender -- Unclaimed" and it was re-mailed first class on October 18, 2012. Penalties began accruing on October 29, 2012. Respondent has not filed the 2012 SEI and the late-filing penalty of \$5,000.00 has not been paid.

3. Commission Investigator Dan Choate testified that on January 22, 2013 in response to a telephone call to the Andrews Town Clerk, Respondent contacted him. Respondent stated he would file the 2012 SEI that day. On January 29, 2013 he left another message with the Andrews Town Clerk requesting a return call from Respondent. There has been no compliance.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Rodney Giles, 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 taking the oath of office 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;

(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.

5. Section 8-13-320(10)(l) provides:

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

6. 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 Rodney Giles is in violation of Section 8-13-1140; and therefore, Respondent Rodney Giles is hereby Publicly Reprimanded and he is assessed a fine of \$2,000.00, in addition to the late-filing penalty of \$5,000.00 and he is assessed an administrative fee of \$500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the

amount of \$7,500.00 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 \$7,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 15<sup>th</sup> DAY OF August, 2013.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA