

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2012-136 )  
State Ethics Commission, )  
Complainant; )  
vs. )  
Nikki H. Hutchison, )  
Respondent. )  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

STATE ETHICS  
COMMISSION

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This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on June 1, 2012. On September 19, 2012, pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Nikki H. Hutchison, with a violation of Section 2-17-30 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 LOBBYIST DISCLOSURE REPORT**  
**SECTION 2-17-30, S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Nikki H. Hutchison, a registered lobbyist in 2011 for SC Council for Economic Education, did fail to file a Lobbyist Disclosure statement for the January 1, 2011 through May 31, 2011 reporting period by the June 30, 2011 deadline in violation of Section 2-17-30.

**FINDINGS OF FACTS**

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

1. On July 15, 2011 Respondent, Nikki H. Hutchison, registered as a lobbyist for SC Council for Economic Education (SCCEE).

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Ms. Hutchison registered as a lobbyist for SCCEE; however, the registration was late and should have been filed within fifteen days of the lobbyist's principal registration filing on February 1, 2011 in accordance with Section 2-17-20(A). She was lobbying as of February 1, 2011 and was required to file a June 30, 2011 Lobbyist Disclosure Statement for the period of January 1, 2011 through May 31, 2011. On February 16, 2012 Respondent was assessed a \$100.00 late filing penalty for failure to file a June 30, 2011 Lobbyist Disclosure Statement. On April 6, 2012 a Notice to Cease and Desist Lobbying Activities was sent certified to Respondent. On April 10, 2012 Respondent met with Herb Hayden and Kristin Smith to discuss the Cease and Desist. She was given instructions on how to file the statement and to appeal the penalty. The certified letter was returned as "Return to Sender – Unclaimed" on May 7, 2012 and re-mailed first class on May 8, 2012. Penalties began accruing on May 19, 2012.

3. Respondent testified that she believed that SCCEE would file a termination immediately because she did not lobby for SCCEE during 2011. She registered late in an abundance of caution but she did not lobby for SCCEE in 2011. She filed the disclosure on March 20, 2013, although she first filed a second period disclosure on April 20, 2012.

4. Burnie Maybank, SCCEE board member and treasurer, testified that he was horrified when he learned of the complaint. SCCEE has no funds for lobbying and does

not lobby.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Nikki H. Hutchison, was a registered lobbyist as defined by Section 2-17-10(13).

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

3. Section 2-17-30(A) provides:

Each lobbyist, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-20.

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.

### **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 Nikki H. Hutchison is in violation of Section 2-17-30; and therefore, Respondent Nikki H. Hutchison is hereby assessed a reduced late-filing penalty of \$500.00 to be paid within 30 days of receipt of the order or it will revert to \$5,000.00.

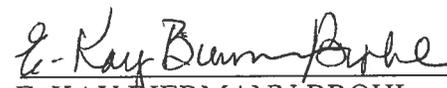
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent if she fails to pay the reduced late-filing penalty within the time permitted.

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 \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Nikki H. Hutchison 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