STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2013-055	)	
State Ethics Commission, Complainant;	)	
vs.	)	**DECISION AND ORDER**
Kenneth R. Lytch, Respondent.	)	

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STATE ETHICS COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics 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, Kenneth R. Lytch, with a violation of Section 8-13-1140 and probable cause was found to warrant an evidentiary hearing.

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, Kenneth R. Lytch, a Lynchburg 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.

STATEMENT OF FACTS

1. The Respondent, Kenneth R. Lytch, is a Lynchburg Town Council Member and he is 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 Lynchburg Town Council in June 2011. The Town of Lynchburg returned its 2012 entity list and Respondent was listed as a person required to file. Respondent was penalized $200.00 in an August 9, 2012 letter for failure to file the 2011 and 2012 SEIs. That letter was re-sent certified on September 20, 2012 and delivered on September 21, 2012. Penalties began to accrue on August 2, 2012. Respondent filed the two SEIs on November 6, 2012. The late filing penalty was not paid and is $2,700.00.

3. Respondent testified that he had been a write-in candidate in the 2011 election and did not realize that he had a filing requirement. He was not informed by other council members that he needed to file something as a write-in candidate or annually as a council member.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Kenneth R. Lytch, is 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 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;

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 Kenneth R. Lytch is in violation of Section 8-13-1140; and therefore, Respondent Kenneth R. Lytch 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 $2,700.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of $2,700.00 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 $2,700.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 16th DAY OF May, 2013.

STATE ETHICS COMMISSION

E. Kay Biermann Brohl

E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA