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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2013-087 )  
 )  
 STATE ETHICS COMMISSION, )  
 Complainant; )  
 )  
 vs. )  
 )  
 Kenneth R. Lytch, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

Pursuant to S. C. Code Ann. § 8-13-320(10)(i)(Supp. 2012), the State Ethics Commission reviewed the above captioned complaint on March 20, 2013 charging the Respondent, Kenneth R. Lytch, with a violation of Section 8-13-1308(D). Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, Priscilla L. Turner, George Carlton Manley, Jonathan H. Burnett, Richard H. Fitzgerald and James I. Warren. The following allegation was considered:

**ALLEGATIONS**

On January 8, 2013 the State Ethics Commission filed a complaint against Kenneth R. Lytch, candidate, Town of Lynchburg, SC Council. The complaint alleged that the Respondent failed to file a pre-election Campaign Disclosure report (CD) by a due date of May 23, 2011.

**FINDINGS OF FACT**

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

1. The Respondent was a candidate for Lynchburg Town council in an election held on June 7, 2011 and a pre-election CD was due by May 23, 2011.

2. Respondent received a letter dated November 13, 2012 for failure to file a pre-election CD by May 23, 2011. The letter was resent certified on December 4, 2012. It was delivered December 12, 2012. Penalties began accruing on December 23, 2012.

3. On January 15, 2013 Respondent telephoned and spoke to a Commission investigator. It was determined that Respondent filed an initial CD instead of a pre-election CD. Respondent was advised to amend his initial CD to show it as a pre-election report. The initial CD was not necessary because Respondent had nothing to disclose. Respondent amended the CD on January 15, 2013.

#### **CONCLUSIONS OF LAW**

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

1. The Respondent was a candidate as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-1308 requires a candidate to file a pre-election Campaign Disclosure form fifteen days before the election.

#### **DECISION**

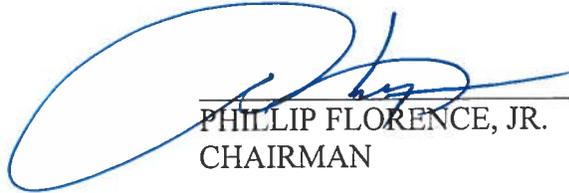
THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Kenneth R. Lytch, violated Section 8-13-1308(D) in that he selected the wrong type of form when he filed late. Mr. Lytch must pay a \$100.00 late filing penalty for the late pre-election CD within thirty days of receipt of the order

The Commission has therefore dismissed the charges in accordance with Section

8-13-320(10)(i), and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 18th DAY OF April, 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.  
CHAIRMAN

COLUMBIA, SOUTH CAROLINA