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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2013-049)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 Gretchen M. McClellan,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 23, 012. 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 the Respondent, Gretchen M. McClellan, with a violation of Section 8-13-1140 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 STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Gretchen M. McClellan, a Sellers 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.

FINDINGS OF FACT

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

1. The Respondent, Gretchen M. McClellan, is a member of Sellers Town Council and she is required 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 filed a 2011 SEI as member of Sellers Town Council. Respondent was penalized in an August 10, 2012 letter for failure to file the 2012 SEI. That letter was re-sent certified on September 18, 2012 and delivered on September 20, 2012. Penalties began to accrue on October 1, 2012. Respondent filed his 2012 SEI on November 6, 2012. The late filing penalty was not paid and is \$2,800.00.

3. Commission Investigator Dan Choate testified that on November 1, 2012 he left a message at Respondent's telephone concerning the SEI that has not been filed and penalties accruing. On November 6, 2012 Respondent advised that she had received correspondence from the Commission office regarding the late SEI. She stated she was having difficulty filing online. She stated she would contact the Commission office for assistance.

4. Respondent testified that 2012 was a difficult time for her as her mother was ill and in the hospital for much of 2012 and died in November. Respondent acknowledged that she was responsible for the filing, but in 25 years of filing nothing ever changed on the report. She had never been late before. Respondent testified that she was throwing herself at the mercy of the Commission.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Gretchen M. McClellan, was a pub-

lic official, as defined by Section 8-13-100(27).

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

3. Section 8-13-1140 provide that certain public shall file a Statement of Economic Interests prior to taking the oath of office and annually by April 15.

4. Section 8-13-320(10)(i) provides in part:

(10) to conduct its investigation, inquiries, and hearings in this manner:

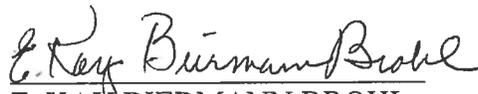
(i) . . . If the Commission finds probable cause to believe that a violation of this chapter has occurred, the Commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that the Respondent, Gretchen M. McClellan, 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.

IT IS SO ORDERED THIS 10th DAY OF May, 2013.

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA