STATE OF SOUTH CAROLINA	)	
	)	BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND	)	
	)	
IN THE MATTER OF:	)	
COMPLAINT C2012-104	)	
	)	
State Ethics Commission,	)	
Complainant;	)	
	)	
vs.	)	**DECISION AND ORDER**
	)	
Michael W. Moran,	)	
Respondent.	)	
	)	

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STATE ETHICS COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on March 15, 2012. On May 16, 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, Michael W. Moran, with a violation of Section 8-13-1140 and Section 8-13-1308(D) and probable cause was found.

Present at the hearing on July 18, 2012 were Commission Members Phillip Florence, Jr., Chair, Edward E. Duryea, and George Carlton Manley. Respondent was not present but was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were 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, Michael W. Moran, a West Pelzer Town council member, did in Richland County, fail to timely file an annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

COUNT TWO
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Michael W. Moran, a West Pelzer Town council member, did in Richland County, on or about October 17, 2011, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

FINDINGS OF FACT

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

1. The Respondent, Michael W. Moran, is a West Pelzer Town council member and was a candidate for mayor in an election held on November 1, 2011. He is required to file an annual Statement of Economic Interests form (SEI) prior to April 15th of each year and a pre-election campaign disclosure (CD) form 15 days before an election.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent filed a 2011 SEI on August 13, 2011 stating he was a candidate for mayor. He had not filed his 2011 SEI as a West Pelzer council member. Respondent was penalized in a January 5, 2012 letter for failure to file his 2011 SEI. That letter was re-sent certified on February 2, 2012 for the annual 2011 SEI and for failure to file a pre-election CD in the mayoral election. The certified letter was delivered on February 3, 2012.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Michael W. Moran, was both a candidate and a public official, as defined by Section 8-13-1300(4) and 8-13-100(27), respectively.

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

3. Sections 8-13-1110 and 8-13-1140 provide that certain public employees shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.

4. Section 8-13-1308 requires a candidate to file a pre-election Campaign Disclosure form fifteen days before the election.

5. 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 Michael W. Moran is in violation of Sections 8-13-1140 and 8-13-1308; and therefore, Respondent Michael W. Moran is hereby assessed a administrative fee of $500.00 in addition to the late-filing penalty of $10,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of $10,500.00 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 $10,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 4th DAY OF Sept, 2012.

STATE ETHICS COMMISSION

PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA