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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA ) BEFORE THE STATE ETHICS COMMISSION  
COUNTY OF RICHLAND )  
) IN THE MATTER OF:  
) COMPLAINT C2013-075 )  
) State Ethics Commission,  
) Complainant; )  
) vs. ) **DECISION AND ORDER**  
) Shannon D. Philpott,  
) Respondent. )  
\_\_\_\_\_ )

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on November 26, 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, Shannon D. Philpott, with a violation of Section 8-13-1140 and probable cause was found.

Present at the Hearing on July 17, 2013 were Commission Members E. Kay Biermann Brohl, Chair, Jonathan H. Burnett and Richard H. Fitzgerald. 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, Shannon D. Philpott, a Trenton Town Council Member, did in Richland County, fail to timely file a 2012 annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

### **FINDINGS OF FACT**

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

1. The Respondent, Shannon D. Philpott, is a member of Trenton Town Council and he is required to file an annual Statement of Economic Interests form (SEI) prior to April 15<sup>th</sup> of each year.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that a review of the City of Trenton's 2012 entity list showed Respondent as a member of city council. By letter dated August 9, 2012, Respondent was penalized \$100.00 for failing to file his 2012 SEI. The letter was re-sent certified on September 19, 2012. The certified letter was returned and was re-mailed first class on October 23, 2012. Penalties began accruing on November 3, 2012. Respondent filed the 2012 SEI on December 5, 2012, but the \$2,400.00 late-filing penalty was not paid.

3. Respondent testified that he was confused about what needed to be filed. He filed a 2011 SEI on April 12, 2012 and thought he had filed correctly for 2012. He honestly thought he had timely filed everything and only after speaking to a staff member did he realize a form was missing and he filed.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Shannon D. Philpott, was a public 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 provides that certain public shall file a Statement of Economic Interests prior to taking the oath of office and annually by April 15.

4. Section 8-13-1510(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;

5. Section 8-13-130 states in part:

The State Ethics Commission may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, of the "Ethics, Government Accountability and Campaign Reform Act of 1991". The fee must be used to reimburse the commission for costs associated with the investigation and hearing of a violation.

### **DECISION**

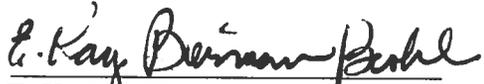
NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Shannon D. Philpott is in violation of Section 8-13-1140; and therefore, Respondent Shannon D. Philpott is hereby assessed a reduced late-filing penalty of \$100.00 to be paid within 30 days of receipt of the order. In addition a \$150.00 administrative fee is assessed and it must be paid within 30 days of receipt of the order. If the reduced late filing penalty and administrative fee are not timely paid then the amount owed will revert to the original late filing penalty of \$2,400.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,400.00 is, and shall be entered against Respondent, if he fails to pay the reduced late-filing penalty and administrative fee within the time permitted.

FINALLY, Respondent Shannon D. Philpott has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 15<sup>th</sup> DAY OF August, 2013.

STATE ETHICS COMMISSION

  
E. KAY BIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA