

RECEIVED

2013 APR 22 AM 10: 24

STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2013-067)
))
Kenneth E. Nix,)
Complainant;)
))
vs.) **DECISION AND ORDER**
))
Elizabeth M. Redmond,)
Respondent.)
_____)

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Kenneth E. Nix, on November 6, 2012. On March 20, 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, Elizabeth M. Redmond, with a violation of Section 8-13-1308(F).

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 Commission found probable cause.

FINDINGS OF FACT

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

1. The Respondent, Elizabeth M. Redmond, was a petition candidate for Oconee County Auditor in the November 6, 2012 election.
2. On December 7, 2012 Respondent met with a Commission investigator and reviewed a spreadsheet that documenting Respondent's campaign advertisements. Respondent advised that Oconee Publishing did not charge her for the advertisement on

May 25, 2012 because they failed to print the correct "Paid by" information on the advertisement, and Oconee Publishing gave her credit for two advertisements that were published on June 2 and June 4, 2012 because the primary election was cancelled. Respondent said that SC House District Two candidate, Mr. Edward Rumsey, paid for the advertisements from June 30, 2012 to July 6, 2012 related to campaign petitions.

3. Respondent reported that the political advertisement published on August 11, 2012 that included a group of petition candidates was paid by a committee and she did not coordinate or request the advertisement.

4. Respondent provided a copy of the statement/invoice she obtained from Oconee Publishing Inc. and a review of the statement revealed that she was not charged for the aforementioned advertisements. The statement also did not document two advertisements dated May 24 and May 26, 2012. Respondent advised that she would notify Oconee Publishing and report the error.

5. Mr. Hal Welch, marketing director for Oconee Publishing, said that during the 2012 election process, a 5x8 campaign advertisement was billed to customers at the rate of three newspaper columns. Mr. Welch said that all candidates were charged the same amount, specifically, \$145.00 dollars for a 5x8 advertisement. Mr. Welch said the newspaper also offered a discounted price of \$96.00 dollars per 5x8 political advertisements and that price was available to all candidates.

6. Respondent reported that she did not file a disclosure report for the expenditures for advertising on her pre-election report because she did not pay for the political

advertisements until December 4, 2012. Respondent said she was going to report the expenditures for advertisements on her final report due on January 7, 2012.

7. Respondent provided a copy of a personal check written to Oconee Publishing dated December 4, 2012 in the amount of \$1797.98.

8. Respondent advised that in June 2012 while working at her place of business, she did meet with SC House District Two candidate, Mr. Edward Rumsey. Respondent said she was busy assisting customers when she spoke with Mr. Rumsey. She said that Mr. Rumsey wanted to place his petitions at her place of business and he did talk about purchasing advertisements about his petitions. Respondent said that Mr. Rumsey advised her that he would pay for the advertisements. Respondent said that she agreed to let Mr. Rumsey place his petitions at her place of business. Respondent said that several candidates had placed their petitions at her store. According to Respondent, she advised Mr. Rumsey that she did not have money in her campaign budget to pay for additional advertisements. Respondent advised that she was not aware that Mr. Rumsey was going to place her picture on the advertisement and she did not see a proof of the advertisement before it was printed.

9. According to Mr. Rumsey, he did meet with Respondent about placing his petitions at her place of business. Mr. Rumsey said that he discussed running advertisements about petitions with Respondent. Mr. Rumsey stated that Respondent said that she could not help with paying for advertisements. Mr. Rumsey said he advised Respondent that he would pay for the advertisements. Mr. Rumsey reported that Respondent agreed

to place her picture on the advertisement. Mr. Rumsey said that Eagle Media already had Respondent's photograph on file when he was designing the advertisement.

10. When Commission staff advised Mr. Rumsey that there was a discrepancy in regard to the use of Respondent's photograph, and whether Respondent agreed to political advertisements about both of their petitions, Mr. Rumsey said that he did not have a written agreement with Respondent and there may have been a misunderstanding about the advertisements.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Elizabeth M. Redmond, 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(F) provides that

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, Elizabeth M. Redmond, 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 18th DAY OF April, 2013.

STATE ETHICS COMMISSION


PHILLIP FLORENCE, JR.
CHAIRMAN

COLUMBIA, SOUTH CAROLINA