STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2013-031	)	
State Ethics Commission, Complainant;	)	
vs.	)	**DECISION AND ORDER**
SmartStart of SC, 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 September 20, 2012. On November 28, 2012, pursuant to S.C. Code Ann. § 8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, SmartStart of SC, with a violation of Section 2-17-35, 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's contact person, Joe Mathis, was present. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE LOBBYIST'S PRINCIPAL DISCLOSURE FORM
SECTION 2-17-35, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, SmartStart of SC, a registered lobbyist's principal in 2012, did in Richland County, fail to file a Lobbyist's Principal Disclosure form on or before the June 30, 2012 deadline for the period, January 1, 2012 to May 31, 2012.

FINDINGS OF FACT

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

1. On January 12, 2012, Respondent, SmartStart of SC, registered as a lobbyist principal for the 2012 calendar year and a Lobbyist's Principal Disclosure statement (LPD) was due by June 30, 2012 for the period, January 1, 2012 to May 31, 2012.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that by letter dated July 11, 2012, Respondent was penalized for failing to file the LPD that was due June 30, 2012. A Notice to Cease and Desist Lobbying Activities was sent on the same day, certified. The certified letter was delivered on July 12, 2012 and penalties began accruing on July 23, 2012. Respondent filed the LPD on November 27, 2012, but the $5,000.00 late-filing penalty was not paid.

3. Joe Mathis, Respondent's contact person, testified that they had used a drop box address at a UPS store and they did not know about the problems until Investigator Choate telephoned and left a message. He went to the UPS store and found the forwarded mail. He took full responsibility for not complying and simply asked for any consideration the panel could give.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, SmartStart of SC, was a registered lobbyist's principal as defined by Section 2-17-10(14).

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

3. Section 2-17-35 provides in part:

(A) Except as otherwise provided by Section 2-17-90(E), each lobbyist's principal, no later than April tenth and October tenth of each year, must file a

report with the State Ethics Commission covering that lobbyist's principal's expenditures attributable to lobbying during that filing period. The filing periods shall be from January first to March thirty-first for the April tenth report and shall be from April first to September thirtieth for the October tenth report. Any lobbying activity not reflected on the October tenth report and not reported on a statement of termination pursuant to Section 2-17-25(C) must be reported no later than December thirty-first of that year.

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;

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 SmartStart of SC is in violation of Section 2-17-35; and therefore, Respondent SmartStart of SC is hereby assessed a reduced late-filing penalty of $300.00 to be paid within 30 days of receipt of the order or it will revert to $5,000.00.

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

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

STATE ETHICS COMMISSION

E. Kay Biermann Brohl

E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA