STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2013-077	)	
State Ethics Commission, Complainant;	)	
vs.	)	**DECISION AND ORDER**
Deron E. Smith, 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 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 the Respondent, Deron E. Smith, 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 not present, but he was duly noticed. 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, Deron E. Smith, the Colleton County Chief Financial Official, 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, Deron E. Smith, during the time of this complaint, was the Colleton County Chief Financial Official and he was 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 has been the Colleton County Chief Financial Official since November 2009 per his previous SEI filings. Respondent was penalized $100.00 in an August 22, 2012 letter for failure to file his 2012 SEI. That letter was re-sent certified on September 18, 2012. It was returned as "Return to Sender – Unclaimed" and it was re-mailed first class on October 23, 2012. Penalties began accruing on November 3, 2012. Respondent filed the 2012 SEI on December 11, 2012; however, the late-filing penalty of $3,000.00 has not been paid.

3. Commission Investigator Dan Choate testified that on December 4, 2012 he left a message on Respondent's telephone concerning the late SEI and penalties. On December 11, 2012 he spoke to Respondent who stated he thought he had filed the 2012 SEI. He stated he would re-file and he did.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Deron E. Smith, was a public employee, as defined by Section 8-13-100(25).

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 prior to taking the oath of office and annually thereafter prior to 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;

   (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.

5. Section 8-13-320(10)(l) provides:

   (i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

6. 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 Deron E. Smith is in violation of Section 8-13-1140; and therefore, Respondent Deron E. Smith is hereby Publicly Reprimanded and he is assessed a fine of $2,000.00, in addition to the late-filing penalty of $3,000.00 and he is assessed an administrative fee of $500.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the

amount of $5,500.00 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 $5,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 15th DAY OF August, 2013.

STATE ETHICS COMMISSION

E. Kay Biermann Brohl

E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA