

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2013-053 )  
 )  
 State Ethics Commission, )  
 Complainant; )  
 )  
 vs. )  
 )  
 Terrance Tindal, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

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 COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on October 23, 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, Terrance Tindal, with three violations of Section 8-13-1140 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 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, Terrance Tindal, a Summerton Town Council Member, did in Richland County, fail to timely file a 2010 annual Statement of Economic Interests form on or before April 15, 2010 in violation of Section 8-13-1140.

**COUNT TWO**  
**FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Terrance Tindal, a Summerton Town Council Member, did in Richland County, fail to timely file a 2011 annual Statement of Economic Interests form on or before April 15, 2011 in violation of Section 8-13-1140.

**COUNT THREE**  
**FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Terrance Tindal, a Summerton Town Council Member, 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, Terrance Tindal, is a Summerton Town Council Member 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 in May 2010 Respondent was elected to Summerton Town Council. Respondent was penalized \$300.00 in an August 9, 2012 letter for failure to file his 2010, 2011 and 2012 SEIs. That letter was re-sent certified on September 19, 2012 and was delivered September 21, 2012. Penalties began accruing on October 2, 2012. Respondent has not filed his 2010, 2011 and 2012 SEIs. The late-filing penalty is \$15,000.00.

**CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Terrance Tindal, was a public offi-

cial, as defined by Section 8-13-100(27).

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

3. Sections 8-13-1110 and 8-13-1140 provide that certain public officials 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.

### **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 Terrance Tindal is in violation of three counts of Section 8-13-1140; and therefore, Respondent Terrance Tindal is hereby Publicly Reprimanded and he is assessed a fine of \$6,000.00, in addition to the late-filing penalty of \$15,000.00 and he is assessed an administrative fee of \$500.00.

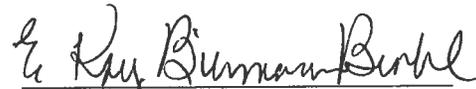
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$21,500.00 is, and shall be entered against Respondent.

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 \$21,500.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 10<sup>th</sup> DAY OF May, 2013.

STATE ETHICS COMMISSION



E. KAY BIERMANN BROHL  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA