STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2013-081	)	
State Ethics Commission, Complainant;	)	
vs.	)	**DECISION AND ORDER**
Kelvin E. Washington, Sr., 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 28, 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, Kelvin E. Washington, Sr., with two violations of Section 8-13-1308 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 charges were considered:

COUNT ONE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Kelvin E. Washington, Sr. a candidate for Richland County Council, did, in in Richland County, fail to timely file a July 10, 2009 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

COUNT TWO
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Kelvin E. Washington, Sr. a candidate for Richland County Council, did, in in Richland County, fail to timely file a October 10, 2009 quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter, all in violation of Section 8-13-1308(B).

FINDINGS OF FACT

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

1. The Respondent, Kelvin E. Washington, Sr., was a candidate for Richland County Council in an election held on November 4, 2008 and he was required to continue to file quarterly campaign disclosure forms (CD) until final disposition.

2. Kristin Smith, administrative coordinator of the Commission's non-compliance office, testified that Respondent was penalized $300.00 for failure to file a July 10, 2009, an October 10, 2009 and a January 10, 2010 CD. That letter was re-sent certified on September 18, 2012. The certified letter was returned on October 23, 2012 as "Return to Sender – Unclaimed". It was re-mailed first class on October 23, 2012. On October 25, 2012 Respondent filed the January 10, 2010 CD. Penalties began accruing on November 4, 2012 for the remaining two CDs. Respondent filed the two CDs on January 18, 2013; however, the late-filing penalty of $5,600.00 has not been paid.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Kelvin E. Washington, Sr., 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(B) provides:

   Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

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 evi-

dence that Respondent Kelvin E. Washington, Sr. is in violation of Section 8-13-1308; and therefore, Respondent Kelvin E. Washington, Sr. is hereby Publicly Reprimanded and he is assessed a fine of $4,000.00, in addition to the late-filing penalty of $5,600.00 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 $10,100.00 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 $10,100.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Kelvin E. Washington, Sr. 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