

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2013-068 )  
 )  
 Jim Manning, )  
 Complainant; )  
 )  
 vs. )  
 )  
 Michael Letts, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

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**DECISION AND ORDER**

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Jim Manning, on November 9, 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, Michael Letts, with a violation of Section 8-13-1308(D).

Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann Brohl, JB Holeman, Jonathan H. Burnett and Richard H. Fitzgerald. The Commission found probable cause.

**FINDINGS OF FACT**

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

1. The Respondent, Michael Letts, was a candidate for Richland County Council in an election held on November 6, 2012.
2. Respondent advised that he was unaware that his Campaign Disclosure forms (CD) were not filed in a timely manner until he received the complaint. Respondent said that his campaign manager, Rod Shealy was handling all of the paper work associated with his campaign.

3. Mr. Shealy advised that someone on his staff attempted to log on to the S.C. Ethics Commission website on Friday, October 19, 2012; however, due to an issue with the password they were locked out of the system. Mr. Shealy reported that on Sunday night, October 21, 2012 he placed a call to the State Ethics Commission to report the problem. Mr. Shealy said he was promptly contacted by staff at the Commission and assisted with resetting the password. Mr. Shealy said he did not file the required form until November 15, 2012.

4. A review of Respondent's Campaign Disclosure Report on November 19, 2012 revealed that Respondent's pre-election CD, due October 22, 2012. was not filed until November 15, 2012.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, Michael Letts, was a candidate, as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Sections 8-13-1308(D) provides that a pre-election campaign disclosure report must be filed fifteen days before the election.
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 and the filing of the disclosure form the State Ethics Commission has determined that the Respondent, Michael Letts, 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 19<sup>th</sup> DAY OF February, 2013.

STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.  
CHAIRMAN

COLUMBIA, SOUTH CAROLINA