

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2011-096)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 Morgan B. Reeves,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

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 State Ethics Commission on June 28, 2011. On July 20, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Morgan B. Reeves, with two violations of Section 8-13-1308(B) and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was present and appeared *pro se*. 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 the Respondent, Morgan B. Reeves, a candidate for Governor, in an election on November 2, 2010, on or about January 10, 2011, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

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

That the Respondent, Morgan B. Reeves, a candidate for Governor, in an election on November 2, 2010, on or about April 10, 2011, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

STATEMENT OF FACTS

1. The Respondent, Morgan B. Reeves, was a candidate for Governor in an election on November 2, 2010 and he was required to file a quarterly campaign disclosure forms (CD) until final disbursement.

2. Commission Investigator Dan Choate testified that Respondent was advised in letters dated May 5, 2011 and June 3, 2011 that his January 10, 2011 and April 10, 2011 CDs were late and late-filing penalties were accruing.

3. Investigator Choate testified that he contacted Respondent by telephone and advised him concerning the late reports and penalties that were accruing. On July 7, 2011 Respondent complied by filing a final CD. The late-filing penalty remains at \$2800.00.

4. Respondent testified that he was not well and he was caring for elderly parents during the time the forms were suppose to be filed. It was not his intent to avoid or ignore the Commission. He was just confused by the process.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Morgan B. Reeves, 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;

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 Morgan B. Reeves is in violation of Section 8-13-1308(B); and therefore, Respondent Morgan B. Reeves is hereby PUBLICLY REPRIMANDED and he is assessed a reduced late-filing penalty of \$400.00. The reduced late filing penalty of \$400.00 must be paid within 90 days of receipt of the signed order or it will revert to the original \$2,800.00 late filing penalty.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,800.00 is, and shall be entered against Respondent, if he fails to pay the reduced late filing penalty within 90 days of receipt of the order.

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 \$2,800.00 upon the Commission's filing of same with the Clerk of Court's Office.

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

IT IS SO ORDERED THIS 29th DAY OF April, 2012.

STATE ETHICS COMMISSION


EDWARD E. DURYEY
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA