

STATE OF SOUTH CAROLINA)
) BEFORE THE STATE ETHICS COMMISSION
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2011-098)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.) **DECISION AND ORDER**
)
 Tracey A. Reynolds,)
 Respondent.)
 _____)

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 STATE ETHICS
 COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on June 28, 2011. On November 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Tracey A. Reynolds, with a violation of Section 8-13-1308(D), 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 charge was considered:

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

That the Respondent, Tracey A. Reynolds, a candidate for Central Town Council in an election on November 3, 2009, did fail to timely file between October 14 and 19, 2009, a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

STATEMENT OF FACTS

1. The Respondent, Tracey A. Reynolds, was a candidate for Central Town Council in an election on November 3, 2009 and she was required to file a pre-election campaign disclosure form (CD).

2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that on September 3 and 4, 2009 Respondent filed a pre-election/final CD. By letters dated September 8, September 14 and December 8, 2009 as well as May 9, 2011 and June 3, 2011, Respondent was advised of her failure to file a completed CD. Investigator Choate testified that from July 6, 2011 to August 18, 2011 he made four attempts to contact Respondent. He left messages concerning her non-compliance and penalties accrued. Investigator Choate testified that on September 14, 2011 Respondent complied. The late-filing penalty is \$5000.00.

3. Respondent testified that she started getting sick before the election so she filed the pre-election early. She stated that she did receive the returned CD and re-mailed it, but the Commission didn't receive it. She testified that she and her siblings are caring for a sick parent and they seek tremendous leniency on the penalty.

CONCLUSIONS OF LAW

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

1. The Respondent, Tracey A. Reynolds, is 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(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

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.

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 Tracey A. Reynolds is in violation of Section 8-13-1308(D); and therefore, Respondent Tracey A. Reynolds is hereby assessed a reduced late-filing penalty of \$500.00. The reduced late filing penalty of \$500.00 must be paid within 90 days of receipt of the signed order or it will revert to the original \$5,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$5,000.00 is, and shall be entered against Respondent, if she fails to pay the reduced late filing penalty in the time allotted.

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 \$5,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Tracey A. Reynolds 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. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA