

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2012-006)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 Louis L. Waring,)
 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 State Ethics Commission on July 13, 2011. On November 16, 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, Louis L. Waring, with two violation of Section 8-13-1140 and one violation of Section 8-13-1348 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 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 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Louis L. Waring, a member of the Charleston City Council, did fail to timely file an annual Statement of Economic Interests form on or before April 15, 2008.

COUNT TWO
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Louis L. Waring, a member of the Charleston City Council, did fail to timely file an annual Statement of Economic Interests form on or before April 15, 2009.

COUNT THREE
CONVERSION OF CAMPAIGN FUNDS TO PERSONAL USE
SECTION 8-13-1348(A), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Louis L. Waring, a member of the Charleston City Council, did in Charleston County in 2007 and 2008, convert to personal use campaign contributions when he made a number of donations to non-profits.

STATEMENT OF FACTS

1. The Respondent, Louis L. Waring, is a member of the Charleston City Council, and he must file an annual Statement of Economic Interests form (SEI) on or before April 15, of each year.
2. Commission Investigator Dan Choate testified that Respondent received letters dated May 9, 2011 and June 7, 2011 reminding him to file his SEI and provide information about expenditures that appeared to personal and not campaign related.
3. Investigator Choate testified that he spoke to Respondent's son who is his campaign manager on July 26, 2011. Mr. Waring reported that he would amend the campaign disclosure forms (CD). On July 25, 2011 Respondent filed the SEIs, however he has not complied by filing amended CDs or providing any explanation. Maximum penalty of \$5,000.00 has been levied.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Louis L. Waring, was a candidate as defined by Section 8-13-1300(4).

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

3. Sections 8-13-1110 and 8-13-1140 provides that certain public officials shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.

4. Section 8-13-1348 (A) states:

No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

5. 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.

6. Section 8-13-320(10)(l)

(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 Louis L. Waring is in violation of Section 8-13-1140 and Section 8-13-1348; and therefore, Respondent Louis L. Waring is hereby PUBLICLY REPRIMANDED and he is assessed a reduced late-filing penalty of \$7,000.00 and a \$3,000.00 fine to be paid within six (6) months of receipt of the order and compliance within 30 days of receipt of the order. If the amended campaign disclosure form is not filed within 30 days of receipt of the order and the reduced late-filing penalty of \$7,000.00 and \$3,000.00 fine are not paid within six (6) months of receipt of the order, then the late-filing penalty will revert to the full amount of \$39,600.00 and the fine will revert to \$6,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$45,600.00 is, and shall be entered against Respondent, if he fails to file and pay within the time permitted.

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 \$45,600.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Louis L. Waring 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