

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2012-025)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 William D. Wilson,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
 COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on September 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, William D. Wilson, with seven violations of Section 8-13-1308(B) and one violation of Section 8-13-1312 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, on or about January 10, 2010, 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, on or about April 10, 2010, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

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

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, on or about July 10, 2010, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

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

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, on or about October 10, 2010, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

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

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, 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 SIX
**FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE
REPORT**
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, 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.

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

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, on or about July 10, 2011, did fail to timely file a quarterly Campaign Disclosure Report within ten days of the end of the calendar quarter.

COUNT EIGHT
FAILURE TO DEPOSIT TO CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312 , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, William D. Wilson, a candidate for Cherokee County Council in a special primary election in December 2009, did fail to open a campaign bank account.

STATEMENT OF FACTS

1. The Respondent, William D. Wilson, was a candidate for Cherokee County Council in a special primary election in December 2009 and he was required to file quar-

terly campaign disclosure forms (CD) until final disbursement.

2. Commission Investigator Dan Choate testified that Respondent filed a pre-election CD on June 1, 2011, but did not pay the \$100.00 penalty. Respondent was advised that because he had a balance on hand, he should have been filing quarterly CDs. He was given an opportunity to file a final CD, but he did not and a complaint was filed.

3. Investigator Choate testified that that on September 20, 2011 he determined that the listed telephone for Respondent was out of order. On September 21, 2011 Respondent sent an email to the Commission office stating that he did not know how to complete a final CD. He also stated he did not have a campaign bank account. On October 11, 2011 Respondent did comply by filing the a final CD; however, the outstanding penalty is at \$35,000.00.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, William D. Wilson, 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 8-13-1312 states in part:

A candidate may not establish more than one campaign checking account

and one campaign savings account for each office sought, and a committee may not establish more than one checking account and one savings account unless federal or state law requires additional accounts.....Except as otherwise provided under Section 8-13-1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt....

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 8-13-130 provides:

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".

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 William D. Wilson is in violation of Section 8-13-1308(D); and therefore, Respondent William D. Wilson is hereby PUBLICLY REPRIMANDED and he is assessed a reduced late-filing penalty of \$1,000.00 and a \$500.00 administrative fee.

The reduced late filing penalty of \$1,000.00 and the \$500.00 administrative fee must be paid within 90 days of receipt of the signed order or it will revert to the original \$35,000.00 late filing penalty.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$35,000.00 is, and shall be entered against Respondent, if he fails to pay the reduced amount within 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 \$35,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent William D. Wilson 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 Apr, 7, 2012.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA