STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2012-042	)	
State Ethics Commission, Complainant;	)	
vs.	)	**DECISION AND ORDER**
Samit Bhattacharyya, Respondent.	)	

RECEIVED
2012 MAY -2 PM 3:52
STATE ETHICS COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on November 14, 2011. On January 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Samit Bhattacharyya, with one violation of Section 8-13-1110 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 STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Samit Bhattacharyya, a member of the South Carolina Research Authority, did fail to timely file an annual Statement of Economic Interests form on or before April 15, 2009.

STATEMENT OF FACTS

1. The Respondent, Samit Bhattacharyya, was a member of the South Carolina Research Authority, and he was required to 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 September 8, 2011 and October 7, 2011 telling him to file his SEI and pay his late-filing penalty. Investigator Choate testified that before he had an opportunity to speak to Respondent he filed his 2009 SEI on December 6, 2011. The outstanding penalty remains at $3,100.00.

3. Respondent testified that he never received any notice of his need to file an SEI. No mail was forwarded to him from the Savannah River National Laboratory when he left its employ. A secretary at the Laboratory forwarded the Commission's complaint and that was the first Respondent knew of the problem. He filed his 2009 SEI upon receiving instructions from staff. It was never his intent not to file. He just didn't know he was suppose to.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Samit Bhattacharyya, was a public member as defined by Section 8-13-100(26).

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 8-13-1510(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 Samit Bhattacharyya is in violation of Section 8-13-1110; and therefore, Respondent Samit Bhattacharyya is hereby assessed a reduced late-filing penalty of $100.00 to be paid within 30 days of receipt of the order. If the reduced late-filing penalty of $100.00 is not paid within 30 days of receipt of the order, then the late-filing penalty will revert to the full amount of $3,100.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of $3,100.00 is, and shall be entered against Respondent, if he fails to pay within the time permitted.

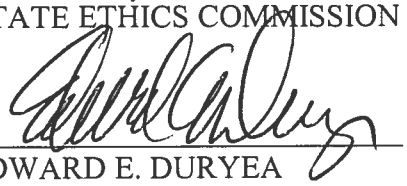
IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of $3,100.00

upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Samit Bhattacharyya 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