

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
  
IN THE MATTER OF: )  
COMPLAINT C2012-047 )  
  
State Ethics Commission, )  
Complainant; )  
  
vs. )  
  
State Board for Technical and )  
Comprehensive Education, )  
Respondent. )  
  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

RECEIVED  
2012 MAY -2 PM 3:51  
STATE ETHICS  
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on December 6, 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, with one violation of Section 2-17-35 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 notice. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE LOBBYIST'S PRINCIPAL DISCLOSURE FORM**  
**SECTION 2-17-35, S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, the State Board for Technical and Comprehensive Education, a registered lobbyist's principal, did fail to file a Lobbyist's Principal Disclosure form on or before the June 30, 2011 deadline for the period January 1, 2011 through May 31, 2011.

### **FINDINGS OF FACTS**

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. In January 2011 Respondent, State Board for Technical and Comprehensive Education, filed an Annual Lobbyist Information, the state agency equivalent of a Lobbyist's Principal Registration form, electronically.
2. Investigator Dan Choate testified that by letter dated September 22, 2011 Respondent was penalized \$100.00 penalty letter for failure to file a June 30, 2011 Lobbyist's Principal Disclosure statement (LPD) for the period of January 1, 2011 through May 31, 2011. On October 25, 2011 Respondent was sent a Notice to Cease and Desist lobbying activities for failure to file the disclosure statement and pay late filing penalty. On December 12, 2011 Respondent filed the LPD. The outstanding penalty remains at \$2,800.00.

### **CONCLUSIONS OF LAW**

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

1. During all times relevant, the Respondent, State Board for Technical and Comprehensive Education, was a lobbyist's principal as defined by Section 2-17-10(14).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 2-17-35 provides in part:
  - A) Except as otherwise provided by Section 2-17-90(E), each lobbyist's principal, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's principal's expenditures attributable to lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not

reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-25(C) must be reported no later than January thirty-first of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

4. Section 2-17-50 provides in part:

(A) The State Ethics Commission shall:

(1) require a person to submit information pursuant to the requirements of this chapter;

(2) in addition to any other penalty in this chapter, require any person who files a late statement or fails to file a required statement to be assessed a civil penalty as follows:

(a) a fine of one hundred dollars if not filed within ten days after the established deadline provided in this chapter;

(b) after notice has been given by certified or registered mail by the State Ethics Commission that a required statement 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 State Board for Technical and Comprehensive Education is in violation of Section 2-17-35; and therefore, Respondent State Board for Technical and Comprehensive Education is hereby PUBLICLY REPRIMANDED, an ADMINISTRATIVE FEE of \$500.00 is ASSESSED, in addition to the reduced late-filing penalty of \$1,500.00 if paid within 30 days of receipt of the order. If not paid, the late filing penalty reverts to the original amount of \$2,800.00.

IT IS FURTHER THE ORDER OF THIS COMMISSION that Respondent may not register to lobby until such time as the late-filing penalty is paid.

FINALLY, Respondent State Board for Technical and Comprehensive Education 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