

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

) BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2011-097)

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STATE ETHICS
COMMISSION

State Ethics Commission,)
Complainant;)

vs.)

DECISION AND ORDER

Glenn C. Price,)
Respondent.)
_____)

 This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on June 28, 2011. On July 20, 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, Glenn C. Price, with four violations of Section 8-13-1308(B) and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on November 16, 2011 were Commission Members Priscilla L. Tanner, George Carlton Manley, and E. Kay Biermann Brohl, Hearing Chair. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

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

That the Respondent, Glenn C. Price, a candidate for State Superintendent of Education, in an election on November 2, 2010, 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 TWO
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Glenn C. Price, a candidate for State Superintendent of Education, in an election on November 2, 2010, 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 THREE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

 That the Respondent, Glenn C. Price, a candidate for State Superintendent of Education, in an election on November 2, 2010, 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 FOUR
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Glenn C. Price, a candidate for State Superintendent of Education, in an election on November 2, 2010, 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.

STATEMENT OF FACTS

1. The Respondent, Glenn C. Price, was a candidate for State Superintendent of Education in the November 2, 2010 election and he was required to continue to file quarterly campaign disclosure forms (CD) until final disposition.

2. Commission Investigator Dan Choate testified that Respondent was advised by letters dated May 5, 2011, May 26, 2011 and June 6, 2011 concerning the requirement to file quarterly CDs. Investigator Choate testified that on July 6, 2011 he attempted to contact Respondent by telephone. On July 11, 2011 Respondent complied by filing the proper report. The outstanding penalty remains at \$6400.00.

3. Respondent did not dispute Investigator Choate's testimony. Respondent testified that the campaign account was closed on June 2010. Respondent did not dispute Investigator Choate's testimony. He testified that he was first time candidate and simply did not realize the final disclosure requirements of the Ethics Act.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Glenn C. Price, 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 8-13-1510(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;

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 Glenn C. Price is in violation of Section 8-13-1308(B); and therefore, Respondent Glenn C. Price is hereby assessed a reduced late-filing penalty of \$640.00. The reduced late filing penalty of \$640.00 must be paid within 30 days of receipt of the signed order or it will revert to the original \$6,400.00.

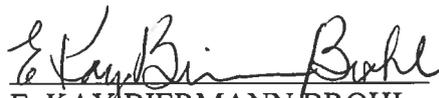
IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$6,400.00 is, and shall be entered against Respondent, if he fails to pay the reduced late filing penalty.

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 \$6,400.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Glenn C. Price has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 23rd DAY OF December, 2011.

STATE ETHICS COMMISSION


E. KAYBIERMANN BROHL
HEARING CHAIRMAN

COLUMBIA, SOUTH CAROLINA