

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
)
 COUNTY OF RICHLAND)
)
 In the Matter of:)
 COMPLAINT C2011-060)
)
 Terence V. Roberts,)
 Respondent,)
)
 State Ethics Commission,)
 Complainant.)
 _____)

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STATE ETHICS
 COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission on February 14, 2011. On May 18, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Terence V. Roberts, with a violation of Sections 8-13-715 and 8-13-1120.

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 not present, but was duly notified. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
SPEAKING FEES PROHIBITED
SECTION 8-13-715, S.C. CODE ANN., 1976, AS AMENDED

The Respondent, Terence V. Roberts, Mayor of Anderson, did in Anderson County, in 2009, unlawfully violate Section 8-13-715, by accepting payment to speak in his official capacity as mayor.

COUNT TWO
FAILURE TO AMEND

T. V. Roberts

SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

The Respondent, Terence V. Roberts, Mayor of Anderson, did unlawfully violate Section 8-13-1120, in that he failed to amend upon notice his 2010 Statement of Economic Interests to reflect the return of speaker's payments he received in 2009 and disclosed on his original 2010 Statement of Economic Interests.

STATEMENT OF FACTS

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

1. The Respondent, Terence V. Roberts, is the Mayor of Anderson and he is required to file a Statement of Economic Interests (SEI) each year.
2. Investigator Dan Choate testified that on April 9, 2010 Respondent filed an SEI with the Commission in which he reported that he received a total of \$525 for three different speaking engagements. Investigator Choate testified that by letter dated October 13, 2010, the Commission's Executive Director advised Respondent about the prohibition regarding fees for speaking engagements and instructed Respondent to return the \$525, less reasonable expenses to the contributors and file an amended report online reflecting those expenses. By letter dated November 23, 2010, the Commission again advised Respondent to amend his SEI. By certified letter dated December 14, 2010, Respondent was advised that his revised SEI had not been received and a late filing penalty was being levied. A notation in the file dated January 1, 2011 indicates a staff employee spoke to Respondent by telephone and gave him directions for filing an amended SEI. By letter dated January 20, 2011, a second notice was sent to Respondent. By certified letter dated February 15, 2011, Respondent was advised that a complaint had been filed against him.
3. Investigator Choate testified that on February 16, 2011 he contacted Respondent by telephone. Respondent stated that he had paid back the money received for the

speaking engagements and was in the process of filing an amended SEI. On March 1, 2011 the investigator re-contacted Respondent regarding his non-compliance. On March 4, 2011 Respondent filed an amended SEI online and in July he sent evidence of paying back the three organizations for the speaking fees. Respondent has not paid the accrued penalty of \$2,400.

CONCLUSIONS OF LAW

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

1. The Respondent, Terence V. Roberts, is a public official as defined by Section 8-13-100(27).
2. The State Ethics Commission has personal and subject matter jurisdiction.
3. Section 8-13-715 prohibits the receipt of anything of value to speak in one's official capacity as a public official.
4. Section 8-13-1120 provides in part that the filer must make the appropriate amendments to his form when requested.

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 the Respondent, Terence V. Roberts, violated Sections 8-13-715 and 8-13-1120.

THEREFORE, the State Ethics Commission orders the Respondent, Terence V. Roberts, to pay the late-filing penalty of \$2400.00 to the Commission within thirty (30)

days of receipt of this order.

FINALLY, Respondent Terence V. Roberts has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

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

STATE ETHICS COMMISSION


E. KAY BIERMANN BROHL
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA