

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2011-081)

State Ethics Commission,)
Complainant;)

vs.)

Sammie Tucker, Jr.,)
Respondent.)

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on May 9, 2010. 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, Sammie Tucker, Jr., with three violations of Section 8-13-1308 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 not present, but was duly notified. 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, Sammie Tucker, Jr., a candidate for Kershaw County Sheriff 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 PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Sammie Tucker, Jr., a candidate for Kershaw County Sheriff in an election on November 2, 2010, on or about October 18, 2010, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

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, Sammie Tucker, Jr., a candidate for Kershaw County Sheriff 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.

STATEMENT OF FACTS

1. The Respondent, Sammie Tucker, Jr., was a candidate for Kershaw County Sheriff in the November 2, 2010 election.
2. Commission Investigator Dan Choate testified that by letter dated February 28, 2011, Respondent was advised that his pre-election campaign disclosure form (CD) due by October 18, 2010 had not been received and late filing penalties were being levied. By certified letter dated March 18, 2011, Respondent was reminded that the CD had not been received. This letter was returned marked unclaimed and was re-mailed first class. By letter dated February 28, 2011, Respondent was advised that quarterly CDs due to be filed by July 10, 2010 and January 10, 2011 had not been received and late filing penalties

were being levied. By certified letter dated March 18, 2011 Respondent was reminded that the quarterly CDs had not been received.

3. Investigator Choate testified that on May 18, 2011 he contacted Respondent by telephone. Respondent stated he had received the Commission correspondence regarding his delinquency. Respondent stated he was in the process of getting his files organized and would file the proper forms. Respondent has not complied.

CONCLUSIONS OF LAW

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

 1. During all times relevant, the Respondent, Sammie Tucker, Jr., 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 8-13-1308(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

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;

6. Section 8-13-320(10)(l)

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

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 Sammie Tucker, Jr. is in violation of Section 8-13-1308; and therefore, Respondent Sammie Tucker, Jr. is hereby PUBLICLY REPRIMANDED, a FINE of \$6,000.00 is ASSESSED, in addition to the late-filing penalty of \$15,000.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320(14), a Judgment in the amount of \$21,000.00 is, and shall be entered against Respondent if he fails to pay the fine and late-filing penalty 30 days of receipt of this order.

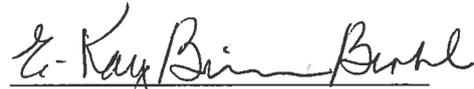
IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$21,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Sammie Tucker, Jr. 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. KAY BIERMANN BROHL

Hearing Chairman

Columbia, South Carolina