

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
IN THE MATTER OF:)
)
Complaint C2011-030)
)
James S. Truett,)
 APPELLANT.)
)
State Ethics Commission,)
 APPELLATE.)
_____)

BEFORE THE STATE ETHICS COMMISSION

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APPEAL ORDER

This matter comes before the State Ethics Commission by virtue of a Motion for an Appeal filed by the attorney for and on behalf of the Appellant, pursuant to S.C. Code Ann. §8-13-320(10)(m)(Supp. 2010), to appeal the Decision and Order of the State Ethics Commission Hearing Panel issued August 31, 2011.

Present at the Appeal Hearing on January 18, 2012 were Chairman Phillip Florence, Jr., Commission members Priscilla L. Tanner, E. Kay Beirmann Brohl, JB Holeman and Jonathan H. Burnett. Hearing Panel Members George Carlton Manley and Dr. Richard H. Fitzgerald were present; however, recused themselves. Hearing Panel Chairman Edward E. Duryea was absent. Appellant was present, and represented by Mr. N. David DuRant, Esquire. Appellate was represented by Ms. Cathy L. Hazelwood, Esquire.

FACTS

On July 20, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission Hearing Panel received testimony in the above-captioned

complaint charging Respondent, James S. Truett, with one violation of Section 8-13-1312, eleven violations of Section 8-13-1308(B) , and twelve violations of Section 8-13-1308(F). As a result, the Hearing Panel found the Appellant in violation of all charges, ordered the Appellant be publicly reprimanded, and levied a fine of \$48,000.00 and an administrative fee of \$556.00. The Hearing Panel reduced the fine and administrative fee to \$12,556.00 if paid within six months of receipt of the Hearing Panel's Decision and Order.

The Decision and Order was signed August 31, 2011. The Appellant received written notice of the Order on September 16, 2011. On September 22, 2011 the attorney for and on behalf of the Appellant filed a Notice of Intent to Appeal with the Commission.

Now comes the Appellant requesting a reduction of the fines. The Appellant did not dispute the charges as contained in the Hearing Panel's Decision and Order and admitted responsibility for his failure to comply with the requirements as provided in Sections 8-13-1308(B), 8-13-1308(F) and 8-13-1312. The Appellant, through his attorney, advised the Commission that he believes that the fines imposed "are excessive in as much as all monies are accounted for and no monies were improperly spent." The Appellant requested relief from the fines.

DECISION

NOW, based on the information presented by the Appellant and the Appellate, the State Ethics Commission affirms the Hearing Panel's Decision and Order and denies the appeal.

FURTHER, the State Ethics Commission extends the time allowed to pay the reduced fine and administrative fee of \$12,556.00 for six (6) months from receipt of this Order, minus the six (6) days between the September 16, 2011 receipt of the Hearing Panel's Decision and Order and the September 22, 2011 receipt of the Notice of Intent to Appeal by the State Ethics Commission.

FINALLY, in accordance with Section 8-13-320(10)(m), this review is the final disposition of this matter before the State Ethics Commission.

IT IS SO ORDERED THIS 29th DAY OF January, 2012
STATE ETHICS COMMISSION



PHILLIP FLORENCE, JR.
CHAIRMAN