

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

In the Matter of:)
COMPLAINT C2013-002)

DECISION AND ORDER

Leroy Ravenell,)
Respondent,)

Darnell M. Johnson,)
Complainant.)

STATE ETHICS
COMMISSION

2012 OCT -4 PM 2:38

RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Complainant, Darnell M. Johnson, on June 27, 2012. On September 19, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed for probable cause the above-captioned complaint charging Respondent, Leroy Ravenell, with a violation of Section 8-13-1356.

Present at the meeting were Commission Members Phillip Florence, Jr., Chair, E. Kay Biermann-Brohl, JB Holeman, Priscilla L. Tanner, George Carlton Manley, Jonathan H. Burnett and Richard H. Fitzgerald. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

On June 27, 2012 the State Ethics Commission received a complaint filed by Darnell M. Johnson of Orangeburg, SC against Leroy Ravenell, Sheriff, Orangeburg County. The complaint alleged that the Respondent violated Section 8-13-1356 of the SC Ethics Act during the 2010 special election/Democratic primary election for Orangeburg County Sheriff. Ravenell failed to file a Statement of Economic Interests (SEI) report when he filed to run for office. He later filed his SEI on December 6, 2010 after winning the primary. Again during the June 12, 2012 primary election claimed incumbent preference.

STATEMENT OF FACTS

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

1. The Respondent, Leroy Ravenell, is the Orangeburg County Sheriff and was in a special primary election on December 7, 2010 and a special general election on January 25, 2011.

2. After consultation with the Commission's legal counsel, it was determined that since the allegations in this matter involved the failure to file an SEI with the Orangeburg County Democratic Party at the time Respondent filed as a candidate, the matter would fall within the South Carolina Supreme Court's ruling in Anderson v. State Election Commission.

CONCLUSIONS OF LAW

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

1. The Respondent, Leroy Ravenell, during the time of the allegation, was a candidate, as defined by Section 8-13-1300(4).
2. The State Ethics Commission has personal, but not subject matter jurisdiction.
3. Anderson v. State Election Commission, etal. held that a candidate's name may be placed on the ballot upon filing a paper copy of the SEI with the filing official and that a simultaneously electronically filed SEI was not required.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Leroy Ravenell, violated Sections 8-13-1356. The Commission has therefore dismissed the charges in accordance

with Section 8-13-320(10)(i) and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 15th DAY OF Dec., 2012.

STATE ETHICS COMMISSION

A large, stylized handwritten signature in blue ink, appearing to read 'P. Florence, Jr.', is written over a horizontal line.

COLUMBIA, SOUTH CAROLINA

PHILLIP FLORENCE, JR.
CHAIR