

STATE OF SOUTH CAROLINA) BEFORE THE STATE ETHICS COMMISSION
)
 COUNTY OF RICHLAND)
)
 In the Matter of:)
 COMPLAINT C2012-009)
)
 Melvin C. Adams,)
 Respondent,)
)
 State Ethics Commission,)
 Complainant.)
 _____)

STATE ETHICS
 COMMISSION

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DECISION AND ORDER

This matter comes before the State Ethics Commission by virtue of a complaint filed by the Commission, on July 13, 2011. On September 21, 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, Melvin C. Adams, with a violation of Section 8-13-1308(D) for probable cause.

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

The following allegation was considered:

On July 13, 2011 the State Ethics Commission filed a complaint against Melvin C. Adams, candidate, Orangeburg County District 5 School Board Trustee. The complaint alleged that the Respondent failed to file a pre-election Campaign Disclosure Form (CDF) that was due by October 19, 2009.

STATEMENT OF FACTS

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

1. According to the records of the State Ethics Commission, the Respondent,

Melvin C. Adams, was a candidate for the Orangeburg County School Board. By letters dated May 17, 2011 and June 13, 2011, he was advised that his pre-election campaign disclosure form (CD) had not been received and penalties were accruing.

2. On July 26, 2011 Respondent advised that he was not a candidate as indicated in the Commission complaint. He stated he was arranging to have a letter sent to the Commission advising that he was not a candidate. On July 29, 2009 at 12:00 pm Mr. Adams filed as a write-in candidate in District 5. Respondent called the election office the next day and stated because of cost he would not run. A letter was received from the Director of Orangeburg County Voter Registration and Elections advising that Respondent was not a candidate for election in the 2009 Orangeburg County School District election.

CONCLUSIONS OF LAW

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

1. The Respondent, Melvin C. Adams, was not a candidate as defined by Section 8-13-1300(4).
2. The State Ethics Commission has subject matter jurisdiction.
3. 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.

DECISION

Based upon the evidence presented, the State Ethics Commission has determined

that there is not probable cause to indicate that the Respondent, Melvin C. Adams, violated Sections 8-13-1308(D). 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 10th DAY OF Oct., 2011.

STATE ETHICS COMMISSION



COLUMBIA, SOUTH CAROLINA

PHILLIP FLORENCE, JR.
CHAIRMAN