

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2012-016)
)
State Ethics Commission,)
Complainant;)
)
vs.)
)
Robert W. Hanley,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

RECEIVED
2012 MAY -2 PM 3:51
STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on August 2, 2011. On November 16, 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, Robert W. Hanley, with a violation of Section 8-13-1308(B), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was 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, Robert W. Hanley, a candidate for Greenville County Council, on or about October 14, 2009, did fail to timely file a corrected, final Campaign Disclosure Report prior to the end of the calendar quarter.

STATEMENT OF FACTS

1. The Respondent, Robert W. Hanley, was a candidate for Greenville County Council and he was required to file a quarterly campaign disclosure forms (CD).
2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that on October 14, 2009 Respondent filed a quarterly/final CD. The CD was returned as it was incomplete. Respondent was advised in a October 21, 2009 letter to make the corrections to the CD and return it. Staff sent a second letter on December 9, 2009 seeking the return of the CD. On May 31, 2011 Respondent was penalized \$100.00. On June 28, 2011 Respondent was sent a certified letter about the growing late filing penalty. On August 10, 2011 a complaint was filed against Respondent. Respondent filed the corrected CD on August 30, 2011.
3. Respondent testified that he had been on a long term teaching assignment away from home. He believed that he had filed everything needed as he had closed the account after paying for postage and then filed what he believed was a final report.

CONCLUSIONS OF LAW

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

1. The Respondent, Robert W. Hanley, is 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 cam-

paign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

4. 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;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

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 Robert W. Hanley is in violation of Section 8-13-1308(B); and therefore, Respondent Robert W. Hanley is hereby assessed a reduced late-filing penalty of \$100.00. The reduced late filing penalty of \$100.00 must be paid within 60 days of receipt of the signed order or it will revert to the original \$2,200.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$2,200.00 is, and shall be entered against Respondent, if he fails to pay the reduced late filing penalty in the time allotted.

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 \$2,200.00

upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Robert W. Hanley has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 29th DAY OF April, 2012.

STATE ETHICS COMMISSION



EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA