

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2011-066)
)
 State Ethics Commission,)
 Complainant;)
)
 vs.)
)
 Paul L. Shirer,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
 COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on March 18, 2011. On May 18, 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, Paul L. Shirer, with two violations of Section 8-13-1308(B), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on July 20, 2011 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and Richard H. Fitzgerald. Respondent was not present, but was duly notice. 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, Paul L. Shirer, a candidate for Calhoun County Sheriff, on or about April 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Paul L. Shirer, a candidate for Calhoun County Sheriff, 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.

STATEMENT OF FACTS

1. The Respondent, Paul L. Shirer, was a candidate for Calhoun County Sheriff in a primary election held on June 10, 2008.

2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that by letter dated January 28, 2011, Respondent was advised that his quarterly campaign disclosure forms (CDs) due by April 10, 2010 and July 10, 2010 had not been received and a late filing penalty was being levied. By certified letter dated February 22, 2011, Respondent was reminded that his CDs had not been received at the Commission office. By letter dated March 18, 2011, Respondent was advised that a complaint had been filed against him.

3. Investigator Choate testified that he spoke to Respondent on March 22, 2011 regarding the late CDs and penalty. Respondent advised him that he had been receiving the correspondence from the Commission office. Respondent advised that he would comply, which he did on that date. The outstanding late filing penalty of \$1600.00 remains unpaid.

CONCLUSIONS OF LAW

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

1. During all times relevant, the Respondent, Paul L. Shirer, 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 8-13-1510(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 Paul L. Shirer is in violation of Section 8-13-1308(B); and therefore, Respondent Paul L. Shirer is hereby PUBLICLY REPRIMANDED and the late-filing penalty of \$1,600.00 is assessed.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$1,600.00 is, and shall be entered against Respondent.

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 \$1,600.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Paul L. Shirer has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 11th DAY OF August, 2011.

STATE ETHICS COMMISSION



EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA