

J. David Weeks
Vice-Chairman

Kenneth A. "Kenny" Bingham
Chairman

Michael A. Pitts
Secretary

Beth E. Bernstein
Chandra E. Dillard
Michael W. "Mike" Gambrell
Jenny Anderson Horne

John Richard C. King
G. Murrell Smith, Jr.
Leonidas E. "Leon" Stavrinakis

House Legislative Ethics Committee

Jane O. Shuler
Counsel

Lynne Short
Executive Assistant



P.O. BOX 11867
519 BLATT BUILDING
COLUMBIA, SC 29211
TELEPHONE: 803-734-3114
FAX: 803-734-8795

**In the Matter of the South Carolina)
House of Representatives Legislative)
Ethics Committee Complaint against)
Former Representative Eric Bikas)**

CONSENT ORDER

Investigation was made into Respondent's campaign account records as a result of his late filing or failure to file required quarterly Campaign Disclosure reports and yearly Statement of Economic Interests forms. He owes significant, unpaid fines from his late filing or failure to file his ethics forms, which total \$56,320.00. Respondent failed to report any income and benefits received as a House Member on his Statement of Economic Interests form for 2012. It also appears that Respondent improperly disbursed campaign funds to himself when he closed his campaign account. Therefore, the House Legislative Ethics Committee issued a Complaint on November 5, 2015, against Respondent.

The relevant provisions of law which apply to the allegations are: S.C. Code Ann. §§ 8-13-1110(A); 8-13-1120(A)(2); 8-13-1308(B); 8-13-1370; and 8-13-1510, each of which will be discussed in the following sections. Under House Rule 4.16, any finding of a violation must be based on substantial and competent evidence. The Committee finds that Respondent engaged in a continuous pattern of noncompliance by failing to file or timely file quarterly Campaign Disclosure reports and Statement of Economic Interests reports as required by the Ethics Act, which is detailed below. Additionally, the Committee finds that Respondent made an inappropriate distribution of campaign funds to himself upon final disbursement when he closed his campaign checking account. Finally, the Committee finds that Respondent failed to report income or benefits he received from a governmental entity, that is, as a House Member on his 2012 Statement of Economic Interests report.

I. Inappropriate Withdrawal of Funds upon Final Disbursement

Section 8-13-1370 provides the appropriate options for a candidate to distribute unexpended campaign funds upon final disbursement. No candidate may expend contributions for personal use. *See* Section 8-13-370(B).

The Committee finds that the unexpended contributions of \$39.74, were distributed on June 4, 2012, to Respondent for his personal use when he closed his campaign checking account in violation of section 8-13-1370. THEREFORE, the Committee orders Respondent to pay a fine of \$100.00 to the Committee for the violation of this section. The Committee further orders Respondent to pay \$39.74 in compliance with section 8-13-1370 or provide documentation to the Committee that the \$39.74 was previously paid in compliance with this statute regarding the final disbursement of campaign funds.

II. Failure to Report Income Received on Statement of Economic Interests

Section 8-13-1120(A)(2) provides that the Statement of Economic Interests must include: “the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period.”

The Committee finds that Respondent failed to report on his 2012 Statement of Economic Interests, any income or benefits received from a governmental entity, that is, his salary of \$10,400.00 as a House Member and in-district expense of \$12,000.00 less insurance and retirement for a total earned wage of \$20,121.80. *See* attached 2011 W-2 of Respondent. THEREFORE, the Committee orders Respondent to pay a fine of \$100.00 to the Committee for violation of this section. The Committee further orders Respondent to file, within fifteen days of the date of this Consent Order, an amendment to his 2012 Statement of Economic Interests and reflect any income or benefits received from a governmental entity, that is, his salary of \$10,400.00 as a House Member and in-district expense of \$12,000.00 less insurance and retirement for a total earned wage of \$20,121.80.

III. Late/Failure to File Campaign Disclosure Reports and Statement of Economic Interests

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.” Further, section 8-13-1110(A) explains who is required to file Statement of Economic Interests, as: “No public official, regardless of compensation, and no public member or public employee as designated in subsection (B) may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter with the appropriate supervisory office. If a public official, public member, or public employee referred to in this section has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect with the appropriate supervisory office. All disclosure statements are matters of public record open to inspection upon request.” Finally, the Committee’s Advisory Opinion 2013-3 noted that “a person with an open campaign account must file an updated Statement of Economic Interests form by April 15th.”

Section 8-13-1510 provides the penalties for late filing or failure to file ethics forms as follows:

(A) 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 the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(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.

(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:

(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;

(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days;

(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

The Committee finds that Respondent failed to file or filed late thirteen Campaign Disclosure reports and Statement of Economic Interests forms. Specifically, Respondent failed to file or filed late the following eleven Campaign Disclosure reports: July 2011 Campaign Disclosure report - \$100 fine; July 2012 Campaign Disclosure report - \$5,100 fine; January 2013 Campaign Disclosure report - \$5,100 fine; April 2013 Campaign Disclosure report - \$5,100 fine; July 2013 Campaign Disclosure report - \$5,100 fine; October 2013 Campaign Disclosure report - \$5,100 fine; January 2014 Campaign Disclosure report - \$5,100 fine; April 2014 Campaign Disclosure report - \$5,100 fine; July 2014 Campaign Disclosure report - \$5,100 fine; October 2014 Campaign Disclosure report - \$5,100 fine; and January 2015 Campaign Disclosure report - \$5,100 fine. The total fines for these reports was \$51,100.00. Respondent also failed to file or filed late two Statement of Economic Interests forms as follows: 2014 Statement of Economic Interests not filed - \$5,100 fine; and 2015 Statement of Economic Interests filed late on April 9, 2015 - \$120 fine. The total fine for these forms was \$5,220.00. The total fines owed for the thirteen ethics reports were \$56,320.00.

The Committee finds that on thirteen occasions Respondent failed to either file or timely file his required campaign disclosure reports and Statement of Economic Interests as required by the Ethics Act. Respondent filed an appeal of these fines which the Committee heard at the April 14, 2015 Committee meeting. The Committee did not vote at that time on Respondent's appeal, but asked Counsel to investigate this matter. Thus, the Committee finds that it will reduce Respondent's appealed fines to \$1,300.00 due to his financial inability to pay the total fines of

\$56,320.00 owed. THEREFORE, the Committee orders Respondent to pay a fine of \$100.00 for each violation, which totals \$1,300.00 to the Committee for the violations in this section.

TOTAL PENALTIES

- A. With regard to Section I of this order, the Committee orders Respondent to pay a fine of \$100.00 and to pay \$39.74 in compliance with section 8-13-1370 or submit proof (canceled check, receipt, etc.) to the Counsel of the Committee that he paid \$39.74 in compliance with section 8-13-1370.
- B. With regard to Section II of this order, the Committee orders Respondent to pay a fine of \$100.00 and to file, within fifteen days of the date of this Consent Order, an amendment to his 2012 Statement of Economic Interests reflecting any income or benefits received from a governmental entity, that is, his salary of \$10,400.00 as a House Member and in-district expense of \$12,000.00 less insurance and retirement for a total earned wage of \$20,121.80. Respondent is to notify Counsel of the Committee when he has filed his amended Statement of Economic Interests.
- C. With regard to Section III of this order, the Committee orders Respondent to pay a fine of \$100.00 for each violation (13), for a total penalty of \$1,300.00.
- D. Respondent must pay the total penalty of \$1,500.00 with 7.5 % interest, the current interest rate on money decrees and judgements pursuant to S.C. Code Ann. § 34-31-20, which totals to \$1612.50. The penalty is payable in monthly installments of \$107.50 on the first of each month beginning on February 1, 2016, to the Committee until the penalties are paid in full.

This order shall serve as the Committee's final disposition of this matter pursuant to and in accordance with the terms set forth herein.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

AND IT IS SO ORDERED, this 26 day of January, 2016, by the following members of the House Legislative Ethics Committee:

Rep. Kenneth A. "Kenny" Bingham, Chairman

Rep. J. David Weeks, Vice-Chairman

Rep. Michael A. Pitts, Secretary

Rep. Beth E. Bernstein

Rep. Chandra E. Dillard

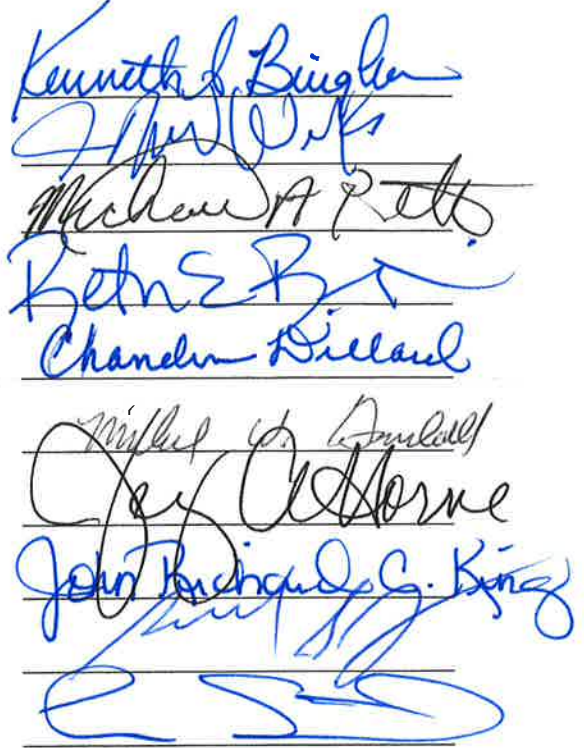
Rep. Michael W. "Mike" Gambrell

Rep. Jenny Anderson Horne

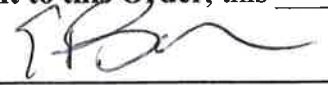
Rep. John Richard C. King

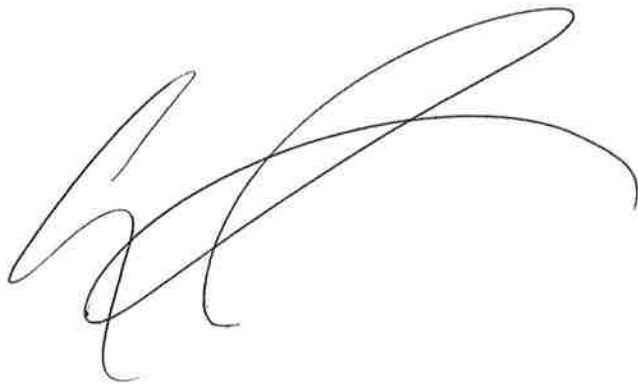
Rep. G. Murrell Smith, Jr.

Rep. Leonidas E. "Leon" Stavrinakis

A column of handwritten signatures in blue ink, each written over a horizontal line. From top to bottom, the signatures correspond to: Kenneth A. Bingham, J. David Weeks, Michael A. Pitts, Beth E. Bernstein, Chandra E. Dillard, Michael W. Gambrell, Jenny Anderson Horne, John Richard C. King, G. Murrell Smith, Jr., and Leonidas E. Stavrinakis.

I consent to this Order, this 25 day of JANUARY, 2016:


Former Representative Eric Bikas

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.