

RECEIVED STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

2021 OCT 21 AM 9:58 RECEIVED STATE ETHICS COMMISSION 2021 OCT 21 AM 9:58

FOR COMMISSION USE ONLY: CASE NUMBER C 2021-102

COMPLAINT FORM

COMPLAINANT: State Ethics Commission ADDRESS: 201 Executive Center Drive Suite 150 Columbia, SC 29210 TELEPHONE NUMBER: (803) 253-4192

RESPONDENT: Hal J. Dillard ADDRESS: [REDACTED] TELEPHONE NUMBER: [REDACTED] TITLE: Public Member - LLR Residential Builders Commission

Section 8-13-1140, SC Code Ann., 1976, as amended, requires the filing of an updated Statement of Economic Interests for the previous calendar year annually thereafter prior to March 30. Records in the State Ethics Commission indicate that the Respondent was required to file the 2019, 2020, and 2021 Statement of Economic Interests.

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. According to LLR, Respondent is a residential builder and has failed to report income on the 2018 Statement of Economic Interests.

Respondent was reminded of the filing requirement by letters dated March 18, 2021 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2018, 2019, 2020, or 2021 Statement of Economic Interests has been received. All in violation of Section 8-13-1120 and Section 8-13-1140, SC Code Ann., 1976, as amended.

All investigations, inquiries, hearings, and accompanying documents must remain confidential unless respondent waives the right to confidentiality. If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year. Section 8-13-320(10)(g).

STATE OF SOUTH CAROLINA COUNTY OF Richland

Personally appeared before me Meghan L. Walker who, first being duly sworn, says that she has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of her own knowledge, except for those matters therein based upon information and belief, and as to those she believes them to be true.

Sworn to and subscribed before me this 26th day of October 2021

[REDACTED] Meghan L. Walker, Executive Director

[REDACTED] Notary Public for South Carolina My Commission expires 8-11-2025

SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192 FAXED COPIES WILL NOT BE ACCEPTED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2021-102)
Hal J. Dillard)
Respondent.)
State Ethics Commission)
Complainant.)

BEFORE THE STATE ETHICS COMMISSION

NOTICE OF HEARING

The State Ethics Commission has determined that there is probable cause pursuant to Section 8-13-320(10)(i), Code of Laws, South Carolina, 1976, as amended, to support the allegations made in the above-captioned complaint. The Commission will convene a formal hearing into the matter in accordance with Section 8-13-320(10)(i) & (j), Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.) on Thursday, August 18, 2022 at 9:30 a.m. at the Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegations will be heard:

COUNT ONE
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Hal J. Dillard, member of the SC Department of Labor, Licensing and Regulation's (LLR) Resident Builders Commission, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

COUNT TWO
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Hal J. Dillard, member of the SC Department of LLR Resident Builders Commission,


did in Richland County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

COUNT THREE
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Hal J. Dillard, member of the SC Department of LLR Resident Builders Commission, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

You have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. This hearing will be open to the public as required by Section 8-13-320(10)(j), Code of Laws, South Carolina, 1976, as amended. The procedures to be followed are set forth in the Administrative Procedures Act, Section 1-23-10, et seq., Code of Laws, South Carolina, 1976 as amended the State Ethics Act, Section 8-13-100, et seq., Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.).

A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.


Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 23rd day,
of March 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Hal J. Dillard, 101 Sugar Mill Road, Greer, SC 29730 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29th day of March 2022, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Rachael O'Bryan, Administrative Assistant

State Ethics Commission

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2021-102)
State Ethics Commission,)
Complainant,)
Hal J. Dillard,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on October 21, 2021. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Hal J. Dillard (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on three (3) counts of violating Section 8-13-1140 for failure to timely file 2019, 2020, and 2021 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent served on the South Carolina Department of Labor, Licensing, and Regulation Builder’s Commission.
2. Respondent did not file a SEI on or before March 30 in 2019, 2020, and 2021.
3. In a March 18, 2021 certified letter, the Commission notified Respondent of his failure to timely file a 2019 and 2020 SEI.
4. According to the United States Postal Service, the certified letter was delivered to Respondent’s address of record on March 24, 2021 at 2:48 p.m.
5. On April 3, 2021, late-filing penalties began to accrue at \$20 per day (\$10 per SEI).
6. On April 13, 2021, late-filing penalties began accruing at \$200 per day (\$100 per SEI).
7. On February 7, 2022, following the filing of the Complaint, Respondent filed his 2019, 2020, and

2021 SEIs; having accrued \$10,100 in late-filing penalties (\$5,000 each for the 2019 and 2020 SEIs and \$100 for the 2021 SEI).¹

CONCLUSIONS OF LAW

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

1. At all times relevant, Respondent was a “public member” pursuant to Section 8-13-100(24).

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1140 provides, in relevant part:

A person required to file a [SEI] under this chapter annually shall file . . . an updated statement for the previous calendar year, no later than noon on March 30 . . .

3. Section 8-13-1510(A) provides:

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.

4. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with three (3) counts of violating Section 8-13-1140 for failing to timely file his 2019, 2020, and 2021 SEIs. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required SEIs. As mitigation, Respondent states that he had an individual filing his reports for him and that this person

¹ The late-filing penalty associated with Respondent’s 2021 SEI is limited to \$100 because he did not receive certified notice of his failure to file pursuant to Section 8-13-1510(A) of the Ethics Act.

failed to timely file the SEIs. Respondent acknowledges that his filings are ultimately his responsibility and maintains that he will personally file his SEIs from now on.

DISPOSITION

1. The Commission hereby finds Respondent in violation of three (3) counts of Section 8-13-1140.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues a written warning and orders the Respondent to pay the Commission, within six (6) months from receipt of this Order, a reduced late-filing penalty of \$1,100 (\$500 each for the 2019 and 2020 SEIs and \$100 for the 2021 SEI) and an administrative fee of \$350, for a total of \$1,450. The remaining \$9,000 in accrued late-filing penalties is hereby waived.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$1,450 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk shall enter this Order in the amount of \$1,450 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 29th DAY OF July 2022.

STATE ETHICS COMMISSION


SCOTT FRICK, ACTING CHAIR


HAL J. DILLARD
RESPONDENT