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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
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COMPLAINT FORM

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2020-078

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

RESPONDENT: Alfred P. Joseph, Jr.
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council – City of Georgetown

Section 8-13-1308, S.C. Code Ann., 1976, as amended, requires candidates to file Campaign Disclosures within ten (10) days of receiving or expending \$500; fifteen (15) days prior to each election; within ten (10) days of the end of each quarter; and a final report when the campaign account is closed. In addition, certified campaign reports detailing campaign contributions and expenditures must contain the total of contributions accepted, the name and address of each person making a contribution, the total expenditures made by or on behalf of the candidate or committee, and the name and address of each person to whom an expenditure is made from campaign funds.

Records of the State Ethics Commission indicate that a Campaign Disclosure was due no later than October 10, 2016, January 10, 2017, April 10, 2017, July 10, 2017, October 10, 2017, January 10, 2018, April 10, 2018, July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, January 10, 2020, April 10, 2020, and July 10, 2020. In addition, Pre-Election Campaign Disclosures were due between May 22, 2019 and May 27, 2019 and between October 16, 2019 and October 21, 2019. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Section 8-13-1348 of the South Carolina Code of laws, 1976, as amended, prohibits a candidate from using campaign funds to defray personal expenses which are unrelated to the campaign. According to the July 10, 2019 Campaign Disclosure, the Respondent made an expenditure to Gullah Geeche Chamber of Commerce in the amount of \$100.00 with the description "Event". The Respondent was notified on June 12, 2020 to explain how the expenditure was campaign related or reimburse his campaign account from personal funds.

Respondent was reminded of the filing requirement by letters dated March 5, 2020 and June 12, 2020 as described in the attached. To date, no properly completed April 10, 2016, July 10, 2016, October 10, 2016, January 10, 2017, April 10, 2017, July 10, 2017, October 10, 2017, January 10, 2018, April 10, 2018, July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, Pre-Election for the June 11, 2019 election, Pre-Election for the November 5, 2019 election, January 10, 2020, April 10, 2020, and July 10, 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B), Section 8-13-1308(D)(1), Section 8-13-1308 (F), and Section 8-13-1348, S.C. 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
16th day of October, 2020



Meghan L. Walker, Executive Director



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**

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2020-078)
Alfred Joseph, Jr.)
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, October 20, 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a Pre-Election Campaign Disclosure Report (CDR) for the May 2019 primary election, in violation of Section 8-13-1308.

COUNT TWO
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,

fail to file a Pre-Election CDR for the October 2019 general election, in violation of Section 8-13-1308.

COUNT THREE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due January 10, 2017, in violation of Section 8-13-1308.

COUNT FOUR
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due April 10, 2017, in violation of Section 8-13-1308.

COUNT FIVE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due July 10, 2017, in violation of Section 8-13-1308.

COUNT SIX
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due October 10, 2017, in violation of Section 8-13-1308.

COUNT SEVEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due January 10, 2018, in violation of Section 8-13-1308.

COUNT EIGHT
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due April 10, 2018, in violation of Section 8-13-1308.

COUNT NINE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due July 10, 2018, in violation of Section 8-13-1308.

COUNT TEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a CDR report due October 10, 2018, in violation of Section 8-13-1308.

COUNT ELEVEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due January 10, 2019, in violation of Section 8-13-1308.

COUNT TWELVE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County, fail to file a quarterly CDR due April 10, 2019, in violation of Section 8-13-1308.

COUNT THIRTEEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,

fail to file a quarterly CDR due January 10, 2020, in violation of Section 8-13-1308.

COUNT FOURTEEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,
fail to file a quarterly CDR due April 10, 2020, in violation of Section 8-13-1308.

COUNT FIFTEEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,
fail to file a quarterly CDR due July 10, 2020, in violation of Section 8-13-1308.

COUNT SIXTEEN
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,
fail to file a quarterly CDR due October 10, 2020, in violation of Section 8-13-1308.

COUNT SEVENTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,
expend campaign funds for a non-campaign related expense on May 17, 2019 to Gullah Geechee
Chamber of Commerce, in violation of Section 8-13-1348.

COUNT EIGHTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Alfred P. Joseph, Jr., City of Georgetown Council Member, did in Richland County,
expend campaign funds for a non-campaign related expense on May 28, 2019 to Gullah Geechee
Chamber of Commerce, in violation of Section 8-13-1348.

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 25th day,
of July 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Alfred Paul Joseph, Jr., 933 Willowbank Road, Georgetown, SC 29440 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 26th day of July 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 |) | BEFORE THE STATE ETHICS COMMISSION |
| |) | |
| IN THE MATTER OF: |) | |
| COMPLAINT C2020-078 |) | |
| |) | |
| State Ethics Commission, |) | CONSENT ORDER |
| Complainant, |) | |
| |) | |
| Alfred P. Joseph, Jr., |) | |
| Respondent. |) | |
| _____ |) | |

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on October 16, 2020. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Alfred P. Joseph, Jr. (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent was initially elected to the Georgetown City Council in 2015. Respondent most recently participated in a June 11, 2019 primary election and a November 9, 2019 general election.
2. Respondent filed several Campaign Disclosure Reports (CDR) with the Commission during his 2015 election cycle. Prior to the filing of the Complaint, Respondent’s most recent CDR was filed on October 19, 2015. At that time, Respondent’s campaign bank account contained a positive balance of on-hand contributions.
3. Respondent did not file his next CDR until September 29, 2019, wherein he disclosed a positive balance of on-hand contributions. Respondent also disclosed two (2) \$100 expenditures to the Gullah Geechee Chamber of Commerce (Chamber) – one for “Mayfest Event – Campaign Sponsorship” and another for “Harriett Tubman Marker Event Sponsorship.”
4. Respondent did not file any additional quarterly CDRs thereafter. In addition, Respondent did not timely file a Pre-Election CDR prior to his June 11, 2019 primary election or his November 9, 2019 general

election.

5. In a March 5, 2020 certified letter, the Commission notified Respondent of his failure to timely file twelve (12) quarterly CDRs from January 10, 2017 through April 10, 2020 and for his failure to file Pre-Election CDRs prior to the June 11, 2019 primary election and the November 5, 2019 general election.¹ This correspondence also asked Respondent to provide additional information as to how the two (2) Chamber expenditures were campaign related.
6. According to the United States Postal Service (USPS), the delivery status of the certified letter has not been updated since March 10, 2020 at 2:10 a.m.
7. On June 12, 2020, the penalty letter was mailed first-class with a tracking number. According to the USPS, the letter was delivered on June 15, 2020 at 11:58 a.m.
8. On June 25, 2020, penalties begin accruing at \$140 per day (\$10 per CDR).
9. On July 5, 2020, penalties begin accruing at \$1,400 per day (\$100 per CDR).
10. Following the filing of the Complaint, Commission staff subpoenaed Respondent's campaign bank account records, which showed Respondent still maintained a positive balance of on-hand contributions. Commission staff also interviewed a Chamber representative, Marilyn Hemmingway, who advised that the Chamber did not hold political or campaign events.
11. On October 13, 2022, Respondent closed his campaign bank account by donating his remaining campaign funds to the Kaminski House Museum pursuant to Section 8-13-1370 of the Ethics Act.
12. Respondent subsequently came into compliance by filing all required CDRs. At the time he came into compliance, Respondent had accrued the statutory maximum of \$5,000 on each of the aforementioned fourteen (14) CDRs. In addition, Respondent had accrued a \$100 late-filing penalty with respect to the

¹ The letter also penalized Respondent for his failure to timely file a January 10, 2016 CDR and an April 10, 2016 CDR. Respondent has already paid the late-filing penalties associated with these filings, which are not part of the current Complaint.

July 10, 2020 CDR and a \$100 late-filing penalty with respect to the October 10, 2020 CDR.²

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 “candidate” pursuant to Section 8-13-1300(4) and a “public official” pursuant to Section 8-13-1300(27). Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1308 provides, in relevant part:

(A) Upon receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate . . . must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) 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.

...

(D)(1) 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 for the period ending twenty days before the election.

3. Section 8-13-1348 provides, in relevant part:

No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder . . .

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

Except as otherwise specifically provided in this chapter, a person required to file a report or

² Pursuant to Section 8-13-1510 of the Ethics Act, Respondent did not accrue additional late-filing penalties with respect to the July 10, 2020 or October 10, 2020 CDR because these CDRs were not included in the Commission’s original late-filing penalty letter.

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.

5. 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.
6. Section 8-13-320(10)(l) allows the Commission to assess up to \$2,000 for each violation of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with sixteen (16) counts of violating Section 8-13-1308 for failing to file fourteen (14) quarterly CDRs from January 10, 2017 through October 10, 2020 and two (2) Pre-Election CDRs related to his 2019 primary election and his 2019 general election. The Commission also found probable cause to believe Respondent violated Section 8-13-1348 when he made two (2) \$100 donations to the Chamber. The Commission has routinely held that the only time campaign funds may be used for charitable donations is upon the closing of a campaign bank account pursuant to Section 8-13-1370. See SEC AO2003-006 (“charitable contributions . . . may only be made at final disbursement.”). Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required CDRs. Respondent states that he believed his filings were being properly handled by a third party. Once Respondent realized his filings were not being correctly managed, his spouse assumed his filing responsibilities and began working with Commission staff. Respondent also acknowledges that the expenditures to the Chamber were improper, but contends that he believed the donations were permissible because he attended the Chamber events in his official capacity as a City Councilman.

DISPOSITION

1. The Commission hereby finds Respondent in violation of sixteen (16) counts of Section 8-13-1308 and

two (2) counts of Section 8-13-1348.

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 this written warning and orders the Respondent to pay the Commission, within one (1) year from receipt of this Order, a late-filing penalty of \$2,000 (\$300 for each Pre-Election CDR and \$100 for each of the remaining quarterly CDRs) pursuant to Section 8-13-1510(A)(1), and an administrative fee of \$600 pursuant to Section 8-13-130, for a total of \$2,600. The Commission declines to assess a monetary penalty for the violations of Section 8-13-1348.

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 \$2,600 (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 of Court shall enter this Order in the amount of \$2,600 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 7th DAY OF November 2022.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


ALFRED P. JOSEPH, JR.
RESPONDENT