

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2021-027

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

RESPONDENT: Otis L. Rhodes
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Colleton County Sheriff

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. Pursuant to Section 8-13-1362 and Regulation 52-504 (C), the Pre-Election and quarterly report are required even when there have been no contributions or expenditures.

Records of the State Ethics Commission indicate that a Campaign Disclosure was due no later than 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, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, and January 10, 2021 for his November 8, 2016 election cycle. In addition, Respondent was required to file an Initial Campaign Disclosure for the June 9, 2020 election cycle. Respondent was sent an email reminder thirty days before each quarterly Campaign Disclosure deadline.

Section 8-13-1356 (A), SC Code Ann., 1976, as amended, requires a candidate, who files a statement of intention of candidacy seeking nomination by a political party primary or political party convention, must electronically file a Statement of Economic Interests for the preceding calendar year prior to the close of filing for the particular office. Respondent was required to file the 2020 Statement of Economic Interests prior to March 30th.

Respondent was reminded of the filing requirement by letters dated July 6, 2020 and August 2020 as described in the attached. To date, no properly completed 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, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021 for his November 8, 2016 election cycle have been received. In addition, no properly completed Initial Campaign Disclosure or 2020 Statement of Economic Interests as a candidate for the June 9, 2020 election cycle have been received. All in violation of Section 8-13-1356(A), Section 8-13-1308(B), and Section 8-13-1308 (F), 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
14th day of April, 2021



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


Meghan L. Walker, Executive Director

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 C2021-027)
Otis L. Rhodes)
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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly Campaign Disclosure Report (CDR) due July 10, 2017, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail

to file a quarterly CDR due October 10, 2017, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due January 10, 2018, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due April 10, 2018, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due July 10, 2018, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due October 10, 2018, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due January 10, 2019, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due April 10, 2019, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due July 10, 2019, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due October 10, 2019, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR report due January 10, 2020, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due April 10, 2020, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail

to file a quarterly CDR due July 10, 2020, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file a quarterly CDR due October 10, 2020, in violation of Section 8-13-1308(B).

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

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file an initial 2020 CDR, in violation of Section 8-13-1308.

COUNT SIXTEEN
FAILURE TO FILE A STATEMENT OF ECONOMIC INTERETS REPORT
SECTION 8-13-1356, S.C. CODE ANN., 1976, AS AMENDED

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to file 2020 Statement of Economic Interests report, in violation of Section 8-13-1356.


COUNT SEVENTEEN
FAILURE TO PROPERLY DISBURSE UNEXPENDED CAMPAIGN FUNDS
SECTION 8-13-1370, S.C. CODE ANN., 1976, AS AMENDED

That Otis L. Rhodes, candidate for Colleton County Sheriff, did in Richland County, fail to properly disburse \$228.30 in unexpended campaign funds after the election, in violation of Section 8-13-1370.

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 22nd day,
of June 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Otis L. Rhodes, 306 Wintergreen Road, Walterboro, SC 29488 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 22nd day of June 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2021-027)
)
State Ethics Commission,)
Complainant,)
)
Otis L. Rhodes,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on April 14, 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 Otis L. Rhodes (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 entry of the following:

STATEMENTS OF FACT

1. Respondent was a candidate for Colleton County Sheriff in 2016 and 2020.
2. Respondent filed several Campaign Disclosure Reports (CDR) with the Commission during his 2016 election cycle. Prior to the filing of the Complaint, Respondent’s most recent CDR was filed on June 30, 2016 and showed \$168.64 in on-hand contributions.
3. Respondent did not file any additional quarterly CDRs.
4. On March 30, 2020, Respondent signed up to run in the 2020 election by filing a Statement of Intention of Candidacy (SIC) and paying a filing fee of \$3,870.74 to the South Carolina Democratic Party.
5. Respondent did not file a Statement of Economic Interests (SEI) prior to March 30, 2020.
6. In a July 6, 2020 first-class letter, the Commission notified Respondent of his failure to timely

- file thirteen (13) quarterly CDRs from April 10, 2017 through April 10, 2020.
7. On July 20, 2020, Commission staff returned a phone call to Respondent regarding the penalty letter. Respondent was advised to contact the Disclosure Department for assistance with filing.
 8. In a September 16, 2020 certified letter, Respondent was notified of his failure to timely file fourteen (14) quarterly CDRs from April 10, 2017 through July 10, 2020.
 9. According to the United States Postal Service, the certified letter was delivered on September 18, 2020 at 12:40 p.m.
 10. On September 28, 2020, late-filing penalties begin accruing at \$140 per day (\$10 per report).
 11. On October 2, 2020, Respondent advised staff that he was decertified by his political party on April 9, 2020.
 12. On October 5, 2020, Respondent closed his campaign bank account by withdrawing the balance and reimbursing himself for a personal contribution he made to his campaign.
 13. On October 8, 2020, late-filing penalties begin accruing at \$1,400 per day (\$100 per report).
 14. On October 12, 2020, Respondent informed staff that his filing fee was not returned to him following his decertification.
 15. On October 19, 2020, Commission staff advised Respondent to file an Initial CDR disclosing the filing fee.
 16. On October 5, 2022, following the filing of the Complaint, Respondent filed all the requisite CDRs. According to Respondent's CDRs and his campaign bank account records, Respondent had no activity other than bank fees during the relevant time frame. At the time he came into compliance, Respondent had accrued the statutory maximum of \$5,000 in late-filing penalties with regard to each CDR.

17. On October 11, 2022, Respondent filed his 2020 SEI. At the time he came into compliance, Respondent had accrued the statutory maximum of \$5,000 in late-filing penalties with regard to the 2020 SEI.

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).

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.

3. Section 8-13-1356(A) provides:

A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or political party convention must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 prior to the close of filing for the particular office.

4. 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.

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.

DISCUSSION

The Commission found probable cause to charge Respondent with fourteen (14) counts of violating Section 8-13-1308(B) for failing to file fourteen (14) quarterly CDRs from July 10, 2017 through October 10, 2020; one (1) count of violating Section 8-13-1308(A) for failing to file an Initial CDR in his 2020 election cycle; and one (1) count of 8-13-1356(A) for failing to file a 2020 SEI.¹ Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required reports. In mitigation, Respondent states that he suffered a house fire following the 2016 election and that he lost all of his records and information at that time. Respondent also states that he was diagnosed with post-traumatic stress disorder in 2017. Respondent states that in 2018 and 2019 his mother suffered a brain injury and he was tasked with caring for her and his father on a daily basis, which continues to this day. Respondent believed that once he was decertified by his party, his responsibilities ended.

DISPOSITION

1. The Commission hereby finds Respondent in violation of fourteen (14) counts of Section 8-13-1308(B); one (1) count of 8-13-1308(A); and one (1) count of 8-13-1356.

¹ The Commission also found probable cause to believe Respondent violated Section 8-13-1370 when he closed his campaign bank account and reimbursed himself for a personal contribution to his campaign. However, the Commission’s filing system at the time permitted candidates to reimburse themselves for personal contributions without marking them as a loan. Accordingly, the Commission declines to proceed with this charge.

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 orders the Respondent to pay the Commission, within one (1) year from receipt of this Order, a late-filing penalty of \$1,500 (\$100 for each filing) pursuant to Section 8-13-1510(A)(1), and an administrative fee of \$500 pursuant to Section 8-13-130, for a total of \$2,000. The Commission hereby waives the remaining accrued late-filing penalties.

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 \$2,000 (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 \$2,000 (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


OTIS L. RHODES
RESPONDENT