

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-068

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

RESPONDENT: Michael J. Raffield
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Edgefield County Sheriff

Section 8-13-1302 of the South Carolina Code Ann., requires that all candidates maintain a record of campaign contributions, expenditures, all receipted bills, canceled checks, or other proof of payment for each expenditure and the occupation of each person making a contribution for a period of four years. South Carolina Code of Regulations, Reg. 52-501.D requires that campaign records must be made available to the State Ethics Commission upon request. The Respondent failed to provide the occupations of seventeen contributors.

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 for the November 8, 2016 election cycle was due no later than 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, April 10, 2021, and July 10, 2021. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Records of the State Ethics Commission indicate that a Campaign Disclosure for the June 9, 2020 election cycle was due no later than July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, and July 10, 2021. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

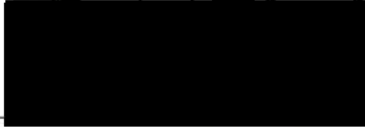
Respondent was reminded of the filing requirement by letters dated January 4, 2021 and January 25, 2021 as described in the attached. To date, no properly completed October 10, 2017, January 10, 2018, April 10, 2018, July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, or July 10, 2021 Campaign Disclosure for the November 8, 2016 election cycle have been received, and no properly completed July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, and July 10, 2021 Campaign Disclosure for the June 9, 2020 election cycle have been received. All in violation of Section 8-13-1302, 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
17th day of August, 2021



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 C2021-068)

Michael J. Raffield)
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 AN INITIAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to file an Initial Campaign Disclosure Report (CDR) within ten days of receiving an aggregate of \$500.00 in campaign contributions, in violation of Section 8-13-1308(A).

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

That Michael J. Raffield, candidate for Edgefield 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 THREE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield 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 FOUR
FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to file a Final CDR once the campaign bank account underwent final disbursement, in violation of Section 8-13-1308(B).

COUNT FIVE
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$250 contribution received on October 17, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT SIX
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$100 contribution received on October 17, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT SEVEN
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County,

fail to deposit a \$100 contribution received on October 18, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT EIGHT
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$35 contribution received on October 21, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT NINE
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$35 contribution received on October 23, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT TEN
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$100 contribution received on October 24, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT ELEVEN
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$100 contribution received on October 25, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT TWELVE
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$300 contribution received on November 20, 2019 within ten days of receipt, in violation of Section 8-13-1312.

COUNT THIRTEEN
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$200 contribution received on January 1, 2020 within ten days of receipt, in violation of Section 8-13-1312.

COUNT FOURTEEN
FAILURE TO DEPOSIT CONTRIBUTIONS WITHIN TEN DAYS OF RECEIPT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, fail to deposit a \$125 contribution received on April 15, 2020 within ten days of receipt, in violation of Section 8-13-1312.

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

That Michael J. Raffield, candidate for Edgefield County Sheriff, did in Richland County, improperly disburse \$332.77 of unexpended campaign contributions, 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 Michael J. Raffield by depositing said **NOTICE OF HEARING** in the United States mail, 412 SC Highway 121, Edgefield, South Carolina 29832 on this 27th day of June 2022, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

Rachael O'Bryan, Administrative Assistant
State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2021-068)
)
State Ethics Commission,)
Complainant,)
)
Michael J. Raffield,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 17, 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 Michael J. Raffield (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 an unsuccessful candidate for Edgefield County Sheriff in a June 9, 2020 primary election.
2. Respondent filed an Initial Campaign Disclosure Report (CDR) on November 7, 2019.
3. Respondent timely filed a January 10, 2020 CDR and an April 10, 2020 CDR.
4. In a Pre-Election CDR filed on May 25, 2020, Respondent disclosed \$3,506.13 in on-hand contributions.
5. Respondent failed to file any additional CDRs.
6. In a January 4, 2021 certified letter mailed to P.O. Box 2, Johnston, South Carolina,¹ the Commission notified Respondent of his failure to timely file additional CDRs following his May 25, 2020 Pre-Election CDR. This letter was returned to the Commission as “Return to Sender –

¹ This was the address listed in Respondent’s Candidate Profile within the Commission’s electronic filing system.

Box Closed – Unable to Forward” on January 19, 2021.

7. On January 25, 2021, the Commission re-mailed the certified letter to 412 SC Highway 121, Edgefield, South Carolina.² According to the United States Postal Service, this letter was delivered on January 27, 2021 at 2:50 p.m.
8. Following the filing of the Complaint, a Commission Investigator contacted Respondent. Respondent explained that he had not received the Commission’s letter because he was recently separated and was not residing at the Highway 121 address during that time frame. Respondent stated he only received the Complaint because his daughter, who still lived at the Highway 121 address, had given it to him.
9. During the Commission investigation, Respondent’s campaign bank account records were subpoenaed.
10. A review of these records revealed Respondent opened his campaign bank account on August 19, 2019 and had raised or spent an accumulated aggregate of \$500.00 by October 18, 2019.
11. Respondent’s campaign bank account records also revealed that Respondent received ten (10) contributions totaling \$1,345.00 during his campaign which were not deposited into his campaign bank account within ten (10) days of receipt.
12. The records further revealed that Respondent closed his campaign bank account on October 30, 2020 by withdrawing \$332.27 in cash.
13. On April 20, 2022, Respondent filed all required CDRs and is currently in compliance.

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,

² This was the address listed in Respondent’s Statement of Economic Interests Profile within the Commission’s electronic filing system.

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 8-13-1312 provides, in relevant part:

. . . All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt . . .

4. Section 8-13-1370(A) provides, in relevant part:

Contributions received by a candidate that are in excess of expenditures during an election cycle must be used by the candidate upon final disbursement: (1) to defray ordinary and necessary expenses incurred in connection with his duties in his public office; (2) to be contributed to an organization exempt from tax under Section 501(c)(3) of the Internal Revenue Code of 1986, a political party, or a committee; (3) to be maintained in the campaign account for a subsequent race for the same elective office; (4) to further the candidacy of the individual for a different elective office. However, after December 31, 1992, the funds must be used in a campaign for a different elective office only as provided for in Section 8-13-1352; (5) to be returned pro rata to all contributors; (6) to be contributed to the state's general fund; or (7) to be distributed using a combination of these options.

5. 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.

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

DISCUSSION

The Commission found probable cause to charge Respondent with the following: one (1) count of violating Section 8-13-1308(A) for failing to timely file an Initial CDR within ten (10) days of receiving or spending an accumulated aggregate of \$500.00; three (3) counts of violating Section 8-13-1308(B) for failing to timely file a July 10, 2020 CDR, an October 10, 2020 CDR, and a January 10, 2021/Final CDR;³ ten (10) counts of violating Section 8-13-1312 for failing to timely deposit ten (10) contributions into his campaign bank account; and one (1) count of violating Section 8-13-1370 for improperly withdrawing unexpended campaign funds. Through this Consent Order, Respondent acknowledges he violated the Ethics Act in each of these instances. In mitigation, Respondent states that he hired a company to assist him with his 2020 election filings and states that he was unaware that they were not properly completed. Respondent acknowledges that the filings and his campaign practices were ultimately his responsibility.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308(A) for failing to timely file an Initial CDR by October 28, 2019; three (3) counts of Section 8-13-1308(B) for failing to file three (3) quarterly CDRs; ten (10) counts of Section 8-13-1312 for failing to timely deposit ten (10) contributions within ten (10) days of receipt; and one (1) count of Section

³ The Notice of Hearing incorrectly listed the CDRs as April 10, 2020, July 10, 2020, and October 10, 2020.

8-13-1370 for withdrawing \$332.27 from his campaign bank account upon closure.


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 six (6) months from receipt of this Order, a late-filing penalty of \$400.00 (\$100 for each CDR),⁴ a reduced civil penalty of \$500.00, and an administrative fee of \$400.00, for a total of \$1,300.00. The Commission further orders Respondent to pay \$332.27 to the Children's Trust Fund and provide proof of such payment to the Commission within thirty (30) days from receipt of this Order.

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 \$1,632.27 (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 \$1,632.27 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 19th DAY OF August 2022.

STATE ETHICS COMMISSION


SCOTT E. FRICK, ACTING CHAIR


MICHAEL J. RAFFIELD
RESPONDENT

⁴ The Commission assesses a \$100.00 filing penalty for each CDR pursuant to Section 8-13-1510(A)(1) because Respondent did not receive certified notice of his failure to file these CDRs.