

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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FOR COMMISSION USE ONLY:
CASE NUMBER
c 2021-079

STATE ETHICS
COMMISSION

COMPLAINT FORM

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

RESPONDENT: Dana L. Waters
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Chief Financial Official – Edgefield County

Section 8-13-1120, SC Code Ann., 1976, as amended, requires certain officials to file a Statement of Economic Interests prior to assuming the duties of the office. Records in the State Ethics Commission indicate that the Respondent was required to file the 2019 Statement of Economic Interests prior to November 2019.

Respondent was reminded of the filing requirement by a certified letter dated June 29, 2021 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2019 Statement of Economic Interests has been received. All in violation of Section 8-13-1120, 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
16th day of September 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

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2021-079)
Dana L. Waters)
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 allegation will be heard:

COUNT ONE
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That Dana L. Waters, former Edgefield County Chief Financial Officer, did in Richland County, fail to file a 2019 Statement of Economic Interests upon assuming her role as Chief Financial Officer, in violation of Section 8-13-1110.

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 Dana L. Waters, 37 Meeting Street Road, Edgefield, SC 29824 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 C2021-079)
State Ethics Commission,)
Complainant,)
Dana L. Waters,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on September 16, 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 Dana L. Waters (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 served as Edgefield County Chief Financial Officer (CFO) from November 25, 2019 through August 5, 2021.
2. Respondent did not file a Statement of Economic Interests (SEI) prior to assuming her official duties as CFO.
3. In a June 29, 2021 certified letter, the Commission notified Respondent of her failure to timely file a SEI prior to assuming her official duties as CFO.
4. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on July 7, 2021 at 2:23 p.m.
5. On July 17, 2021, late-filing penalties began to accrue at \$10 per day.
6. On July 27, 2021, late-filing penalties began accruing at \$100 per day.

7. As of the filing of the Complaint, it was noted that Respondent had a "Saved, Not Filed" 2019 SEI in the Commission's electronic filing system.
8. On May 9, 2022, Respondent came into compliance by filing her 2019 SEI. At the time Respondent came into compliance, she had accrued \$5,000 in late-filing penalties.

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 employee" pursuant to Section 8-13-100(25). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1110 provides, in relevant part:

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.

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 one (1) count of violating Section 8-13-1110 for failing to timely file her 2019 SEI upon assuming her official duties. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file the required SEI. As mitigation, Respondent states she was not informed of the filing requirement when she began her County employment. Respondent states she did not respond to the Commission's June 29, 2021 correspondence because she had Covid-19 when she received the letter. Respondent further states that she thereafter moved and the Commission's letter was lost during the move.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1110.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

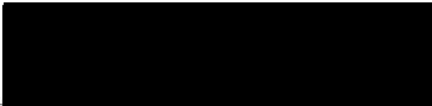
THEREFORE, the Commission hereby issues a written warning and orders the Respondent to pay the Commission, within six (6) months from receipt of this Order, a reduced late-filing penalty of \$100 for the 2019 SEI and an administrative fee of \$350, for a total of \$450. The remaining \$4,900 in accrued late-filing penalties is hereby waived.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$450 (less any money paid to the Commission) in the event she 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 \$450 (less any money paid to the Commission) in its Judgment Rolls,
without cost to the Commission.

AND IT IS SO ORDERED THIS 8th DAY OF July 2022.

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR



DANA L. WATERS
RESPONDENT