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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-080

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: Gayle B. Pauling
ADDRESS: [REDACTED]

TELEPHONE NUMBER: (803) 345-3184 or (803) 580-1516

TELEPHONE NUMBER: (803) 253-4192

TITLE: Council – City of Jenkinsville

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 2018, 2019, 2020, and 2021 Statement of Economic Interests.

Respondent was reminded of the filing requirement by letters dated November 23, 2020 and January 13, 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 8-13-1140, 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 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 C2021-080)
Gayle B. Pauling)
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, April 21, 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 STATEMENT OF ECONOMIC INTERESTS REPORT
SECTION 8-13-1140 S.C. CODE ANN., 1976, AS AMENDED

That Gayle B. Pauling, Town of Jenkinsville Council Member, did in Richland County, fail to timely file a 2018 Statement of Economic Interests report, in violation of Section 8-13-1140.

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

That Gayle B. Pauling, Town of Jenkinsville Council Member, did in Richland County, fail to timely file a 2019 Statement of Economic Interests report, in violation of Section 8-13-1140.

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

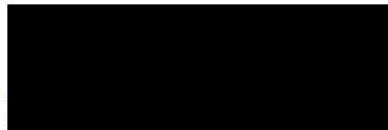
That Gayle B. Pauling, Town of Jenkinsville Council Member, did in Richland County, fail to timely file a 2020 Statement of Economic Interests report, in violation of Section 8-13-1140.

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

That Gayle B. Pauling, Town of Jenkinsville Council Member, did in Richland County, fail to timely file a 2021 Statement of Economic Interests report, 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 15th day,
of December 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Gayle B. Pauling, 8002 State Hwy. 215, Jenkinsville, SC 29065 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd day of December 2021, 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 C2021-080)
State Ethics Commission,)
Complainant,)
Gayle B. Pauling,)
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 Gayle B. Pauling (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on four (4) counts of violating Section 8-13-1140 for failure to timely file 2018, 2019, 2020, and 2021 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent has served on the Jenkinsville City Council.
2. Respondent failed to timely file a SEI on or before March 30 in 2018, 2019, 2020, and 2021.
3. In a November 23, 2020 certified letter, the Commission notified Respondent of her failure to timely file SEIs in 2018, 2019, and 2020. According to the United States Postal Service (USPS), as of January 13, 2021, the certified letter had not been returned to the Commission or delivered to Respondent's address of record.
4. On January 13, 2021, the Commission remailed the certified letter via first-class mail with a tracking number. According to the USPS, this letter was delivered to Respondent's address of record on January 15, 2021 at 9:12 a.m.

5. On January 25, 2021, late-filing penalties began to accrue at \$30 per day (\$10 per SEI).
6. On February 4, 2021, late-filing penalties began accruing at \$300 per day (\$100 per SEI).
7. Respondent did not file her 2021 SEI on or before March 30, 2021.
8. On October 5, 2021, following the filing of the Complaint, Commission Investigator Kevin Hinson contacted Respondent via telephone. Respondent acknowledged receipt of the Commission's letter and Complaint.
9. On October 8, 2021, Respondent came into compliance by filing her 2018, 2019, 2020, and 2021 SEIs. At the time Respondent came into compliance, she had accrued \$15,100 in late-filing penalties.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 official" pursuant to Section 8-13-100(27).
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

¹ Respondent accrued \$5,000 in late-filing penalties for the 2018, 2019, and 2020 SEIs. Respondent's late-filing penalty with regard to her 2021 SEI is limited to \$100 because the Commission did not provide Respondent with certified notice pursuant to Section 8-13-1510(A)(2).

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 four (4) counts of violating Section 8-13-1140 for failing to timely file her 2018, 2019, 2020, and 2021 SEIs. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file the required SEIs. Respondent states that she did not respond to the Commission’s January 13, 2021 certified letter because she was on the verge of losing her job at the time. Respondent states she was searching for new employment and was consumed by this search. Respondent states she failed to make her filings a priority in light of her employment situation. Respondent states that she came into compliance promptly following the telephone call from Investigator Hinson and asks for financial leniency.

DISPOSITION

1. The Commission hereby finds Respondent in violation of four (4) 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 one (1) year from receipt of this Order, a reduced late-filing penalty of \$1,000 (\$300 each for the 2018, 2019, and 2020 SEIs and \$100 for the 2021 SEI), and an administrative fee of \$300, for a total of \$1,300. The remaining \$14,100 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 \$1,300 (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 of Court shall enter this Order in the amount of \$1,300 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 15th DAY OF July 2022.

STATE ETHICS COMMISSION


SCOTT FRICK, ACTING CHAIR


GAYLE B. PAULING
RESPONDENT