

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

RECEIVED

2021 OCT 15 AM 10:41

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:

CASE NUMBER

c 2021-095

COMPLAINANT: FRANK R. PHILPOTT
ADDRESS: 39 BARONY PLACE CIR., COLUMBIA, SC 29229
TELEPHONE NUMBER: 847.971.7083
TITLE: SELF

RESPONDENT: AMELIA MCKIE
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: SCHOOL BOARD TRUSTEE

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

This complaint against Amelia McKie is based on the 2021 Statement of Economic Interests Report as filed with the S.C. Ethics Commission on January 12, 2021.

This Report is erroneous because it lists no income from Richland School District Two, where McKie holds the position of School Board Trustee and receives a monthly stipend/salary of at least \$800. She should have reported at least \$9,600 income received in 2020 from an SC Governmental Entity, Richland School District Two. On the 2021 Report, the entry is "Nothing Reported".

As a source of Private Income McKie entered "NLLC". McKie should be required to identify that source of income by its full legal name, so that any conflict-of-interest can be determined.

On her 2021 SEI McKie reported no Family Members' Income. On her 2020 SEI, submitted March 31, 2020, she reported Family Members' Income from LHI and the Type of income as Consult. Without a full legal business name, potential conflict-of-interest cannot be determined. Please determine whether Family Members' Income should have been included on the 2021 SEI.

On her 2021 SEI McKie reported no Lobbyist Connections, which have been reported in the past. If NLLC or LHI is engaged in lobbying activities, it should be listed.

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 FRANK R. PHILPOTT who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this 15th day of October, 2021

[REDACTED]
Notary Public for South Carolina
My Commission expires 6-25-28



[REDACTED]
Complainant Signature

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

LOGGED

SCANNED

MW, EC, RD 10-15-21

C102form

| | | |
|-------------------------|---|------------------------------------|
| STATE OF SOUTH CAROLINA |) | |
| COUNTY OF RICHLAND |) | BEFORE THE STATE ETHICS COMMISSION |
| |) | |
| IN THE MATTER OF: |) | |
| |) | |
| Complaint C2021-095 |) | |
| |) | |
| Amelia McKie |) | NOTICE OF HEARING |
| Respondent. |) | |
| |) | |
| Frank R. Philpott |) | |
| Complainant. |) | |
| _____ |) | |

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, June 16, 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 REPORT GOVERNMENT INCOME
SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

That Amelia McKie, Richland School District Two Board Member, did in Richland County, fail to report Respondent’s government income on her 2021 Statement of Economic Interests (SEI), in violation of Section 8-13-1120.

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 Amelia B. McKie, P.O. Box 291173, Columbia, SC 29229 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 11th day of April 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 C2021-095)
Amelia McKie)
Respondent.)
Frank R. Philpott)
Complainant.)
_____)

BEFORE THE STATE ETHICS COMMISSION

AMENDED 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 allegation will be heard:


COUNT ONE
FAILURE TO REPORT GOVERNMENT INCOME
SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

That Amelia McKie, Richland School District Two Board Member, did in Richland County, fail to report Respondent's government income on her 2021 Statement of Economic Interests (SEI), in violation of Section 8-13-1120.

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 16th day,
of June 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on the RESPONDENT Amelia B. McKie, P.O. Box 291173, Columbia, SC 29229 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 16th 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

State Ethics Commission

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2021-095)
Frank R. Philpott,)
Complainant.)
Amelia B. McKie,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on October 15, 2021. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the Commission reviewed the above-captioned complaint against Amelia B. McKie (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on October 20, 2022, were Commissioners F. Xavier Starkes, Mary Hunter B. Tomlinson, and Neal D. Truslow, Hearing Chair. Respondent appeared *pro se*. Commission was represented by Courtney M. Laster. The following charge was considered:

COUNT ONE¹
FAILURE TO REPORT GOVERNMENT INCOME
SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

That Amelia B. McKie, Richland School District Two Board Member, did in Richland County, fail to report Respondent's government income on her 2021 Statement of Economic Interests (SEI), in violation of Section 8-13-1120.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Panel finds as fact:

1. At all times relevant, Respondent served on the Richland County School District Two (District)

¹ The Complaint also alleged Respondent improperly reported a source of private income by listing "NLLC" rather than the entity's full name of "Nfusion, LLC." The Commission did not find probable cause to support this allegation.

Board of Trustees (Board).

2. In exchange for her service on the District Board, Respondent received an annual stipend of approximately \$9,600.
3. On January 12, 2021, Respondent timely filed her 2021 SEI, but did not disclose the governmental income she received from the District in 2020.
4. On December 23, 2021, following contact from a Commission Investigator, Respondent promptly amended her 2021 SEI to disclose her governmental income from the District.
5. Respondent appeared at the hearing and testified on her own behalf. Respondent stated that she did not intend to violate the Ethics Act. Respondent further stated that she did not disclose her government income in 2021 based on a misinterpretation of the requirements of the Ethics Act. Respondent accepted responsibility for her failure to disclose.

CONCLUSIONS OF LAW

Based upon the Findings 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) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1120(A)(2) of the Ethics Act requires public officials to report:

the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period.
3. Section 8-13-100(29) defines "substantial monetary value" as more than \$500.
4. Section 8-13-320(10)(l) allows the Commission to require a public official to pay a civil penalty of up to \$2,000 for each violation of the Ethics Act.
5. Section 8-13-130 of the Ethics Act allows the Commission to levy an administrative fee on any person who is found in violation of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of evidence, that Respondent Amelia B. McKie is in violation of one (1) count of Section 8-13-1120 for failure to disclose governmental income on her 2021 SEI.

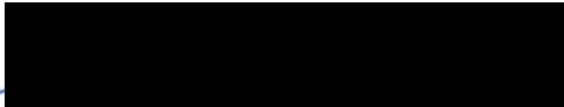
THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a reduced civil penalty of \$1,000 and an administrative fee of \$550, for a total of \$1,550. Respondent is ordered to contact Commission staff within forty-five (45) days from her receipt of this Order to set up a payment plan. The assessed amount of \$1,550 must be paid, pursuant to Respondent's agreed-upon payment plan with staff, no later than ninety (90) days from Respondent's receipt of this Order.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$1,550 is not paid within ninety (90) days from Respondent's receipt of this Order, a judgment in the amount of \$2,550 shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$2,550 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Amelia B. McKie, has ten (10) days from receipt of this Order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 30TH DAY OF NOVEMBER 2022.

STATE ETHICS COMMISSION


NEAL D. TRUSLOW
HEARING CHAIR