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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. 2021-108

COMPLAINANT: Brandon Stymiest

RESPONDENT: Daniel Scott Shuler

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER:

TITLE:

TITLE: CLOVER TOWN COUNCIL CANDIDATE

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).

Upon review of the South Carolina Ethics Commission Public Reporting, I found at Town Council Candidate Scott Shuler failed to file Pre-Election and Post-Election Campaign Disclosure Reports for the Clover Special Election on 7/6/2021.

It was also found that Town Council Candidate Scott Shuler failed to file Pre-Election Campaign Disclosure Reports for the General Election held on 11/2/2021.

Additionally, no Statement of Economic Interest (SEI) was found for Candidate Shuler.

Furthermore, it does not appear Candidate Shuler ever registered with the SC Ethics Commission as no profile was found.

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~~ York

Personally appeared before me Brandon Stymiest 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
4 day of November, 2021

[REDACTED]

[REDACTED SIGNATURE]

Complainant Signature

Notary Public for South Carolina
My Commission expires 2-8-2031

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 C2021-108)
Daniel Scott Shuler)
Respondent.)
Brandon Stymiest)
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 PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED

That Daniel Scott Shuler, Candidate for Clover Town Council, did in Richland County, fail to file a Pre-Election Campaign Disclosure Report for a special election held July 6, 2021, in violation of Section 8-13-1308(A).

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

That Daniel Scott Shuler, Candidate for Clover Town Council, did in Richland County, fail


to file a Pre-Election Campaign Disclosure Report for an election held November 2, 2021, in violation of Section 8-13-1308(A).

COUNT THREE
FAILURE TO OPEN A CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Daniel Scott Shuler, Candidate for Clover Town Council, did in Richland County, fail to open a campaign bank account at a bank in South Carolina, in violation of Section 8-13-1312.

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 Daniel Scott Shuler by depositing said **NOTICE OF HEARING** in the United States mail, 106 Willow Street, Clover, South Carolina 29710 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.



Rachael O'Bryan, Administrative Assistant

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2021-108)
Brandon Stymiest,)
Complainant,)
Daniel Scott Shuler,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on November 9, 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 Daniel Scott Shuler (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 the following:

STATEMENTS OF FACT

1. Respondent was an unsuccessful candidate for Clover Town Council in a July 6, 2021 special election and a November 2, 2021 general election.
2. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) prior to either election.
3. During his campaign, Respondent made campaign purchases using personal funds, but did not open a campaign bank account.
4. On November 15, 2021, following the filing of the Complaint, Respondent filed Pre-Election CDRs for both elections.

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 the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8-13-1304(A) 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.

...

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election . . .

3. Section 8-13-1312 provides, in relevant part:

. . . Except as otherwise provided under Section 8-13-1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. 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. All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt . . .

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 8-13-320(10)(l) allows the Commission to require the payment of up to \$2,000 for each violation of the Ethics Act.

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.

DISCUSSION

The Commission found probable cause to charge Respondent with two (2) counts of violating Section 8-13-1308 for failing to file a Pre-Election CDR prior to his July 6, 2021 special election and his November 2, 2021 general election. The Commission further found probable cause to charge Respondent with one (1) count of violating Section 8-13-1312 for failing to open a campaign bank account.¹ In mitigation, Respondent states that the July 6, 2021 special election was held following the death of an incumbent Councilmember and that individuals in the community encouraged him to run. Respondent states other members of Council advised him that he was not required to file with the Commission unless he raised and spent money other than his own. Respondent states that he was not informed of the filing requirements when he signed up to run at the York County Elections and Voter Registration office. Respondent further states that he does not own a computer and was “out of [his] element” when he decided to run for office.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-1308 and one (1) count of Section 8-13-1312.
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 ninety (90) days from receipt of this Order, a late-filing penalty of \$100 for the July 6, 2021 Pre-Election CDR; a late-filing penalty of \$100 for the November 2, 2021 Pre-Election CDR; a reduced civil penalty of \$100 for failing to open a campaign bank account, and an


¹ The Complaint also alleged Respondent failed to file a Statement of Economic Interests (SEI) as a candidate. However, pursuant to Section 8-13-1356 of the Ethics Act, Respondent was not required to file a SEI as a candidate because his elections were non-partisan.

administrative fee of \$200, for a total of \$500. The Commission notes that no late-filing penalties accrued with respect to the two (2) Pre-Election CDRs because Respondent did not receive certified notice from the Commission prior to coming into compliance. See Section 8-13-1510 (limiting late-filing penalties to \$100 per late-filed CDR unless certified notice is received).

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 \$500 (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 \$500 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 21st DAY OF October 2022.

STATE ETHICS COMMISSION


SCOTT FRICK, ACTING CHAIR



DANIEL SCOTT SHULER
RESPONDENT