

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-117

COMPLAINT FORM

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

RESPONDENT: Tommy E. King
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Chairman – Southside Rural Community
Water District

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

Respondent was reminded of the filing requirements by a certified letter dated February 18, 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, 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
24th day of November, 2021

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/22/2026

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 C2021-117)
Tommy E. King)
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 allegations will be heard:

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

That Tommy E. King, Commissioner of the Southside Rural Community Water District, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That Tommy E. King, Commissioner of the Southside Rural Community Water District,


did in Richland County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

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

That Tommy E. King, Commissioner of the Southside Rural Community Water District, did in Richland County, fail to file a 2021 SEI, 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 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 Tommy E. King, 7918 Moorefield Memorial Highway, Liberty, SC 29657 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 22nd 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 C2021-115)
State Ethics Commission,)
Complainant,)
Robert W. Hanley,)
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 24, 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 Robert W. Hanley (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1308 for Respondent's failure to timely file a 2018 Pre-Election Campaign Disclosure Report (CDR). Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. Respondent was an unsuccessful petition candidate in a November 6, 2018 election for the Greenville County Soil and Water Conservation District (District).¹
2. Respondent timely submitted a 2018 Statement of Economic Interests (SEI) on March 31, 2018.
3. Respondent submitted his petition to the Greenville County Voter Registration and Election Board on July 13, 2018.
4. Respondent did not file a Pre-Election CDR prior to the November 6, 2018 election.

¹ Although Respondent was unsuccessful in his 2018 election, he was subsequently appointed to the District Board.

5. In an April 13, 2021 certified letter, the Commission notified Respondent of his failure to file a Pre-Election CDR. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on May 4, 2021 at 2:37 p.m.
6. On May 14, 2021, late-filing penalties began to accrue at \$10 per day.
7. On May 24, 2021, late-filing penalties began to accrue at \$100 per day.
8. On February 14, 2022, Respondent filed his 2018 Pre-Election CDR. Respondent's Pre-Election CDR showed that he did not raise or spend any money in conjunction with his November 6, 2018 election.
9. At the time he came into compliance, Respondent had accrued \$5,000 in late-filing penalties pursuant to Section 8-13-1510.

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 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.

. . .

(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 for the period ending twenty days before the election.

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) violation of Section 8-13-1308 for failing to file a Pre-Election CDR prior to his November 6, 2018 election. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file this CDR. Respondent states he was under the impression that he only needed to file a Pre-Election CDR if he raised or spent money. Respondent further states that he believed the SEI was the only filing required.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308.
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 public reprimand and orders the Respondent to pay the Commission, within ninety (90) days from receipt of this Order, a reduced late-filing penalty of \$800 pursuant to Section 8-13-1510(A)(1) and an administrative fee of \$500

pursuant to Section 8-13-130, for a total of \$1,300. The Commission declines to assess the remaining \$4,200 in accrued late-filing penalties.

By executing this Consent Order, Respondent understands that he is not only admitting to violating the Ethics Act, but also confessing to a judgment of \$1,300 (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 \$1,300 (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


ROBERT W. HANLEY
RESPONDENT