

RECEIVED STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

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STATE ETHICS COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY: CASE NUMBER C 2022-011

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

RESPONDENT: Richard H. Hodges ADDRESS: [REDACTED] TELEPHONE NUMBER: [REDACTED] TITLE: Former Trustee - Florence County School District 4 and Town of Timmonsville Councilman

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. Respondent failed to report income from Florence County School District 4 on his 2018 and 2019 Statement of Economic Interests. The school district was taken over by the South Carolina Department of Education in May 2018. However, he would have received income from January 2018 - April 2018, which would have been reported on the 2019 Statement of Economic Interests.

Respondent was reminded of the filing requirement by letters dated February 19, 2021 and March 18, 2021 as described in the attached. To date, no properly completed 2018 or 2019 Statement of Economic Interests have 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 1st day of February 2022

[REDACTED] Meghan L. Walker, Executive Director

[REDACTED] Notary Public for South Carolina My Commission expires 01/22/26

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)	BEFORE THE STATE ETHICS COMMISSION
)	
)	
IN THE MATTER OF:)	
)	
Complaint C2022-011)	
)	
Richard H. Hodges)	NOTICE OF HEARING
Respondent.)	
)	
State Ethics Commission)	
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 State Ethics Commission will, therefore, convene a formal hearing into the matters, 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 State Ethics 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 REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2) S.C. CODE ANN., 1976, AS AMENDED

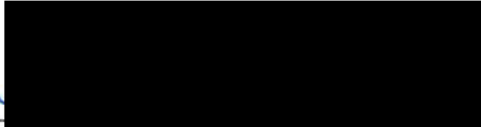
That Richard H. Hodges, former Florence County School District 4 Trustee, did in Richland County, fail to report Respondent’s government income received from Florence School District 4 on his 2018 Statement of Economic Interests (SEI), in violation of Section 8-13-1120(A)(2).

COUNT TWO
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2) S.C. CODE ANN., 1976, AS AMENDED

That Richard H. Hodges, former Florence County School District 4 Trustee, did in Richland County, fail to report Respondent's government income received from Florence School District 4 on his 2019 SEI, in violation of Section 8-13-1120(A)(2).

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 20th 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 Richard H. Hodges, PO Box 727, Timmonsville, SC 29161 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 21st 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 C2022-011)
State Ethics Commission,)
Complainant,)
Richard H. Hodges,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on February 1, 2022. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Richard H. Hodges (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on two (2) counts of violating Section 8-13-1120(A)(2) for failing to report government income on his 2018 and 2019 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 served on the Florence County School District Four Board of Trustees. Respondent was most recently elected in November 2016.
2. On March 28, 2018, Respondent filed his 2018 SEI, but failed to disclose the amount of government income he received in 2017.
3. In May of 2018, the South Carolina Department of Education declared a state of emergency in the District, relieving Respondent of his duties and suspending his compensation as a Board member.
4. On September 24, 2019, Respondent filed his 2019 SEI, but failed to disclose the amount of government income he received in 2018.
5. In a February 19, 2021 first-class letter, the Commission notified Respondent that he failed to disclose government income on his 2018 and 2019 SEI.

6. In a March 18, 2021 certified letter, the Commission notified Respondent that he failed to disclose government income on his 2018 and 2019 SEI.
7. On March 3, 2022, following the filing of the Complaint, Respondent disclosed the government income he received on his 2018 and 2019 SEIs. Respondent reported receiving \$1,200 on his 2018 SEI and \$400 on his 2019 SEI.

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 8-13-1120(A)(2) of the Act requires public officials to disclose:

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 “a monetary value of five hundred dollars or more.”
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 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 8-13-1120(A)(2) for failing to report government income received on his 2018 and 2019 SEIs. However, based on the amounts Respondent disclosed, he did not meet the reporting threshold for 2019 because the amount he received was not over \$500 pursuant to Section 8-13-100(29). Accordingly, the Commission hereby dismisses the violation of Section 8-13-1120(A)(2) related to Respondent’s

2019 SEI. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to disclose his government income in 2018. As mitigation, Respondent states that the State Department was in the process of taking over the District in the Spring of 2018 when he failed to disclose his government income. Following his suspension from office, Respondent believed his responsibilities for filing had concluded.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1120(A)(2).
2. The Commission 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, an administrative fee of \$300. The Commission declines to assess a civil penalty.

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 \$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 shall enter this Order in the amount of \$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


RICHARD H. HODGES, RESPONDENT


STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)
)
COMPLAINT C2022-011)
)
State Ethics Commission,)
Complainant,)
)
vs.)
)
Richard H. Hodges)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
JUDGMENT ROLL NO. 2023CP2101840

SATISFACTION OF JUDGMENT

RECEIPT IS HEREBY ACKNOWLEDGED of the satisfaction of the within Judgment,
and the same is hereby declared to be satisfied and the Clerk of Court is hereby authorized and
directed to cancel the same of record.

STATE ETHICS COMMISSION


Courtney M. Laster, SC Bar #77807
201 Executive Center Drive Suite
150 Columbia, SC 29210

August 31, 2023