

RECEIVED STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

MAR 17 2022

STATE ETHICS COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY: CASE NUMBER C 2022-025

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

RESPONDENT: Benjamin K. Teal ADDRESS: [REDACTED] TELEPHONE NUMBER: [REDACTED] TITLE: Former Councilman - Chesterfield County

Section 8-13-1308, S.C. Code Ann., 1976, as amended, requires candidates to file Campaign Disclosures within ten (10) days of receiving or expending \$500; fifteen (15) days prior to each election; within ten (10) days of the end of each quarter; and a final report when the campaign account is closed. In addition, certified campaign reports detailing campaign contributions and expenditures must contain the total of contributions accepted, the name and address of each person making a contribution, the total expenditures made by or on behalf of the candidate or committee, and the name and address of each person to whom an expenditure is made from campaign funds. Pursuant to Section 8-13-1362 and Regulation 52-504 (C), the Pre-Election and quarterly report are required even when there have been no contributions or expenditures.

Records of the State Ethics Commission indicate that a Campaign Disclosure was due no later than July 10, 2018 and October 10, 2018. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the quarterly filing requirements by letters dated August 25, 2020 and April 21, 2021 as described in the attached. To date, no properly completed Quarter 2 2018 or Quarter 3 2018/Final Campaign Disclosure has been received. All in violation of Section 8-13-1308(B) and Section 8-13-1308 (F), S.C. 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 17th day of March, 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 C2022-025)	
)	
Benjamin K. Teal)	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 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 20, 2023 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Benjamin K. Teal, Chesterfield County Council candidate, did in Richland County, fail to file a quarterly Campaign Disclosure Report due July 10, 2018, in violation of Section 8-13-1308(B).


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

That Benjamin K. Teal, Chesterfield County Council candidate, did in Richland County,

fail to file a Final Campaign Disclosure Report, in violation of Section 8-13-1308(B).

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 11th day,
of October 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Benjamin K. Teal, 298 Cat Pond Road, Chesterfield SC 29584 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 11th day of October 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2022-025)
)
 State Ethics Commission,)
 Complainant,)
)
 Benjamin K. Teal,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 17, 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 Benjamin K. Teal (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on two (2) counts of violating Section 8-13-1308(B) for failing to file a July 10, 2018 Campaign Disclosure Report (CDR) and an October 10, 2018/Final CDR. Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent served on the Chesterfield County Council from 2016-2020. During his 2016 election cycle, Respondent raised and spent a total of \$600.
2. In an October 10, 2016/Pre-Election CDR, Respondent disclosed \$110.92 in on-hand contributions. Respondent thereafter failed to file any additional CDRs.
3. In an August 25, 2020 certified letter, the Commission notified Respondent of his failure to file a July 10, 2018 CDR and an October 10, 2018/Final CDR.¹
4. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on August 27, 2020 at 9:11 a.m.

¹ Respondent was penalized for seven (7) additional CDRs in this correspondence, but these penalties were assessed through the Commission's non-compliance process outside of this Complaint. Respondent has paid the \$700 in late-filing penalties related to these CDRs.

5. On September 6, 2020, late-filing penalties began to accrue at \$20 per day (\$10 per CDR).
6. On September 16, 2020, late-filing penalties began to accrue at \$200 per day (\$100 per CDR).
7. On October 8, 2020, Respondent contacted the Commission and indicated he would obtain his campaign bank account records to show when he closed his campaign bank account.
8. On October 15, 2020, Respondent contacted the Commission and advised his campaign bank account was closed on July 13, 2018.
9. In a letter received by the Commission on October 19, 2020, Respondent sought to appeal any late-filing penalties assessed for his failure to file the required CDRs and provided bank records showing his campaign bank account was closed on July 13, 2018.
10. In a letter dated April 12, 2021, Respondent was advised that his appeal could not be considered until he filed the required CDRs. Following numerous additional unsuccessful attempts to contact Respondent, the Complaint was filed on March 17, 2022.
11. On August 15, 2022, a Commission Investigator contacted Respondent and advised him to file the required CDRs. Respondent initially had difficulty logging into the Commission's electronic filing system, but ultimately filed the necessary CDRs on August 28, 2022, disclosing one additional expenditure to a non-profit organization in the amount of \$110.92.
12. At the time he came into compliance, Respondent had accrued \$10,000 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(B) provides, in relevant part:

Following the filing of an initial certified campaign report, additional certified

campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to provisions of Section 8-13-1370.

3. Section 8-13-1510(A) provides, in relevant part:

... a person required to file a report or statement under this chapter who files a late 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 two (2) counts of violating Section 8-13-1308(B) for failing to timely file a July 10, 2018 CDR and an October 10, 2018/Final CDR. Through this Consent Order, Respondent admits he did not timely file the required CDRs. Respondent states he was confused about which CDRs were required because he was assessed late-filing penalties for other CDRs outside of this Complaint process. Respondent mistakenly believed that his payment of the \$700 for the previous CDRs concluded all matters related to this election cycle. Respondent states 2016 was his first time running for office.

DISPOSITION

1. The Commission finds Respondent in violation of two (2) counts of Section 8-13-1308(B).
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 this written warning to Respondent, and orders Respondent to pay the Commission, within six (6) months from receipt of this Order, a late-filing

penalty of \$300 (\$150 for each CDR) and an administrative fee of \$600, for a total of \$900. The Commission declines to assess the remaining \$9,700 in accrued late-filing penalties.

By executing this Consent Order, Respondent understands that he is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of \$900 in the event he does not make payment as provided for in this Order, in which case the Commission shall file a Judgment against Respondent with the County Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$900 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 14th DAY OF April 2023.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


BENJAMIN K. TEAL
RESPONDENT