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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

APR 06 2022

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-036

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

RESPONDENT: Michael D. Brown
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Councilman – Spartanburg County

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 and 2020 Statement of Economic Interests.

Respondent was reminded of the filing requirements by a certified letter dated January 31, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadlines. To date, no properly completed 2019 or 2020 Statement of Economic Interests has been received. All in violation of Section 8-13-1140, SC Code Ann., 1976, as amended.

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.

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
6th day of April, 2022

[REDACTED]
Meghan L. Walker, Executive Director

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

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
ELECTRONIC COPIES WILL NOT BE ACCEPTED

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE MATTER OF:)

Complaint C2022-036)

Michael D. Brown)
Respondent.)

State Ethics Commission)
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, 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Michael D. Brown, former Spartanburg County Council Member, did in Richland County, fail to file a 2019 Statement of Economic Interests, 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 Michael D. Brown, former Spartanburg County Council Member, did in Richland County, fail to file a 2020 Statement of Economic Interests, 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 19th day,
of January 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on the Michael D. Brown, 1450 Dover Road, Apt. A, Spartanburg, SC 29301 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 20th day of January 2023, 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 C2022-036)
)
State Ethics Commission,)
Complainant,)
)
Michael D. Brown,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on April 6, 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 Michael D. Brown (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on two (2) counts of violating Section 8-13-1140 for failing to timely file 2019 and 2020 Statements of Economic Interests (SEI). Prior to the hearing, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent served on Spartanburg County Council.
2. Respondent failed to file a SEI on or before March 30 in 2019 and 2020.
3. In a January 31, 2022 certified letter, the Commission notified Respondent of his failure to timely file the 2019 and 2020 SEIs.
4. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent’s address of record on February 3, 2022 at 1:19 p.m. The return receipt from USPS notes “CV-19” in the signature block.
5. On April 6, 2022, the Complaint was filed.
6. On June 3, 2022, a Commission Investigator contacted Respondent. Respondent stated he had not received the Commission’s January 31, 2022 letter.
7. Following several unsuccessful attempts to serve the Complaint on Respondent electronically, a

Commission Investigator hand-delivered the Complaint to Respondent in Greenville, South Carolina on August 24, 2022.

8. On September 2, 2022, Respondent came into compliance by filing his 2019 and 2020 SEIs.

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 8-13-1140 provides, in relevant part:

A person required to file a [SEI] under this chapter annually shall file . . . an updated statement for the previous calendar year, no later than noon on March 30 . . .

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 two (2) counts of violating Section 8-13-1140 for failing to timely file his 2019 and 2020 SEIs. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required SEIs. Respondent states he did not receive the Commission’s January 31, 2022 certified letter. The Commission acknowledges that the return receipt from USPS is insufficient to establish Respondent

received certified notice.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-1140.
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 sixty (60) days from receipt of this Order, a late-filing penalty of \$200 (\$100 per SEI) and an administrative fee of \$350, for a total of \$550. The Commission notes that Respondent is not subject to any additional accrued penalties pursuant to Section 8-13-1510 because he did not receive certified notice of his failure to file.

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 \$550 (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 \$550 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 31st DAY OF March 2023.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


MICHAEL D. BROWN
RESPONDENT