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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 2022-038

COMPLAINANT: Ann Conder

RESPONDENT: Kirstin Tanner

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER:

TITLE:

TITLE: School Board Trustee

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 reviewing Economic Interest Statements, it appears that current Berkeley County School Board Trustee, Kirstin Tanner, has not disclosed her economic interests for the year 2021, and is late in filing her Economic Interests for 2020. In also reviewing her reports, it appears she failed to report her husband's income in any of her previous reports. He was employed up until sometime in 2020 or 2021 by Berkeley County Sheriff's Department as a deputy, which is a government entity. She has reported a dinner provided to her as a gift from M.B. Kahn Construction in the amount of \$100 in her most recent SEI filing filed on 3/23/22. I am assuming she is making reference to M.B. Kahn Construction which is a vendor. All these issues give the appearance that Ms. Tanner may not fully understand her ethical duties as a public servant and quite possibly is demonstrating a lack of the meaning of full and correct disclosure...which could create a lack of good faith with the general public. Therefore, I request an investigation into these violations.

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 Berkeley

Personally appeared before me Teresa A. Goude 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

11 day of April, 2022

[REDACTED]

Complainant Signature

Notary Public for South Carolina

My Commission expires 9-12-2027



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)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2022-038)

Kirstin Tanner)
Respondent.)

Ann Conder)
Complainant.)

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 complaints. 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, October 20, 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 FILE A STATEMENT OF ECONOMIC INTERESTS REPORT
SECTION 8-13-1140 S.C. CODE ANN., 1976, AS AMENDED

That Kirstin Tanner, a Berkeley County School Board Trustee, did in Richland County, fail to timely file a 2022 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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 Kirstin Tanner, a Berkeley County School Board Trustee, did in Richland County,

fail to report Respondent's husband's governmental income on her 2020 SEI, in violation of Section 8-13-1120(A)(2).

COUNT THREE

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

That Kirstin Tanner, a Berkeley County School Board Trustee, did in Richland County, fail to report Respondent's husband's governmental income on her 2021 SEI, in violation of Section 8-13-1120(A)(2).

COUNT FOUR

**FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED**

That Kirstin Tanner, a Berkeley County School Board Trustee, did in Richland County, fail to report private source of income for an immediate family member on her 2021 SEI, in violation of Section 8-13-1120(A)(10).

COUNT FIVE

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

That Kirstin Tanner, a Berkeley County School Board Trustee, did in Richland County, fail to report income received from a business contracting with Berkeley County School District on her 2020 SEI, in violation of Section 8-13-1120(A)(8).

COUNT SIX

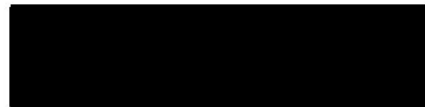
**FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(8) S.C. CODE ANN., 1976, AS AMENDED**

That Kirstin Tanner, a Berkeley County School Board Trustee, did in Richland County, fail to report income received from a business contracting with Berkeley County School District on her 2021 SEI, in violation of Section 8-13-1120(A)(8).

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.

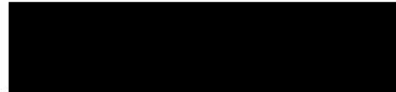


Meghan D. Walker, Executive Director
State Ethics Commission

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 Kirstin Tanner, 311 Red Fox Lane, Goose Creek, SC 29445 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2022-038)
Ann Conder,)
Complainant,)
Kirstin Tanner,)
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 14, 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 Kirstin Tanner (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 a successful candidate in a November 3, 2020 election for the Berkeley County School District (District).
2. Respondent filed a 2020 Statement of Economic Interests (SEI) on November 9, 2020, but did not report her spouse's income or the income she received from Kelly Services, a staffing agency that contracts with the District.
3. Respondent filed a 2021 SEI on March 23, 2022, but did not report her spouse's income, the income of an immediate family member, or the income she received from Kelly Services.
4. Respondent filed her 2022 SEI on April 25, 2022, disclosing all the proper information.

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 8-13-1120(A) provides, in relevant part:

A [SEI] filed pursuant to Section 8-13-1110 must be on forms prescribed by the [Commission] and must contain full and complete information concerning:

- (1) 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;

. . .

- (8) if a [public official] receives compensation from an individual or business which contracts with the governmental entity with which the [public official] serves or is employed, the [public official] must report the name and address of that individual or business and the amount of compensation paid to the [public official] by that individual or business;

. . .

- (10) a listing of the private source and type of any income received in the previous year by the filer or a member of his immediate family . . .

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 . . .

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 one (1) count of violating Section 8-13-1140 for failing to timely file her 2022 SEI; and five (5) counts of violating Section 8-13-1120(A) for failing to report various types of income on her 2020 and 2021 SEIs.¹ Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she did not file her 2022 SEI by March 30, 2022 and when she failed to report the aforementioned income on her 2020 and 2021 SEIs. Respondent states that 2020 was her first run for public office and she was not clear on how to fill out the SEIs. Respondent came into compliance promptly before anyone from the Commission contacted her about the complaint. Respondent has no prior instances of non-compliance.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1140 and five (5) counts of Section 8-13-1120(A).
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 sixty (60) days from receipt of this Order, a late-filing penalty of \$100 and an administrative fee of \$200, for a total of \$300.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$300 (less any money paid to the

¹ Respondent was not charged with failing to timely file a 2021 SEI in this matter because she has already submitted the associated \$100 late-filing penalty through the non-compliance process.

Commission) in the event she 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 \$300 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 8th DAY OF July 2022.



KIRSTIN TANNER
RESPONDENT

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR