

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022 - 061

STATE ETHICS COMMISSION
RECEIVED JUN 7 '22 PML 1:31:43

COMPLAINT FORM

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

RESPONDENT: Terrance L. Middleton
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Councilmember – City of Andrews
and Candidate – City of Andrews Mayor

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 Statement of Economic Interests.

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 an Initial Campaign Disclosure was due no later than August 25, 2019 and a Pre-Election Campaign Disclosure was due between October 16, 2019 and October 21, 2019. Respondent was sent an email reminder thirty days before the Pre-Election Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by a certified letter dated January 4, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2019 Statement of Economic Interests or Pre-Election Campaign Disclosure have been received. All in violation of Section 8-13-1140, Section 8-13-1308(A), Section 8-13-1308(D)(1), and Section 8-13-1308 (F), 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
7th day of June, 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)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2022-061)	
)	
Terrance L. Middleton)	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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate

for Mayor of Town of Andrews, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report for a November 3, 2019 election, in violation of Section 8-13-1308.

COUNT THREE
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, did in Richland County, fail to disclose a campaign contribution and expenditure in the amount of \$288.00, in violation of Section 8-13-1308(F).

COUNT FOUR
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, did in Richland County, fail to disclose a campaign contribution and expenditure in the amount of \$332.45, in violation of Section 8-13-1308(F).

COUNT FIVE
FAILURE TO OPEN A CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, fail to open a campaign bank account, in violation of Section 8-13-1312.

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 11 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 Terrance L. Middleton by depositing said **NOTICE OF HEARING** in the United States mail, 906 MLK Drive, Andrews, SC 29510 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

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2022-061)

State Ethics Commission,)
Complainant.)

DECISION AND ORDER

Terrance L. Middleton,)
Respondent.)

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on June 7, 2022. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the Commission reviewed the above-captioned complaint against Terrance L. Middleton (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on April 20, 2023, were Commissioners Brandolyn Thomas Pinkston, Mary Hunter B. Tomlinson, and Neal D. Truslow, Hearing Chair. Respondent was duly notified, but did not appear for the hearing. Complainant was represented by Courtney M. Laster. The following charges were considered:¹

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

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

¹ At the call of the case, Commission staff moved to dismiss Counts Three (3) and Four (4). This Motion was granted and the hearing proceeded on Counts One (1), Two (2), and Five (5).

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report for a November 3, 2019 election, in violation of Section 8-13-1308.

COUNT FIVE
FAILURE TO OPEN A CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Terrance L. Middleton, former Council Member for Town of Andrews and candidate for Mayor of Town of Andrews, fail to open a campaign bank account, in violation of Section 8-13-1312.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. Respondent served on Andrews Town Council from approximately 2007 through December 2019.
2. Respondent did not file a Statement of Economic Interests (SEI) on or before March 30, 2019.
3. Prior to the filing of the Complaint, Respondent was an unsuccessful candidate in a November 3, 2019 election.
4. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) prior to the November 3, 2019 election.
5. In a January 4, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2019 SEI and a 2019 Pre-Election CDR.
6. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on January 8, 2022 at 12:39 p.m.
7. On January 18, 2022, late-filing penalties began to accrue at \$20 per day (\$10 per report).
8. On January 28, 2022, late-filing penalties began accruing at \$200 per day (\$100 per report).

9. Receiving no response, the Complaint was filed on June 7, 2022.
10. On June 14, 2022, a Commission Investigator contacted Respondent to discuss the Complaint. The Investigator advised Respondent that he needed to file a 2019 SEI and a 2019 Pre-Election CDR. Respondent stated his 2019 campaign was self-funded and that he had paid for the filing fee and purchased campaign signs using personal funds totaling \$623.45.
11. Respondent filed his 2019 SEI on July 15, 2022 and his 2019 Pre-Election CDR on August 2, 2022, having accrued the statutory maximum of \$5,000.00 in late-filing penalties with regard to each report.

CONCLUSIONS OF LAW

Based upon the Findings 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) and 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, pursuant to Section 8-13-365, an updated statement for the previous calendar year, no later than noon on March thirtieth of each calendar year . . .

3. Section 8-13-1308(D)(1) provides, in relevant part:

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 or committee for the period ending twenty days before the election...

4. Section 8-13-1312 provides, in relevant part:

. . . Except as otherwise provided in Section 8-13-1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account or issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt.

5. 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.

6. Section 8-13-320(10)(l) allows the Commission to assess a civil penalty up to \$2,000.00 for each violation of the Ethics Act.

7. Section 8-13-130 of the Ethics Act allows the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of evidence, that Respondent Terrance L. Middleton is in violation of one (1) count of 8-13-1140 for failing to file a 2019 SEI, one (1) count of Section 8-13-1308 for failing to timely file a 2019 Pre-Election CDR, and one (1) count of Section 8-13-1312 for failing to use a campaign bank account for campaign contributions and expenditures.

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a late-filing penalty of \$5,000.00 for his failure to timely file a 2019 SEI, a late-filing penalty of \$5,000.00 for his failure to timely file a 2019 Pre-Election CDR, a \$2,000.00 civil penalty for his failure to use a campaign bank account, and an administrative fee of \$650.00, for a total of \$12,650.00.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$12,650.00 is not paid within sixty (60) days from Respondent’s receipt of this Order, a judgment shall be entered against

Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court's Office in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$12,650.00, less any money paid, in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Terrance L. Middleton has ten (10) days from receipt of this Order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 5TH DAY OF JUNE 2023.

STATE ETHICS COMMISSION


NEAL D. TRUSLOW, HEARING CHAIR

Columbia, South Carolina

SC state ethics commission.

My name is Terrance Middleton and I just got a judgement from the commission about my filings. I can't remember the dates, but I called the commission office so someone could look over my filings to make sure they were complete, and I was told that they were. A few months later I received a call from Mr. Gayman letting me know that I left out some things on my reports. So with Mr. Gayman guidance we attempted to complete the filings, but I was having trouble signing in. Every time we tried to sign in, it wouldn't work. After a few months of trying, the system finally let me in and with the help of Mr. Gayman, I was able to get it done . I have been in public office for 24 years and the only time I had problems filing is when the commission went to online filling. I live in a very small town and we don't solicit donations for elections. The only items I report is my filing fee that comes from my own pockets. I had a campaign account with TD Bank, but the account was never active .I'm appealing the commission decision because it wasn't my fault that the filing were late. My contact info is:

TERRANCE MIDDLETON 906 MLK DR.

Andrews SC 29510

cell: [REDACTED]

email : terrancemiddleton9@gmail.com

TERRANCE MIDDLETON

DATE 2-3-24

State of South Carolina
State Ethics Commission

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201 EXECUTIVE CENTER DRIVE, SUITE 150
COLUMBIA, S.C. 29210

MEGHAN WALKER DAYSON
EXECUTIVE DIRECTOR

February 14, 2024

Mr. Terrance L. Middleton
[REDACTED]

RE: COMPLAINT C2022-061

In the Matter of Terrance L. Middleton

Dear Mr. Middleton:

The Commission is in receipt of your appeal from the Panel's Decision and Order (Order) in the above-referenced complaint. This Order was hand-delivered to you on January 26, 2024. Pursuant to Section 8-13-320(10)(m) of the Ethics Act, you had ten (10) days after receipt of the Order to appeal. According to South Carolina Code of Regulations 52-801, "[t]he ten day period is jurisdictional and may not be extended." In this case, you had until February 5, 2024 to appeal the Order. However, your letter of appeal was not postmarked until February 7, 2024 and was not received by the Commission until February 9, 2024. Accordingly, your appeal is untimely and the Panel's Order is the final disposition of this matter.

Sincerely,

[REDACTED]

Meghan Walker Dayson
Executive Director

MWD:ro