

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION  
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FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2022-092

COMPLAINT FORM

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

RESPONDENT: Melvin Fowler  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Council – City of Inman

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 Pre-Election Campaign Disclosure was due between October 13, 2021 and October 18, 2021. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by a certified letter dated February 18, 2022 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure has been received. All in violation of Section 8-13-1308(A)(1), Section 8-13-1308 (D)(1), and Section 8-13-1308 (F), S.C. 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 3 day of AUGUST, 2022

[REDACTED]  
Meghan L. Walker, Executive Director

[REDACTED]  
Notary Public for South Carolina  
My Commission expires 01/27/26

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 C2022-092 )

Melvin Fowler )  
Respondent. )

State Ethics Commission )  
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 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, June 15, 2023 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 allegation will be heard:


**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED**

That Melvin Fowler, Inman City Councilman, did in Richland County, fail to file a 2021 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D)(1).

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.



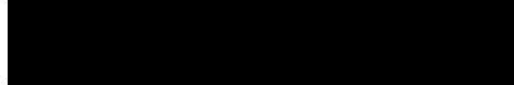
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Meghan L. Walker, Executive Director  
State Ethics Commission

Dated this 19<sup>th</sup> day,  
of January 2023.

*Certificate of Service by Certified Mail*

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Melvin Fowler, 309 Copper Creek Circle, Inman, SC 29349 by depositing said **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 C2022-092 )  
State Ethics Commission, )  
Complainant. )  
Melvin Fowler, )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

**DECISION AND ORDER**

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on August 2, 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 Melvin Fowler (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on June 15, 2023, were Commissioners Bryant S. Caldwell, Mary Hunter B. Tomlinson, and F. Xavier Starks, Hearing Chair. Respondent was duly notified, but did not appear. Complainant was represented by Courtney M. Laster, Esq. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED**

That Melvin Fowler, Inman City Councilman, did in Richland County, fail to file a 2021 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308.

**FINDINGS OF FACT**

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

1. Respondent was a candidate for Inman City Council in a November 2, 2021 election.
2. Respondent failed to file a Pre-Election CDR prior to the November 2, 2021 election.
3. In a February 18, 2022 certified letter mailed to Respondent's address of record, the

Commission notified Respondent of his failure to timely file a 2021 Pre-Election CDR.

4. According to the United States Postal Service, the certified letter was delivered and signed for by Respondent on February 22, 2022 at 11:23 a.m.
5. On March 4, 2022, late-filing penalties began to accrue at \$10.00 per day.
6. On March 14, 2022, late-filing penalties began to accrue at \$100.00 per day.
7. On August 16, 2022, a Commission Investigator contacted Respondent. Respondent acknowledged receipt of the Complaint, but denied receiving the Commission's February 18, 2022 late-filing penalty letter. Respondent stated he received no contributions and made no expenditures in conjunction with his November 2, 2021 election. The Commission Investigator encouraged Respondent to file his 2021 Pre-Election CDR.
8. On August 25, 2022, Respondent submitted a written response to the Commission wherein he admitted he did not timely file a 2021 Pre-Election CDR, but said it was "an honest mistake."
9. On October 7, 2022 and October 19, 2022, a Commission Investigator contacted Respondent via telephone and left voicemails advising Respondent to file his 2021 Pre-Election CDR.
10. Respondent filed his 2021 Pre-Election CDR on October 28, 2022, disclosing no contributions or expenditures. At the time of filing, Respondent had accrued the maximum late-filing penalty of \$5,000.00.
11. During the hearing held on June 15, 2023, Commission staff testified that the signatures on Respondent's Statement of Intention of Candidacy, written response to the Complaint, and State-issued driver's license matched the signatures found on the return receipt to the Commission's February 18, 2022 late-filing penalty letter.

#### **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).

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1308 provides, in relevant part:

(A) . . . a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

...

(D)(1) 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...

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.

### **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 Melvin Fowler is in violation of one (1) count of 8-13-1308 for failing to file a 2021 Pre-Election CDR.

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a late-filing penalty of \$2,500.00 for his failure to timely file a 2021 Pre-Election CDR and an administrative fee of \$760.00, for a total of \$3,260.00.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$3,260.00 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 full amount of \$5,760.00, less any money paid, in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Melvin Fowler 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 26<sup>th</sup> DAY OF June 2023.

STATE ETHICS COMMISSION

  
F. XAVIER STARKES, HEARING CHAIR

Columbia, South Carolina