

STATE ETHICS COMMISSION  
RECEIVED SEP22'22 PM1:37:0  
RECEIVED 9

# STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2022-118

## COMPLAINT FORM

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

**RESPONDENT:** Ray S. Breitenbach  
**ADDRESS:** [REDACTED]  
Garnsey, SC 29341  
**TELEPHONE NUMBER:** (864) 921-0333  
**TITLE:** Trustee – Spartanburg County School  
District 2

Section 8-13-1120, SC Code Ann., 1976, as amended, requires certain officials to file a Statement of Economic Interests prior to assuming the duties of the office. Records in the State Ethics Commission indicate that the Respondent was required to file the 2018 Statement of Economic Interests prior to December 1, 2018.

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 16, 2019 and October 21, 2019. Respondent was sent an email on August 28, 2019 and an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by a certified letter dated March 24, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, a 2018 Statement of Economic Interests and Pre-Election Campaign Disclosure has not been received. All in violation of Section 8-13-1120 and Section 8-13-1308(A), and Section 8-13-1308(D)(1), 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  
21<sup>st</sup> day of September 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

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
Complaint C2022-118 )  
Ray Seth Breitenbach )  
Respondent. )  
State Ethics Commission )  
Complainant. )

---

BEFORE THE STATE ETHICS COMMISSION

**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 allegation will be heard:

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

That Ray Seth Breitenbach, Trustee for Spartanburg County School District Two, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(A).

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.

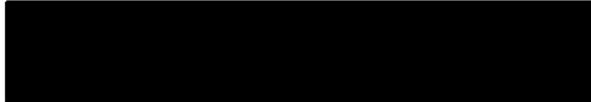


Meghan Walker Dayson, Executive Director  
State Ethics Commission

Dated this 16<sup>th</sup> day,  
of March 2023.

**Certificate of Service by Certified Mail**

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Ray Seth Breitenbach, 365 Meeting House Road, Gaffney, SC 29341 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 16<sup>th</sup> day of March 2023, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

**Rachael O'Bryan, Administrative Assistant**  
State Ethics Commission (803) 253-4192

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| STATE OF SOUTH CAROLINA  | ) |                                    |
| COUNTY OF RICHLAND       | ) | BEFORE THE STATE ETHICS COMMISSION |
|                          | ) |                                    |
| IN THE MATTER OF:        | ) |                                    |
| COMPLAINT C2022-118      | ) |                                    |
|                          | ) |                                    |
| State Ethics Commission, | ) | <b>CONSENT ORDER</b>               |
| Complainant,             | ) |                                    |
|                          | ) |                                    |
| Ray Seth Breitenbach,    | ) |                                    |
| Respondent.              | ) |                                    |
| _____                    | ) |                                    |

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on September 22, 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 Ray Seth Breitenbach (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1308(A) for failing to file 2019 Pre-Election Campaign Disclosure Report (CDR). Prior to the call of the case, Respondent agreed to the following:

**STATEMENTS OF FACT**

1. Respondent was a candidate for Spartanburg County School District Two (SCSD2) in a November 5, 2019 election.
2. Respondent did not file a Pre-Election CDR between October 16, 2019 and October 21, 2019.
3. In a March 24, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2019 Pre-Election CDR.
4. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on April 5, 2022 at 2:09 p.m. The signature on the return receipt read "Amy Rae Breitenbach."
5. On April 15, 2022, late-filing penalties began to accrue at \$10 per day.
6. On April 25, 2022, late-filing penalties began to accrue at \$100 per day.

7. On October 5, 2022, Respondent filed his 2019 Pre-Election CDR disclosing no contributions or expenditures.
8. At the time he came into compliance, Respondent had accrued \$5,000 in late-filing penalties.

### 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(A) provides, in relevant part:

. . . 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.
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 one (1) count of violating Section 8-13-1308(A) for failing to file a Pre-Election CDR between October 16, 2019 and October 21, 2019. Through this Consent Order, Respondent admits he failed to timely file his 2019 Pre-Election CDR. In mitigation, Respondent asserts that 2019 was his first time running for public office and that he was not aware of any filing requirements. Respondent states that his SCSD2 seat represents portions of Spartanburg and Cherokee Counties. Respondent states he was required to complete election

paperwork in both counties, but neither Voter Registration and Election Office informed him of any filing requirements. Respondent further states that Amy Rae Breitenbach is his teenaged daughter. Respondent states he never received the certified letter from his daughter and that he was unaware of his failure to timely file his 2019 Pre-Election CDR until the Complaint was filed.

**DISPOSITION**

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A).
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 sixty (60) days from receipt of this Order, a late-filing penalty of \$200 and an administrative fee of \$300, for a total of \$500. The Commission declines to assess the remaining \$4,800 in accrued late-filing penalties.

AND IT IS SO ORDERED THIS 14<sup>th</sup> DAY OF April 2023.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
RAY SETH BREITENBACH  
RESPONDENT