

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-151

COMPLAINT FORM

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

RESPONDENT: Chadwick D. Sweatman
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council – City of Moncks Corner

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. Respondent failed to report income on the 2021 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 that a Pre-Election Campaign Disclosure was due between October 16, 2019 and October 21, 2019.

Respondent was reminded of the filing requirements by a certified letter dated March 14, 2022 as described in the attached. To date, a properly completed 2021 Statement of Economic Interests or Pre-Election Campaign Disclosure have not been received. All in violation of Section 8-13-1120, Section 8-13-1308(A), 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
23rd day of November, 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 C2022-151)
Chadwick D. Sweatman)
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, June 15, 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED

That Chadwick D. Sweatman, City of Moncks Corner Councilmember, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure report, in violation of Section 8-13-1308(A).

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 at Chadwick D. Sweatman, City of Moncks Corner Councilmember, did in Richland

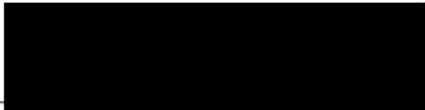
County, fail to report government sources of income on his 2021 Statement of Economic Interests, in violation of Section 8-13-1120(A)(2).

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

That at Chadwick D. Sweatman, City of Moncks Corner Councilmember, did in Richland County, fail to report private sources of income on his 2021 Statement of Economic Interests, in violation of Section 8-13-1120(A)(10).

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.

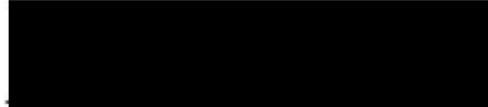


Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 19th day,
of January 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the Chadwick D. Sweatman, 116 Winter Street, Moncks Corner, SC 29461 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 23rd 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
State Ethics Commission

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2022-151)
State Ethics Commission,)
Complainant,)
Chadwick D. Sweatman)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on November 23, 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 Chadwick D. Sweatman (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 has served on Moncks Corner City Council since 2015.
2. Respondent was a candidate in a November 5, 2019 election, but failed to file a Pre-Election Campaign Disclosure Report (CDR) fifteen (15) days prior to this election.
3. Respondent filed a 2021 Statement of Economic Interests (SEI) on August 5, 2021¹ but failed to disclose any income therein.
4. In a March 14, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2019 Pre-Election CDR and report income on his 2021 SEI.
5. According to the United States Postal Service, the certified letter was signed for at Respondent's address of record by Respondent's spouse on March 17, 2022 at 1:01 p.m.
6. On March 27, 2022, late-filing penalties began to accrue at \$10 per day.

¹ Respondent was assessed a \$100 late-filing penalty for his late 2021 SEI through the Commission's regular non-compliance process. Respondent paid this \$100 late-filing penalty on December 2, 2022.

7. On April 6, 2022, late-filing penalties began accruing at \$100 per day.
8. The Complaint was filed on November 22, 2022 and sent via certified mail to Respondent's address of record. The Complaint was signed for by Respondent on December 2, 2022 at 11:36 a.m.
9. At approximately 2:00 p.m. on December 2, 2022, Respondent contacted Commission staff and received assistance filing his 2019 Pre-Election CDR, disclosing no campaign activity therein. Respondent also amended his 2019, 2020 and 2021 SEIs to reflect government and private sources of income.
10. At the time he came into compliance, Respondent had accrued \$5,000 in late-filing penalties with respect to the 2019 Pre-Election CDR.

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) and a "public official" pursuant to Section 8-13-100(27). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1120(A), in relevant part, requires public officials to disclose, in each SEI:
 - (2) 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.
 - ...
 - (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 . . .
3. 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.
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; 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.

5. Section 8-13-320(10)(l) allows the Commission to require a public official to pay a civil penalty of up to \$2,000 for each violation of the Ethics Act.
6. 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 timely file a 2019 Pre-Election CDR and two (2) counts violating Section 8-13-1120(A) for failing to disclose government and private income on his 2021 SEI. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file his 2019 Pre-Election CDR and when he failed to disclose income on his 2021 SEI. As mitigation, Respondent states that he did not receive the Commission’s March 14, 2022 certified letter. Respondent asserts that his spouse signed for the letter, but did not relay the letter to him. Respondent states that he would’ve acted immediately to correct the errors if he had received the Commission’s March 14, 2022 letter. In support of this assertion, Respondent states that he came into compliance within hours of receiving the Complaint and prior to any contact from a Commission Investigator.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308(A) and two (2) counts of 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 six (6) months from receipt of this Order, a reduced late-filing penalty of \$500, a reduced civil penalty of \$200, and an administrative fee of \$300, for a total of \$1,000. The remaining \$4,500 in accrued late-filing penalties is hereby waived.

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 \$1,000 (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 shall enter this Order in the amount of \$1,000 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 2nd DAY OF June 2023.

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR



CHADWICK D. SWEATMAN
RESPONDENT 4/28/23



JOHN WEST
RESPONDENT'S ATTORNEY
4/28/23