

STATE ETHICS COMMISSION  
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# STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

**FOR COMMISSION USE ONLY:**  
**CASE NUMBER**  
**C 2022-165**

## COMPLAINT FORM

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

**RESPONDENT:** Joshua A. Putnam  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Candidate – Secretary of State

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 Campaign Disclosure was due no later than July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, July 10, 2021, October 10, 2021, January 10, 2022, April 10, 2022, July 10, 2022, and October 10, 2022. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline from July 2019 through October 2021 and was sent an email reminder thirty days and ten days before each Campaign Disclosure deadline after October 2021.

Respondent was reminded of the filing requirements by a certified letter dated April 15, 2022 as described in the attached. To date, a properly completed Quarter 2 2019, Quarter 3 2019, Quarter 4 2019, Quarter 1 2020, Quarter 2 2020, Quarter 3 2020, Quarter 4 2020, Quarter 1 2021, Quarter 2 2021, Quarter 3 2021, Quarter 4 2021, Quarter 1 2022, Quarter 2 2022, or Quarter 3 2022 Campaign Disclosure has not been received. All in violation of Section 8-13-1308(B) 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 29th day of December, 2022

[REDACTED]  
Meghan L. Walker, Executive Director

[REDACTED]  
Notary Public for South Carolina  
My Commission expires 01/23/26

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 C2022-165 )  
State Ethics Commission )  
Complainant. )  
Joshua A. Putnam )  
Respondent. )

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, 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, October 19, 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED**

That Joshua A. Putnam, candidate for SC Secretary of State, did in Richland County, fail to file a Quarter 2 2019 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(B).

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

That Joshua A. Putnam, candidate for SC Secretary of State, did in Richland County, fail to file a Quarter 3 2019 CDR, in violation of Section 8-13-1308(B).

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

That Joshua A. Putnam, candidate for SC Secretary of State, did in Richland County, fail to file a Quarter 4 2019 CDR, in violation of Section 8-13-1308(B).

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

That Joshua A. Putnam, candidate for SC Secretary of State, did in Richland County, fail to file a Quarter 1 2020 CDR, in violation of Section 8-13-1308(B).

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

That Joshua A. Putnam, candidate for SC Secretary of State, did in Richland County, fail to file a Final/Quarter 2 2020 CDR, in violation of Section 8-13-1308(B).

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.

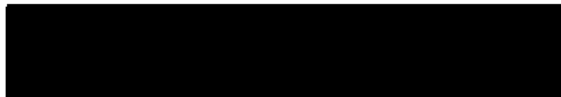
Dated this 22<sup>nd</sup> day,  
of May 2023.



Meghan Walker Dayson, Executive Director  
State Ethics Commission

*Certificate of Service by Certified Mail*

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Joshua A. Putnam, 153 Haverhill Lane, Easley, SC 29642 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 5th day of June 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 C2022-165 )  
 )  
 State Ethics Commission, )  
 Complainant, )  
 )  
 Joshua A. Putman, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**CONSENT ORDER**

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on December 29, 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 Joshua A. Putnam (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on five (5) counts of violating Section 8-13-1308(B). Prior to the call of the case, Respondent agreed to the following:

**STATEMENTS OF FACT**

1. Respondent was an unsuccessful candidate for Secretary of State in a June 12, 2018 primary election.
2. Respondent filed several Campaign Disclosure Reports (CDR) with the Commission during his 2018 election cycle. Prior to the filing of the Complaint, Respondent’s most recently-filed CDR was a 2019 Quarter 1 CDR, which showed a contribution balance of \$6,871.12.
3. In an April 15, 2022 certified letter, the Commission notified Respondent of his failure to file additional CDRs.
4. According to the United States Postal Service, the certified letter was delivered to Respondent’s address of record on May 16, 2022 at 1:12 p.m.
5. On May 17, 2022, Respondent contacted Commission staff. Respondent informed staff that he believed he filed a Final CDR after he lost the June 12, 2018 primary election. Respondent stated

that he would obtain his campaign bank account records and contact Commission staff for assistance in filing his Final CDR.

6. On May 26, 2022, late-filing penalties began to accrue at \$50.00 per day (\$10.00 per CDR).
7. On June 1, 2022, Respondent contacted Commission staff and advised that he was still trying to obtain his campaign bank account records in order to update his filings.
8. On June 5, 2022, late-filing penalties began to accrue at \$500.00 per day (\$100.00 per CDR).
9. On July 14, 2022, Respondent scheduled an appointment with a Commission staff member for the following day in order to migrate his old filing account into the Commission's newly-updated filing system.
10. On July 15, 2022, a Commission staff member unsuccessfully attempted to contact Respondent.
11. On July 18, 2022, a Commission staff member unsuccessfully attempted to contact Respondent.
12. Receiving no response, the Complaint was filed on December 29, 2022.
13. During the investigation, Respondent's campaign bank account records were subpoenaed. These records revealed Respondent's campaign bank account had a balance of \$40.69 as of December 29, 2018.<sup>1</sup> The bank charged Respondent's campaign bank account with service fees until March of 2020.
14. Respondent came into compliance by filing the required CDRs on February 22, 2023.
15. At the time he came into compliance, Respondent had accrued \$25,000.00 in late-filing penalties (\$5,000.00 per CDR) pursuant to Section 8-13-1510.

#### 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,

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<sup>1</sup> Pursuant to Section 8-13-320(9)(d), Commission staff only reviewed campaign bank account records found within the Commission's four-year statute of limitations.

the Commission has personal and subject matter jurisdiction.

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

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

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 five (5) counts of violating Section 8-13-1308(B) for failing to file five (5) Quarterly CDRs. Through this Consent Order, Respondent admits he violated the Ethics Act by failing to timely file additional CDRs until his campaign bank account reached a zero balance. In mitigation, Respondent states that he believed his Final CDR was filed by his campaign’s only paid staffer. Respondent states he disabled the email account associated with his campaign shortly after he lost the June 18, 2018 primary election and, therefore, he did not receive any email notifications reminding him to file a Final CDR. Respondent states that when he received the Commission’s certified letter, he immediately contacted the Commission and the bank. Respondent states that the bank where he maintained his campaign bank account has undergone several ownership changes in the last few years and that this made obtaining the records difficult. In that regard, Respondent has provided documentation to the Commission

showing that he attempted multiple times to obtain these records. Finally, Respondent states that his child underwent major surgical procedures during late summer/early fall of 2022, which drew his attention to his family rather than on his responsibilities to the Commission. Respondent apologizes for his errors and states that it was not his intent to mislead the Commission or the public.

**DISPOSITION**

1. The Commission finds Respondent in violation of five (5) count of Section 8-13-1308(B).
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 one (1) year from receipt of this Order, a reduced late-filing penalty of \$250 (\$50.00 per CDR) and an administrative fee of \$650, for a total of \$900. The Commission declines to assess the remaining accrued late-filing penalties.

By executing this Consent Order, Respondent understands that he is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of \$900 in the event he does not make payment as provided for in this Order, in which case the Commission shall file a Judgment against Respondent with the County Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$900 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 24<sup>th</sup> DAY OF June 2023.

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR



JOSHUA A. PUTNAM  
RESPONDENT