

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
c 2024-014

COMPLAINT FORM

COMPLAINANT: Robert L. Kilgo III

RESPONDENT: J. Todd Hardee

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TITLE:

TITLE: Coroner

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

The complainant has witnesses and evidence to prove the respondent, Darlington County Coroner Todd Hardee, violated section 8-13-750(A) of the South Carolina Code of Laws by appointing his daughter-in-law, Jennifer Seago Hardee, to the position of deputy coroner as outlined in section 17-5-70; a position Todd Hardee managed and/or supervised. Section 8-13-100(15)(a) includes daughter-in-law in the definition of a family member.

Ms. Hardee was appointed to the position in January of 2021 based on SC Criminal Justice Academy records. Ms. Hardee maintained the position until her resignation on November 8, 2023 at which time Todd Hardee notified county administrator Charles Stewart and county human resources director Ginger Winburn in person of the resignation. Ms. Hardee married the eldest son of Coroner Todd Hardee, Templin Hardee, in 2012 and remained married to him throughout her appointment as a deputy coroner. Jennifer Seago Hardee responded to and conducted death investigations during her appointment pursuant to the authorities vested in section 17-5-70 as this was not a ceremonial appointment. Ms. Hardee was issued, carried and displayed a firearm, badge and uniform, on and off duty, during her appointment as documented with photographs. Ms. Hardee did receive a salary from Darlington County during her appointment. Funds received from the Child Fatality Grant were used to pay Ms. Hardee a salary.

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 Darlington

Personally appeared before me Robert Kilgo who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this 25th day of March, 2024

[REDACTED SIGNATURE]
Complainant Signature

[REDACTED]
Notary Public for South Carolina
My Commission expires 2-28-30

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)
)
)
IN THE MATTER OF:)
)
Complaint C2024-014)
)
Robert L. Kilgo, III)
Complainant.)
)
J. Todd Hardee)
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 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, October 16, 2025 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 allegations will be heard:

COUNT ONE
PARTICIPATION IN EMPLOYMENT OF A FAMILY MEMBER
SECTION 8-13-750(A), S. C. CODE ANNOTATED, 1976, AS AMENDED

That J. Todd Hardee, Darlington County Corner, did in Richland County, use his official position as Corner to hire his daughter-in-law as part-time Deputy Corner in 2021, in violation of Section 8-13-750(A).

COUNT TWO
PARTICIPATION IN EMPLOYMENT OF A FAMILY MEMBER
SECTION 8-13-750(A), S. C. CODE ANNOTATED, 1976, AS AMENDED

That J. Todd Hardee, Darlington County Corner, did in Richland County, use his official

position as Corner to hire his daughter in law as full-time Deputy Corner in 2022, in violation of Section 8-13-750(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.

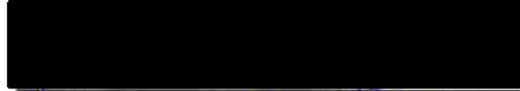


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 20th day,
of March 2025.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT'S ATTORNEY John M. Ervin, P.O. Box 23, Darlington, SC 29540 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 26th day of March 2025, 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
STATE ETHICS COMMISSION

Robert . Kilgo,

Complainant,

vs.

J. Todd Hardee,


Respondent.

Case Number: C2024-014

ORDER GRANTING CONTINUANCE

The above-captioned matter was scheduled for an October 16, 2025 hearing. Prior to the call of the matter, Respondent's attorneys, John M. Ervin, III and Brian M. Barnwell, requested the matter be continued citing Mr. Ervin's trial in the Court of General Sessions during the week of October 13, 2025 and Mr. Barnwell's pre-existing out-of-state vacation during the week of October 13, 2025. Commission staff has no objection to the request. The Commission hereby grants Respondent's request for a continuance.

And it is **SO ORDERED**.


F. Xavier Starks
Chairman

October 14, 2025
Columbia, South Carolina.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2024-014)
Robert L. Kilgo, III)
Complainant,)
J. Todd Hardee,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the South Carolina State Ethics Commission (Commission) by way of a complaint filed on March 27, 2024. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against J. Todd Hardee (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 as Coroner for Darlington County (County) since 2001.
2. Jennifer Seago Hardee (Jennifer) began volunteering at the Coroner's office in 2005. In 2012, Jennifer married Respondent's son, thereby becoming Respondent's daughter-in-law. Jennifer continued to volunteer at the Coroner's office until 2021.
3. On May 24, 2021, Respondent hired Jennifer as a part-time Deputy Coroner. During this time, her compensation amounted to \$25 per call, which is the same as other deputy coroners.
4. On August 11, 2022, Respondent promoted Jennifer to full-time Deputy Coroner.
5. The full-time position was created in response to S.C. Code Ann. § 17-5-140, which allocated additional funding for coroners. Pursuant to S.C. Code Ann. § 17-5-140, Respondent had the

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discretion to accept the additional funds as personal compensation or to “use the funds to hire a deputy coroner, administrative personnel, . . . personnel with forensic training, [or] an office or office equipment.” Respondent opted to create a full-time Deputy Coroner position.

6. When she became a full-time Deputy Coroner, Jennifer’s focus was on child deaths.
7. On November 8, 2023, it was brought to Respondent’s attention that the hiring and promoting of Jennifer was potentially violative of the Ethics Act. That same day, Respondent asked for, and accepted, Jennifer’s resignation.
8. The Complaint was filed five (5) months after Jennifer resigned.
9. From May 2021 through November 2023, the County expended approximately \$50,248.00 in furtherance of Jennifer’s employment. Following deductions for employer contributions, taxes, insurance, and retirement, Jennifer received a net amount of \$14,325.96.¹

CONCLUSIONS OF LAW

Based upon the Statements of Facts, the Commission concludes, as a matter of law:

1. At all times relevant, Respondent was a public official, as defined by Section 8-13-100(27).
Therefore, the Commission has personal and subject matter jurisdiction.
2. At all times relevant, Jennifer Hardee was Respondent’s “family member” as defined by Section 8-13-100(6), which includes an individual who is:
 - (a) the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild; or
 - (b) a member of the individual’s immediate family.
3. Pursuant to Section 8-13-750(A), Respondent was prohibited from (1) hiring Jennifer as a part-

¹ As mentioned above, Deputy Coroners are compensated a flat rate of \$25.00 when called to visit the scene of a death. For those services, Jennifer Hardee was paid \$3,575.00 from 2021-2023. This amount is included in the total amount of \$14,325.96.

NDT

time Deputy Coroner in 2021 and (2) promoting Jennifer to full-time Deputy Coroner in 2022:

No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.

4. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation of any provision of the Ethics Act.”
5. Section 8-13-320(10)(1)(i) allows the Commission to require payment of a civil penalty of up to two thousand dollars for each violation of the Ethics Act.
6. Section 8-13-320(10)(1)(ii) allows the Commission to require the forfeiture of the value of any amounts obtained in violation of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with two (2) counts of violating Section 8-13-750(A) for using his official position as Darlington County Coroner to hire his daughter-in-law as a part-time Deputy Coroner 2021 and later as a full-time Deputy Coroner in 2022. Through this Consent Order, Respondent acknowledges that he violated the Ethics Act in this regard. In mitigation, Respondent states that he did not believe his actions to be violative of the Ethics Act because Jennifer was qualified for the position(s)² and had demonstrated her abilities by working for him at his private funeral home. Respondent asserts that his actions did

² Jennifer held certificates for completing the Death Investigation Training Course approved by the South Carolina Criminal Justice Academy, the Child Death Investigations training provided by The Children’s Law Center, University of South Carolina School of Law, and was trained specifically in Mass Fatalities Planning & Response for Rural Communities, Specialized Forensic Toxicology, Pathology, and Certification of Drug Related Death for Forensic Pathologists.

NDT

not cost the taxpayers any additional funds because, pursuant to S.C. Code Ann. § 17-5-140, the funds would have gone directly to him if he had not chosen to create the new full-time Deputy Coroner position for child death investigations. The Commission acknowledges that Respondent declined to retain the funds for his own salary and instead used the discretionary funds to hire his family member as a full-time Deputy Coroner. Respondent also maintains that the County benefitted from Jennifer's services as a child death investigator given her qualifications. Finally, Respondent states that he accepted Jennifer's resignation on November 8, 2023, when he became aware of the Ethics Act implications. Respondent understands that ignorance of the law is no excuse and asserts that he attempted to rectify the situation as soon as he became aware of the issue. The Commission acknowledges that the resignation occurred five (5) months prior to the filing of the Complaint.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-750(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 this Public Reprimand to Respondent for violations of the Ethics Act and orders Respondent to pay to the Commission, within one (1) year from receipt of this Order, a reduced civil penalty of \$1,500.00 (\$750.00 per count). The Commission further orders Respondent to pay \$14,325.96 (the amount Jennifer received directly) to the County and to provide proof of such payment to the Commission within one (1) year from receipt of this Order. In light of the aforementioned mitigation, the Commission limits the restitution amount to Jennifer's net pay rather than the amount the County expended on her behalf.

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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 \$15,825.96 (less any money paid to the Commission) in the event he does not make full and timely payment or action as provided in this Order. In that event, the Commission shall file a Judgment against Respondent in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$15,825.96 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS ORDERED THIS 20TH DAY OF OCTOBER, 2025.

STATE ETHICS COMMISSION

[REDACTED]
J. TODD HARDEE
RESPONDENT

[REDACTED]
JOHN M. LERVIN, III
RESPONDENT'S ATTORNEY

[REDACTED]
BRIAN BARNWELL
RESPONDENT'S ATTORNEY