

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2024-057

COMPLAINT FORM

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: David J. Ellis, Jr.
ADDRESS: [REDACTED]
TELEPHONE NUMBER: (843) 421-0880

TELEPHONE NUMBER: (803) 253-4192

TITLE: Candidate - Horry County Council District 8

Section 8-13-1302 of the South Carolina Code Ann., requires that all candidates maintain a record of campaign contributions, expenditures, all receipted bills, canceled checks, or other proof of payment for each expenditure and the occupation of each person making a contribution for a period of four years. South Carolina Code of Regulations, Reg. 52-501.D requires that campaign records must be made available to the State Ethics Commission upon request. The Respondent failed to provide his occupation on the Pre-Election Campaign Disclosure.

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, 2022, October 10, 2022, January 10, 2023, April 10, 2023, July 10, 2023, October 10, 2023, January 10, 2024, April 10, 2024, and July 10, 2024. Respondent was sent an email reminder thirty days before and ten days before each Campaign Disclosure deadline.

Section 8-13-1356 (A), SC Code Ann., 1976, as amended, requires a candidate, who files a statement of intention of candidacy seeking nomination by a political party primary or political party convention, must electronically file a Statement of Economic Interests for the preceding calendar year prior to the close of filing for the particular office. Respondent was required to file the 2022 Statement of Economic Interests Form as a candidate by March 30, 2022.

Respondent was reminded of the filing requirements by a certified letter dated March 3, 2023 as described in the attached. To date, a properly completed 2022 Statement of Economic Interests as a candidate, Quarter 2 2022, Quarter 3 2022, Quarter 4 2022, Quarter 1 2023, Quarter 2 2023, Quarter 3 2023, Quarter 4 2023, Quarter 1 2024, or Quarter 2, 2024 Campaign Disclosure have not been received. In addition, Respondent has not provided his occupation. All in violation of Section 8-13-1302, Section 8-13-1308(B), Section 8-13-1308 (F), and Section 8-13-1356 (A), 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 Walker Dayson 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 25th day of July, 2024

[REDACTED]

[REDACTED]
Meghan Walker Dayson, Executive Director

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)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2024-057)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
David J. Ellis, Jr.)	
Respondent.)	
_____)	

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 16, 2025 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 CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, fail to file a 2022 Quarter 2 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(B).

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

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, fail to file a 2022 Quarter 3 CDR, in violation of Section 8-13-1308(B).

COUNT THREE
FAILURE TO TIMELY DEPOSIT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, fail to deposit a \$500.00 campaign contribution into his campaign bank account within ten (10) days of receipt, in violation of Section 8-13-1312.

COUNT FOUR
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, accept cash contribution from Erin Ellis in the amount of \$1,000.00, in violation of Section 8-13-1314(A)(2).

COUNT FIVE
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, accept cash contribution from Sheila Grant in the amount of \$1,000.00, in violation of Section 8-13-1314(A)(2).

COUNT SIX
FAILURE TO DISCLOSE CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, fail to disclose a June 7, 2022 cash contribution of \$5,800.00, in violation of Section 8-13-1308(F).

COUNT SEVEN
FAILURE TO DISCLOSE CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, fail to disclose a June 13, 2022 withdrawal of \$5,800.00, in violation of Section 8-13-1308(F).

COUNT EIGHT
IMPROPER DISBURSEMENT OF UNEXPENDED CAMPAIGN FUNDS
SECTION 8-13-1370, S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, withdrawal \$606.41 of unexpended campaign funds to close his campaign account, in violation of Section 8-13-1370.

COUNT NINE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS REPORT
SECTION 8-13-1356, S.C. CODE ANN., 1976, AS AMENDED

That David J. Ellis, Jr., candidate for Horry County Council, did in Richland County, fail to file 2022 Statement of Economic Interests as a partisan candidate, in violation of Section 8-13-1356.

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.).

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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.

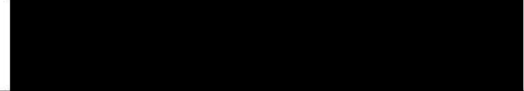


Meghan Walker Dayson, Executive Director
State Ethics Commission

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 David J. Ellis, Jr., 203 Cabots Creek Drive, Myrtle Beach, SC 29588 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2024-057)
State Ethics Commission,)
Complainant,)
David J. Ellis, Jr.,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on July 25, 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 David J. Ellis, Jr. (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 was an unsuccessful candidate for Horry County Council in a June 14, 2022 primary election.
2. Respondent submitted his Statement of Intention of Candidacy and Party Pledge to the Horry County Election Commission on March 18, 2022.
3. Respondent did not file a 2022 Statement of Economic Interests prior to the close of filing for the office on March 30, 2022.
4. Prior to the filing of the Complaint, Respondent's most recently filed Campaign Disclosure Report (CDR) was a 2022 Pre-Election CDR filed on May 26, 2022, showing a balance of \$17,246.54 in contributions. Respondent thereafter failed to file any additional quarterly CDRs.
5. In a March 3, 2023 certified letter, the Commission notified Respondent of his failure to timely

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file a 2022 SEI and three (3) CDRs from Quarter 2 2022 through Quarter 4 2022. The certified letter assessed a \$100.00 late-filing penalty against Respondent for each missing report and advised that continued failure to file the required reports would result in additional late-filing penalties pursuant to Section 8-13-1510 of the Ethics Act.

6. According to the United States Postal Service, Respondent signed for the certified letter on March 8, 2023 at 11:51 a.m.
7. On March 18, 2023, penalties began to accrue at \$10.00 per day, per report.
8. On March 28, 2023, penalties began to accrue at \$100.00 per day, per report.
9. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed. A review of these records revealed the following: 1) Respondent accepted two (2) cash contributions of \$1,000.00: one from Erin Ellis and the other from Shelia Grant; and 2) Respondent closed his campaign bank account by withdrawing \$606.41 in cash on September 1, 2022.
10. On September 4, 2024, Respondent filed a 2022 SEI.
11. On January 14, 2025, Respondent filed a Quarter 2 2022 CDR, and a Quarter 3 2022 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). Therefore, the Commission has personal and subject matter jurisdiction.
2. Respondent's campaign bank account closed on September 1, 2022. Therefore, Respondent was required to file a Quarter 2 2022 CDR and a Quarter 3 2022 CDR in accordance with Section 8-13-1308(B), which provides, in relevant part:

Following the filing of an initial certified campaign report,

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additional 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. Respondent was prohibited from accepting the aforementioned cash contributions from Erin Ellis and Sheila Grant pursuant to Section 8-13-1314(A)(2), which provides, in relevant part:

Within an election cycle, a candidate or anyone acting on his behalf shall not solicit or accept, and a person shall not give or offer to give to a candidate or person acting on the candidate's behalf . . . (2) a cash contribution from an individual unless the cash contribution does not exceed twenty-five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

4. Respondent's September 1, 2022 cash withdrawal of \$606.41 was improper according to Section 8-13-1370(A), which provides, in relevant part:

Contributions received by a candidate that are in excess of expenditures during an election cycle must be used by the candidate upon final disbursement: (1) to defray ordinary and necessary expenses incurred in connection with his duties in his public office; (2) to be contributed to an organization exempt from tax under Section 501(c)(3) of the Internal Revenue Code of 1986, a political party, or a committee; (3) to be maintained in the campaign account for a subsequent race for the same elective office; (4) to further the candidacy of the individual for a different elective office. However, after December 31, 1992, the funds must be used in a campaign for a different elective office only as provided for in Section 8-13-1352; (5) to be returned pro rata to all contributors; (6) to be contributed to the state's general fund; or (7) to be distributed using a combination of these options.

5. According to Section 8-13-1356, Respondent was required to file a 2022 SEI prior to March 30, 2022, which was the close of filing for Horry County Council elections. Section 8-13-1356 provides, in relevant part:

A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or

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political party convention must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 prior to the close of filing for the particular office.

6. Pursuant to Section 8-13-1510(A), Respondent had accrued \$15,000.00 in late-filing penalties (\$5,000.00 per report) when he came into compliance on January 14, 2025:

... 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.

7. Section 8-13-320 allows the Commission to require a civil penalty of up to \$2,000.00 for each violation of the Ethics Act.
8. 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 two (2) counts of Section 8-13-1308(B) for failing to timely file a Quarter 2 2022 CDR and a Quarter 3 2022 CDR; two (2) counts of Section 8-13-1314(A)(2) for accepting cash contributions exceeding \$25.00; one (1) count of Section 8-13-1370(A) for improper disbursement of \$606.41 in unexpended campaign funds; and one (1) count of Section 8-13-1356 for failing to timely file a 2022 SEI as a partisan candidate.¹

¹ The Commission also found probable cause to believe Respondent 1) failed to disclose a personal loan and its subsequent repayment in violation of Section 8-13-1308(F) and 2) deposited a campaign contribution dated May 13, 2022 on June 10, 2022, in violation of Section 8-13-1312. Given that Respondent has since disclosed the personal loan information, the Commission declines to proceed as to these counts. With regard to Respondent’s

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Through this Consent Order, Respondent admits he violated the Ethics Act as outlined herein. In mitigation, the Respondent states that 2022 was his first time running for public office. Respondent further states that he does not intend to seek public office in the future. With regard to the required CDRs and SEI, Respondent states that he believed he had filed the final reports required and that he was unaware that he failed to actually file the reports. Respondent does not dispute that he signed for the Commission's penalty letter, but states that he has no memory of receiving it. With regard to the cash contributions, Respondent states that he knew the contribution limit was \$1,000.00, but was unaware of the restrictions on cash contribution. The Commission notes that, following the finding of probable cause, it contacted contributors Lisa Ellis and Shiela Grant, both of whom confirmed that they gave Respondent a \$1,000.00 cash contribution. Finally, regarding the \$606.41 withdrawal to close out his campaign bank account, Respondent states that he withdrew those funds to pay Lucky Dog Television Productions to remove campaign signs. The Commission has confirmed with Lucky Dog Television Productions that Respondent paid for these services in cash.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-1308(B) for failing to timely file a Quarter 2 2022 CDR and a Quarter 3 2022 CDR; one (1) count of Section 8-13-1356 for failing to timely file a 2022 SEI; two (2) counts of Section 8-13-1314 for accepting two (2) cash contributions in excess of \$25.00; and one (1) count of

alleged failure to timely deposit a contribution, Respondent states that the date on the check was not the date he received the contribution. Rather, Respondent states that he communicated with the contributor over a period of time in an attempt to retrieve the contribution. During the investigation, a Commission Investigator attempted to contact the contributor to verify the date of delivery but was unable to reach him. Given that the Commission is unable to ascertain the date of delivery with any certainty, it declines to proceed on the alleged violation of Section 8-13-1312.

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Section 8-13-1370(A) for improperly disbursing campaign funds upon the closure of his campaign bank account.

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 Public Reprimand to Respondent and orders Respondent to pay the Commission, within six (6) months from receipt of this Order, a reduced late-filing penalty of \$1,500 (\$500.00 for each CDR and SEI) and an administrative fee of \$500.00, for a total of \$2,000.00. In light of the mitigation referenced herein, the Commission declines to assess a civil penalty for the remaining counts.

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 \$2,000.00 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 \$2,000.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 18th DAY OF September 2025.

STATE ETHICS COMMISSION



Signed by:
Handwritten signature of David J. Ellis, Jr. in blue ink.

DAVID J. ELLIS, JR.
RESPONDENT