

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

RECEIVED

2020 SEP 24 AM 10: 28

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-069

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

RESPONDENT: Sheldon A. Butts
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: (803) 253-4192

TITLE: Candidate – City of Georgetown Council

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.

Records of the State Ethics Commission indicate that a Pre-Election Campaign Disclosure was due between May 22, 2019 and May 28, 2019. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by letters dated April 1, 2020 and May 26, 2020 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure has been received. All in violation of Section 8-13-1308(D)(1) and Section 8-13-1308 (F), S.C. Code Ann., 1976, as amended.

All investigations, inquiries, hearings, and accompanying documents must remain confidential unless respondent waives the right to confidentiality. 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. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year. Section 8-13-320(10)(g).

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 24th day of September, 2020

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

Notary Public for South Carolina
My Commission expires August 11, 2025

SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
FAXED COPIES WILL NOT BE ACCEPTED

C102form

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2020-069)

Sheldon A. Butts)
Respondent.)

State Ethics Commission)
Complainant.)

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 State Ethics Commission will, therefore, 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 15, 2021 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
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED

That Sheldon A. Butts, Georgetown County City Council candidate, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D)(1).

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 31 day,
of January 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Sheldon A. Butts, PO Box 1851, Georgetown, SC 29442 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 5th day of February 2021, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.


Richard A. Provencher, Administrative Assistant
State Ethics Commission (803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2020-069)
State Ethics Commission,)
Complainant.)
Sheldon A. Butts,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on September 24, 2020. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the Commission reviewed the above-captioned complaint against Sheldon A. Butts (Respondent) with violations of the Ethics Act and probable cause was found to warrant an evidentiary hearing. Present at the hearing on April 15, 2021, were Commissioners Don Jackson, AJ Holloway, and Donald Gist, Hearing Chair. Respondent appeared *pro se*. Complainant was represented by Courtney M. Laster. The following charge was considered:

COUNT ONE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED

That Sheldon A. Butts, Georgetown City Council candidate, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D)(1).

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. Respondent was a candidate for Georgetown City Council in a June 11, 2019 election.
2. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) before his election.
3. The Commission notified Respondent of his failure to file a Pre-Election CDR by way of a

first-class letter dated April 1, 2020 and by way of a certified letter dated May 26, 2020. The certified letter was delivered to Respondent's address of record on May 30, 2020 at 11:00 a.m.

4. Penalties began to accrue at \$10 per day on June 9, 2020 and at \$100 per day on June 19, 2020.
5. Respondent came into compliance by filing his Pre-Election CDR on December 21, 2020, having accrued the maximum late-filing penalty of \$5,000. Respondent's Pre-Election CDR disclosed \$2,040 in contributions and \$2,040 in expenditures.
6. During the hearing, Commission staff testified that the administrative costs associated with this Complaint totaled \$600.

CONCLUSIONS OF LAW

Based upon the Findings 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) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308(D)(1) of the Ethics Act provides, in part:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election.

3. Section 8-13-1510(A) provides, in part:

. . . 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 calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

6. Sections 8-13-130 and Section 8-13-320 of the Ethics Act allow the Commission to levy an administrative fee on any person who is found in violation of the Ethics Act and to assess a

civil penalty of up to \$2,000 for each violation of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of evidence, that Respondent Sheldon A. Butts is in violation of one (1) count of Section 8-13-1308(D)(1) for failure to timely file a Pre-Election CDR prior to a June 11, 2019 election.

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a reduced civil penalty of \$200 and an administrative fee of \$600, for a total of \$800. The Panel declines to assess the late-filing penalty of \$5,000, provided Respondent pays the assessed \$800 to the Commission within nine (9) months of his receipt of this Order.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$800 is not paid within nine (9) months from Respondent's receipt of this Order, a judgment in the full amount of \$7,600 shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Georgetown County Clerk of Court's Office, the Clerk of Court shall enter this Order in the amount of \$7,600 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Sheldon A Butts, has ten (10) days from receipt of this Order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 26th DAY OF April 2021.

STATE ETHICS COMMISSION



DONALD GIST
HEARING CHAIR

Columbia, South Carolina