

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2021-072

COMPLAINT FORM

COMPLAINANT: Edward C. Sutton

RESPONDENT: Harry S. Griffin

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TITLE:

TITLE: Charleston City Council

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).

See attached supplemental sheets.

RECEIVED
2021 AUG 26 AM 11:17
STATE ETHICS
COMMISSION

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~~ Charleston

Personally appeared before me Edward C. Sutton 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 24th day of August (2021)

GRACEN TILTON
Notary Public, State of South Carolina
My Commission Expires 1/3/2029

[REDACTED]
Complainant Signature

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/03/2029

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

SCANNED

CI02form

I am filing a complaint against Harry Griffin because he used campaign funds from his 2017 City Council campaign account to purchase ads for his 2019 candidacy for Mayor of Charleston. This is a direct violation of state law.

Harry J. Griffin's initial filing date for his mayoral campaign was February 27th, 2019 as seen in the image below.

The screenshot shows the South Carolina State Ethics Commission website. The main heading is "State Ethics Commission" with the subtitle "Public Disclosure for our Accountability Reporting System". The page is divided into a left sidebar and a main content area. The sidebar includes links for "Public Disclosure", "Individual Reports", "Candidates", "Contributors", "Statement of Economic Interests", "Contributions", "Expenditures", "Lobbying Activity", "Electronic Filing", "SC State Ethics Commission", and "Contact Us". The main content area is titled "Individual Reports" and "Candidate Campaign Disclosure". A dark grey bar highlights "2019, Initial Report". Below this, the following information is displayed: Candidate: Griffin, Harry J; Position Sought: Mayor; District/Locality: Charleston; Election Type: General; Election Date: 11/05/2019; Filing Type: Original; Filing Date: 02/27/2019. A link "Select a tab to view more." is present, with tabs for "Summary", "Contributions", "Expenditures", "Loans", "Loan Payments", and "More". Below the tabs, the "Demographic Information" section lists: Griffin, Harry J; 97 Fieldfare Way; Charleston, SC 29414; (843) 551-1341; Charleston County. At the bottom, a "Report Type" field is partially visible.

In addition to filing for Mayor, Harry Griffin had another active campaign account from his 2017 election that had \$2,619.49 remaining after his election. That amount remained the same until the first quarter of 2019. In the first quarter of 2019, Harry Griffin spent \$805.00 on "Ads" and the vendor was "Facebook". There are attached screenshots showing that certain posts of his were sponsored during the month of March 2019 which would be reflected in his quarterly report.

In Harry Griffin's first quarter report for 2019 in his mayoral campaign, there were no disclosures of any kind for Facebook ads. However, in his first quarter report for his City Council campaign, there was a disclosure for Facebook ads as seen in the picture below.

Candidate: Griffin, Harry
Position Sought: City Council
District/Locale: Charleston
Election Type: General
Election Date: 11/07/2017
Filing Type: Original
Filing Date: 04/09/2019

Select a tab to view more.

[Summary](#)
[Contributions](#)
[Expenditures](#)
[Loans](#)
[Loan Payments](#)
[More »](#)

Date	Vendor	Address	Description	Amount
03/30/2018	Facebook, Inc.	1 Hacker Way Menlo Park, CA 94025	Ads	\$805.00
Total				\$805.00

The two images below are from Harry Griffin's first quarter Mayoral disclosure expenditures and make no mention of Facebook ads.

The screenshot shows a web interface for public disclosure. On the left is a navigation menu with categories like Public Disclosure, Individual Reports, and Electronic Filing. The main content area is titled 'Individual Reports' and 'Candidate Campaign Disclosure'. It displays a report for '2019, April 10th Report' for Harry Griffin, who is running for Mayor in Charleston. The report details include: Candidate: Griffin, Harry; Position Sought: Mayor; District/Locale: Charleston; Election Type: General; Election Date: 11/05/2019; Filing Type: Original; Filing Date: 04/10/2019. Below this information is a tabbed interface with 'Expenditures' selected. A table lists four expenditure entries, all for 'Processing Fee' from a vendor in Baton Rouge, LA, with amounts of \$2.30, \$1.30, \$1.00, and \$6.30 respectively.

Select a tab to view more.

Summary **Contributions** Expenditures Loans Loan Payments More »

Date	Vendor	Address	Description	Amount
03/21/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$2.30
04/01/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$1.30
03/18/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$1.10
03/27/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$6.30
05/28/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$12.30
07/30/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$8.30
01/29/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$2.00
03/25/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$1.00
04/20/2019	Anebit	450 Laurel Street Baton Rouge, LA 70801	Processing Fee	\$1.30
Total				\$37.50

The Facebook post below was posted March 6th, 2019 and is a video from channel 4 announcing that Harry J. Griffin had announced he's running for mayor. The second photo is of the same post that shows this post was sponsored.





With the above evidence of the Facebook posts and financial disclosures, Harry Griffin is in direct violation of SC state law section 8-13-1350 which prohibits the use of funds for campaign for one office to further candidacy of same person for different office.

Harry Griffin used funds from his prior 2017 campaign to promote his candidacy for Mayor which is prohibited under state law.

South Carolina state law dealing with using campaign funds from different offices.

SECTION 8-13-1350. Prohibition of use of funds for campaign for one office to further candidacy of same person for different office.

(A) A candidate for elective office may use or permit the use of contributions solicited for or received by the candidate for that office to further the candidacy of the individual for a different office as long as the contributions have been received on or before December 31, 1992, and have been transferred to a campaign account for the different office on or before December 31, 1992. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the funds or contributions are solicited or received before the general election for which the candidate is a nominee or is unopposed. The prohibition on the use or solicitation of funds does not limit in any way a candidate from retaining funds for use in a subsequent race for the same elective office.

(B) Any assets or funds which are:

(1) the proceeds of a campaign contribution which are held by or under the control of a public official or a candidate for public office on January 1, 1993; and

(2) which continue to be held by or under the control of a public official or a candidate for public office on January 1, 1993; are subject to the provisions of subsection (A).

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1993 and governs only transactions which take place after December 31, 1991.

SECTION 8-13-1352. Exception to prohibition of use of funds for campaign for one office to further candidacy of same person for different office.

Notwithstanding the provisions of Section 8-13-1350, a candidate may use or permit the use of contributions solicited for or received by the candidate to further the candidacy of the individual for an elective office other than the elective office for which the contributions were received if:

- (1) the person originally making the contribution gives written authorization for its use to further the candidacy of the individual for a specific office which is not the office for which the contribution was originally intended; and
- (2) the contribution is otherwise permitted by law.

HISTORY: 1991 Act No. 248, Section 3, eff January 1, 1992 and governs only transactions which take place after December 31, 1991.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2021-072)
Edward C. Sutton)
Complainant.)
Harry J. Griffin)
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, June 20, 2024 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 DISCLOSE CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, fail to disclose campaign contributions from the following contributors: Harry Griffin, Old South Carriage Co., Mark Davis, Hagood Morrison, JB Luzuriaga, Thomas Brush, Jeremy Glendenning, Cash-In Ticket, Town & Country Inn and Suites, Christopher Phillips, and Joseph Bush, all in violation of Section 8-13-1308(F)(1).

COUNT TWO
FAILURE TO DISCLOSE CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, fail to disclose contributions of \$100.00 or less on his 2018 Quarter 4 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(F)(1).

COUNT THREE
FAILURE TO DISCLOSE CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, fail to disclose contributions of \$100.00 or less on his 2019 Quarter 3 CDR, in violation of Section 8-13-1308(F)(1).

COUNT FOUR
FAILURE TO DISCLOSE CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(2), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, fail to disclose an October 31, 2017 expenditure in the amount of \$1,628.00 and a November 17, 2017 expenditure in the amount of \$5,500.00 to Ryan Castle, in violation of Section 8-13-1308(F)(2).

COUNT FIVE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$199.92 in campaign funds to a personal account on September 18, 2017, in violation of Section 8-13-1348.

COUNT SIX
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer

\$500.00 in campaign funds to a personal account on February 15, 2019, in violation of Section 8-13-1348.

COUNT SEVEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$300.00 in campaign funds to a personal account on April 9, 2019, in violation of Section 8-13-1348.

COUNT EIGHT
USE OF CAMPAIGN FUNDS PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$75.00 in campaign funds to a personal account on April 15, 2019, in violation of Section 8-13-1348.

COUNT NINE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$125.00 in campaign funds to a personal account on April 15, 2019, in violation of Section 8-13-1348.

COUNT TEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$500.00 in campaign funds to a personal account on April 22, 2019, in violation of Section 8-13-1348.

COUNT ELEVEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$50.00 in campaign funds to a personal account on April 24, 2019, in violation of Section 8-13-1348.

COUNT TWELVE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$100.00 in campaign funds to a personal account on April 26, 2019, in violation of Section 8-13-1348.

COUNT THIRTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$500.00 in campaign funds to a personal account on April 29, 2019, in violation of Section 8-13-1348.

COUNT FOURTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$348.00 in campaign funds to a personal account on May 16, 2019, in violation of Section 8-13-1348.

COUNT FIFTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer

\$10.00 in campaign funds to a personal account on September 4, 2019, in violation of Section 8-13-1348.

COUNT SIXTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$60.00 in campaign funds to a personal account on September 4, 2019, in violation of Section 8-13-1348.

COUNT SEVENTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$25.00 in campaign funds to a personal account on September 9, 2019, in violation of Section 8-13-1348.

COUNT EIGHTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$6.00 in campaign funds to a personal account on November 7, 2019, in violation of Section 8-13-1348.

COUNT NINETEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$15.00 in campaign funds to a personal account on December 24, 2019, in violation of Section 8-13-1348.

COUNT TWENTY
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$8.00 in campaign funds to a personal account on January 7, 2020, in violation of Section 8-13-1348.

COUNT TWENTY-ONE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$7.00 in campaign funds to a personal account on November 17, 2020, in violation of Section 8-13-1348.

COUNT TWENTY-TWO
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$1,000.00 in campaign funds to a personal account on May 13, 2021, in violation of Section 8-13-1348.

COUNT TWENTY-THREE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer \$1,000.00 in campaign funds to a personal account on May 19, 2021, in violation of Section 8-13-1348.

COUNT TWENTY-FOUR
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, transfer

\$1,000.00 in campaign funds to a personal account on June 11, 2021, in violation of Section 8-13-1348.

COUNT TWENTY-FIVE
EXCESSIVE CASH WITHDRAWAL
SECTION 8-13-1348(C), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, write a check made out to “cash” on August 24, 2017 in the amount of \$360.67, in violation of Section 8-13-1348(C).

COUNT TWENTY-SIX
EXCESSIVE CASH WITHDRAWAL
SECTION 8-13-1348(C), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, City of Charleston Councilmember, did in Richland County, write a check made out to “cash” on August 31, 2017 in the amount of \$2,374.94, in violation of Section 8-13-1348(C).

COUNT TWENTY-SEVEN
FAILURE TO DISCLOSE CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, fail to disclose three (3) personal contributions of \$100.00 or more on his 2021 Quarter 3 and 2021 Quarter 4 CDR, in violation of Section 8-13-1308(F)(1).

COUNT TWENTY-EIGHT
FAILURE TO DISCLOSE CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, fail to disclose \$242.64 of personal contributions, in violation of Section 8-13-1308(F)(3).

COUNT TWENTY-NINE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$1,000.00 in campaign funds to a personal account on July 8, 2019, in violation of Section 8-13-1348.

COUNT THIRTY
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$1,500.00 in campaign funds to a personal account on July 16, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-ONE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$500.00 in campaign funds to a personal account on August 12, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-TWO
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$1,500.00 in campaign funds to a personal account on August 30, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-THREE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County,

transfer \$1,175.00 in campaign funds to a personal account on September 9, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-FOUR
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$50.00 in campaign funds to a personal account on November 12, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-FIVE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$10.00 in campaign funds to a personal account on November 26, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-SIX
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$15.00 in campaign funds to a personal account on December 24, 2019, in violation of Section 8-13-1348.

COUNT THIRTY-SEVEN
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$8.00 in campaign funds to a personal account on January 7, 2020, in violation of Section 8-13-1348.

COUNT THIRTY-EIGHT
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$4.00 in campaign funds to a personal account on June 9, 2020, in violation of Section 8-13-1348.


COUNT THIRTY-NINE
USE OF CAMPAIGN FUNDS FOR PERSONAL USE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Harry J. Griffin, candidate for City of Charleston Mayor, did in Richland County, transfer \$5.00 in campaign funds to a personal account on November 17, 2020, in violation of Section 8-13-1348.

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 22 day,
of April 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT'S ATTORNEY E. Culver Kidd, Esq. by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 22nd day of April 2024, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.

[REDACTED]

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 C2021-072)
Edward C. Sutton,)
Complainant,)
Harry J. Griffin,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 26, 2021. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Harry J. Griffin (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 entry of the following:

STATEMENTS OF FACT

1. Respondent served on the City of Charleston (City) Council (Council) from January 9, 2018 through December 31, 2021. He was an unsuccessful candidate for reelection in a November 2, 2021 election.
2. On March 6, 2019, while serving on Council, Respondent announced his candidacy for City Mayor in an election to be held on November 7, 2019.
3. Prior to announcing his mayoral candidacy, Respondent filed a Mayoral 2019 Initial Campaign Disclosure Report (CDR) on February 27, 2019 disclosing no contributions or expenditures.
4. On August 26, 2021, the Commission received the Complaint, which alleged Respondent improperly used Council funds in furtherance of his Mayoral election.
5. Following the filing of the Complaint, Commission staff subpoenaed and received bank records for (i) Respondent's Mayoral campaign bank account for transactions covering March 30, 2017 through November 30, 2021 and (ii) his Council campaign bank account for transactions covering

August 1, 2017 through September 14, 2021.

6. Upon review of the Mayoral campaign bank account records, it was revealed that Respondent made eleven (11) transfers to his personal checking account and one (1) payment to a personal credit card, all totaling \$5,767.00.
7. Upon review of the Council campaign bank account records, it was revealed that Respondent made sixteen (16) transfers to his personal checking account and six (6) transfers to a personal credit card, all totaling \$5,828.92. The investigation also revealed that Respondent made two (2) cash withdrawals totaling \$2,735.61.

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. Section 8-13-1348 provides, in relevant part:

(A) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

...

(C)(1) An expenditure of more than twenty-five dollars drawn upon a campaign account must be made by: (a) a written instrument; (b) debit card; or (c) online transfers. The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient. These expenditures must be reported pursuant to the provisions of Section 8-13-1308; (2) Expenditures of twenty-five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.

...

(E) A candidate or a duly authorized officer of a committee may not withdraw more than one

hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty-five dollars for each expenditure.

3. 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.
4. Section 8-13-320(10) allows the Commission to (i) assess a civil penalty up to \$2,000.00 for each violation of the Ethics Act and (ii) require the forfeiture of the value of receipts obtained in violation of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with the following: twenty (20) counts of violating Section 8-13-1348 for transferring Council campaign funds to personal accounts; eleven (11) counts of violating Section 8-13-1348 for transferring Mayoral campaign funds to personal accounts; and (2) counts of violating Section 8-13-1348(C) by making excessive cash withdrawals.¹

Through this Consent Order, Respondent acknowledges he violated the Ethics Act in these instances. In mitigation, Respondent states that his youth and inexperience contributed to his inability to properly manage his campaign. Respondent further asserts the following:

He hired an out of state campaign manager, Ryan Castle, who was tasked with managing his campaign and handling all financial records and filings. After realizing Mr. Castle was not properly managing financial records, Mr. Griffin attempted to take control of that responsibility himself. However, it is now painfully obvious that he was ill equipped to manage his political and professional responsibilities while also running an effective campaign. He maintained inadequate recordkeeping and fell into the habit of reimbursing himself for campaign expenses without properly maintaining documentation of the same.

Mr. Griffin readily admits his shortcomings in failing to properly document and report a number of contributions and expenses. However, he adamantly denies ever using campaign

¹ The Commission also found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(F) for failing to properly disclose contributors and five (5) counts of violating Section 8-13-1308(F) for failing to disclose campaign contributions. However, as Respondent has since properly disclosed all information pertaining to these allegations, the Commission declines to proceed as to these counts.

funds for personal gain or intentionally using Council funds for Mayoral expenses for any illicit purpose. Furthermore, upon being made aware of his shortcomings, Mr. Griffin voluntarily transferred personal funds into his campaign accounts where approximately \$7,000.00 still sits awaiting the conclusion of these proceedings. He fully intends to donate these funds to charity at the conclusion of this matter or disburse them as the Commission recommends.

In conclusion, Mr. Griffin acknowledges his mistakes and denies that they were anything more than negligence resulting from poor advice and youthful blindness. He is eager to resolve these matters with reasonable accountability under the circumstances and hopes the Commission will see this case for what it is, a matter of negligence and not one of mal intent.

DISPOSITION

1. The Commission hereby finds Respondent in violation of the Ethics Act as set forth herein.
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 Public Reprimand and orders the Respondent to pay the Commission, within twenty-four (24) months from receipt of this Order, a reduced civil penalty of \$12,622.72² and an administrative fee of \$1,100.00, for a total of \$13,722.72.

The Commission further orders Respondent to pay an additional \$12,622.72 to a 501(c)(3) entity, as designated by the Internal Revenue Service, and to provide proof of such payment to the Commission within twenty-four (24) months from receipt of this Order. Should the Respondent fail to pay the Commission or fail to submit proof of payment to the Commission within the twenty-four (24) months, the amount owed by Respondent shall revert to \$81,431.53 (the maximum possible civil penalty plus an administrative fee and forfeiture).

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 \$81,431.53 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order.

² The Commission's investigation initially revealed that Respondent converted \$14,331.53 in campaign funds to personal use. The investigation later revealed that \$1,708.81 of the converted funds were in fact reimbursements for campaign expenditures.


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 of Court shall enter this Order in the amount of \$81,431.53 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 26th DAY OF November 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


HARRY J. GRIFFIN
RESPONDENT


E. CULVER KIDD
ATTORNEY FOR RESPONDENT