

STATE OF SOUTH CAROLINA
RECEIVED STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-077

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

RESPONDENT: Robert Gatch
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Dorchester County Council
and Candidate – Dorchester County School District 2

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.

As a candidate for Dorchester County Council, records of the State Ethics Commission indicate that a Campaign Disclosure was due no later than January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, and July 10, 2021. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

As a candidate for Dorchester County School District 2, records of the State Ethics Commission indicate that a Pre-Election Campaign Disclosure was due between October 17, 2018 and October 22, 2018.

Respondent was reminded of the filing requirement by letters dated April 27, 2020 and November 30, 2020 as described in the attached. To date, no properly completed Pre-Election, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, or July 10, 2021 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B), 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
10th day of September 2021

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 8-11-2025

SEC-7 (Revised 8/2019)

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2021-077)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Robert Gatch)	
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, February 15, 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 A CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to disclose an April 28, 2018 cash contribution in the amount of \$330.00, in violation of Section 8-13-1308(F).

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

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to

disclose a May 16, 2018 cash contribution in the amount of \$150.00, in violation of Section 8-13-1308(F).

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

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to disclose a March 23, 2018 contribution from John and Cheryl Mallon in the amount of \$25.00 on his Quarter 1 2018 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(F).

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

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to disclose an April 14, 2018 contribution from Martin and Margaret Boyles in the amount of \$50.00 and a May 6, 2018 contribution from William White and Deborah Ewers in the amount of \$50.00 on his Quarter 2 2018 CDR, in violation of Section 8-13-1308(F).

COUNT FIVE
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to deposit an April 1, 2018 \$200.00 contribution into his campaign bank account, in violation of Section 8-13-1312.

COUNT SIX
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to deposit an April 1, 2018 \$100.00 contribution into his campaign bank account, in violation of Section 8-13-1312.

COUNT SEVEN
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to deposit a May 22, 2018 \$218.00 contribution into his campaign bank account, in violation of Section 8-13-1312.

COUNT EIGHT
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to deposit a May 26, 2018 \$100.00 contribution into his campaign bank account, in violation of Section 8-13-1312.

COUNT NINE
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to deposit a May 26, 2018 \$44.77 contribution into his campaign bank account, in violation of Section 8-13-1312.

COUNT TEN
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to deposit a June 1, 2018 \$100.00 contribution into his campaign bank account, in violation of Section 8-13-1312.

COUNT ELEVEN
FAILURE TO DEPOSIT A CAMPAIGN CONTRIBUTION
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to

deposit a June 1, 2018 \$100.00 contribution into his campaign bank account, in violation of Section 8-13-1312.

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

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to disclose closing/withdrawal expenditure in the amount of \$1,530.11 on his Final CDR, in violation of Section 8-13-1308(F).

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

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to a Quarter 4 2018/Final CDR, in violation of Section 8-13-1308(B).

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

That Robert Gatch, candidate for Dorchester County School Board, did in Richland County, fail to file a 2018 Pre-Election CDR, in violation of Section 8-13-1308(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 31st day,
of July 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Robert Gatch, 303 Twin Lakes Drive, Summerville, SC 29483 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd day of August 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 (803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2021-077)
State Ethics Commission)
Complainant.)
Robert Gatch)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

**AMENDED
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, April 18, 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 A CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to disclose an April 28, 2018 cash contribution in the amount of \$330.00, in violation of Section 8-13-1308(F).

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SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED

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

That Robert Gatch, candidate for Dorchester City Council, did in Richland County, fail to a Quarter 4 2018/Final CDR, in violation of Section 8-13-1308(B).

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

That Robert Gatch, candidate for Dorchester County School Board, did in Richland County, fail to file a 2018 Pre-Election CDR, in violation of Section 8-13-1308(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 22nd day,
of January 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Robert Gatch, 303 Twin Lakes Drive, Summerville, SC 29483 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24th day of January 2024, 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

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2021-077)
)
 State Ethics Commission,)
 Complainant,)
)
 Robert Gatch,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on September 10, 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 Robert Gatch (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 Dorchester County (County) Council (Council) in a June 12, 2018 primary election.
2. Prior to the filing of the Complaint, Respondent’s most recent Campaign Disclosure Report (CDR) for his County Council election was a CDR filed on March 28, 2018 showing an on-hand contribution balance of \$1,837.88. Respondent thereafter failed to file any additional quarterly CDRs.
3. Respondent was also an unsuccessful candidate for Dorchester County School Board (Board) in a November 6, 2018 election.
4. Respondent failed to file a Pre-Election CDR prior to the November 6, 2018 election.
5. On April 20, 2020, Commission staff emailed Respondent to notify him that his 2018 Final

CDR was "Saved Not Filed."

6. In a November 30, 2020 certified letter, the Commission notified Respondent of his failure to timely file CDRs from Quarter 4 2018 through Quarter 1 2020 related to his County Council election and a 2018 Pre-Election CDR related to his Board election.
7. According to the United States Postal Service, the certified letter was delivered to Respondent on December 11, 2020 at 10:42 a.m. The return receipt does not appear to contain the Respondent's signature.
8. Following the filing of the Complaint, the Commission investigation revealed Respondent failed to deposit several campaign contributions totaling \$862.77. The investigation further revealed Respondent closed his campaign bank account on October 30, 2018.
9. On March 1, 2024, Respondent reconciled all CDRs with help from Commission staff. Respondent is now in compliance.

CONCLUSIONS OF LAW

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

1. At all times relevant, Respondent 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 provides, in relevant part:
 - (A) Upon receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate . . . must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.
 - (B) 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.

...

(F) Certified campaign reports detailing campaign contributions and expenditures must contain: (1) the total of contributions accepted by the candidate or committee; (2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution; (3) the total expenditures made by or on behalf of the candidate or committee; (4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

3. Section 8-13-1312 provides, in relevant part:

... expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt. All contributions received by an agent of a candidate or committee within must be forwarded to the candidate or committee not later than five days after receipt ...

4. Section 8-13-1510(A) provides:

Except as otherwise specifically provided in this chapter, 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 additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

5. Section 8-13-320(10)(l) allows the Commission to issue a civil penalty of up to \$2,000 for each violation of the Ethics Act.

6. 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.

7. Section 8-13-780 allows the Commission to “impose an oral or written warning or reprimand.”

DISCUSSION

The Commission found probable cause to charge Respondent with seven (7) counts of

violating Section 8-13-1312 for failing to deposit campaign contributions totaling \$862.77 into his campaign bank account and one (1) count of violating Section 8-13-1308(B) for failing to file a 2018 Quarter 4/Final CDR. The Commission also found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(A) for failing to file a Pre-Election CDR prior to his November 6, 2018 election.¹ Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file these CDRs and when he failed to use a campaign bank account for the aforementioned campaign activity.

In mitigation, Respondent states he did not receive the penalty letters. The Commission acknowledges that the return receipt does not appear to contain his signature. Respondent further states he believes the COVID-19 pandemic made it more difficult to accurately report, but, even so, he was confused because he had hired someone to handle the filings for him. Respondent asserts that after realizing the filings were inaccurate and incomplete, he attempted to reconcile the reports but struggled because of his dyslexia. Respondent further asserts his dyslexia made it difficult for him to navigate the computer system.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308(A), one (1) count of Section 8-13-1308(B), and seven (7) counts of Section 8-13-1312.
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. The Commission

¹ The Commission also found probable cause that Respondent violated Section 8-13-1308(F) by failing to disclose several campaign contributions and expenditures on his CDRs. However, the Commission declines to proceed on these counts because Respondent has since disclosed this campaign activity.

declines to assess a monetary penalty.²

AND IT IS SO ORDERED THIS 3rd DAY OF May 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


ROBERT GATCH
RESPONDENT

² The Respondent also has penalties that were sent to GEAR for his noncompliance in relation to his Initial CDR, Quarter 3 2018 CDR, and 2018 candidate Statement of Economic Interests. These penalties are not considered in this Order.