

RECEIVED

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

2021 OCT 21 AM 9:59

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-100

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

RESPONDENT: Ronald D. Roth
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council - City of Clinton

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 Pre-Election Campaign Disclosure was due between February 11, 2021 and February 16, 2021. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Section 8-13-1140, SC Code Ann., 1976, as amended, requires the filing of an updated Statement of Economic Interests for the previous calendar year annually thereafter prior to March 30. Records in the State Ethics Commission indicate that the Respondent was required to file the 2019 and 2021 Statement of Economic Interests.

Respondent was reminded of the filing requirement by a certified letter dated June 18, 2021 as described in the attached. To date, no properly completed 2019 Statement of Economic Interests, 2021 Statement of Economic Interests, or Pre-Election Campaign Disclosure has been received. All in violation of Section 8-13-1140, 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
21st day of October, 2021

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

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

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 C2021-100)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Ronald D. Roth)	
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 FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Ronald D. Roth, City of Clinton Councilmember, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

COUNT TWO
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Ronald D. Roth, City of Clinton Councilmember, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

COUNT THREE
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Ronald D. Roth, City of Clinton Councilmember, did in Richland County, fail to file a 2022 SEI, in violation of Section 8-13-1140.

COUNT FOUR
FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Ronald D. Roth, City of Clinton Councilmember, did in Richland County, fail to file a 2023 SEI, in violation of Section 8-13-1140.

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

That Ronald D. Roth, City of Clinton Councilmember, did in Richland County, fail to file a 2021 Pre-Election Campaign Disclosure Report, 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.

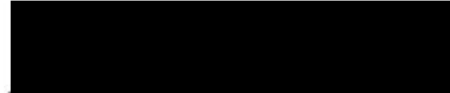


Meghan Walker Dayson, Executive Director
State Ethics Commission

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 Ronald D. Roth, 707 E. Ferguson Street, Clinton, SC 29325 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2021-100)
)
 State Ethics Commission,)
 Complainant,)
)
 Ronald D. Roth,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on October 21, 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 Ronald D. Roth (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 is a Councilman for the City of Clinton and has served since March 3, 2017. Respondent's most recent election was on March 2, 2021.
2. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) prior to the March 2, 2021 election.
3. Respondent failed to file a 2019 Statement of Economic Interests (SEI) on or before March 30, 2019.
4. Respondent failed to file a 2021 SEI on or before March 30, 2021.
5. In a June 18, 2021 certified letter, the Commission notified Respondent of his failure to timely file a 2021 Pre-Election CDR and 2019 and 2021 SEIs.¹
6. According to the United States Postal Service (USPS), the certified letter was delivered to

¹ Although they are included in the Complaint, the 2022 and 2023 SEIs were not included in the Commission's June 18, 2021 penalty letter because the deadlines had not yet passed.

Respondent's address of record on June 28, 2021 at 10:46 a.m.

7. On July 8, 2021, late-filing penalties began to accrue at \$30 per (\$10 per report).
8. On July 18, 2021, late-filing penalties began to accrue at \$300 per day (\$100 per report).
9. Respondent failed to file a 2022 SEI on or before March 30, 2022.
10. Respondent failed to file a 2023 SEI on or before March 30, 2023.
11. On July 10, 2023, Respondent filed a 2021 Pre-Election CDR and a 2021 SEI.
12. On February 8, 2024, Respondent filed a 2022 SEI and 2023 SEI with help from Commission staff.
13. On February 19, 2024, Respondent filed a 2019 SEI 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 was a "candidate" pursuant to Section 8-13-1300(4) or a "public official" pursuant to Section 8-13-100(27). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308(A) provides:

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.

3. Section 8-13-1140 provides, in relevant part:

A person required to file a [SEI] under this chapter annually shall file . . . an updated statement for the previous calendar year, no later than noon on March 30 . . .

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

. . . 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.

5. 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 four (4) counts of violating Section 8-13-1140 for failing to timely file 2019, 2021, 2022, and 2023 SEIs and one (1) count of violating of Section 8-13-1308(A) for failing to timely file a 2019 Pre-Election CDR. Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent acknowledges receipt of the Commission’s penalty letter and states he did not respond because he was overwhelmed with working long hours and caring for a child with special needs. Respondent asserts he believed he had timely filed the required reports and later learned that he was not properly submitting them. Respondent further asserts he kept attempting to submit the reports until finally accepting he was confused and did not know how to navigate the filing system. Respondent acknowledges he violated the Ethics Act for his failure to file his SEIs and Pre-Election CDR.

DISPOSITION

1. The Commission finds Respondent in violation of four (4) counts of 8-13-1140 and one (1) count of Section 8-13-1308(A).
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 and orders Respondent to pay the Commission, within one (1) year from receipt of this Order, a reduced late-filing penalty of \$500.00 and an administrative fee of \$400.00, for a total of \$900.00.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$900.00 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 \$900.00 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 30th DAY OF March 2024.



RONALD D. ROTH
RESPONDENT

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR