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STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-091

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

RESPONDENT: Timothy M. Reese
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Councilmember – Town of
Sullivans Island

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 an April 10, 2021/Pre-Election Campaign Disclosure was due between April 14, 2021 and April 19, 2021. In addition, a Campaign Disclosure was due no later than July 10, 2021 and October 10, 2021. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by a certified letter dated May 12, 2021 as described in the attached. To date, no properly completed April 10, 2021/Pre-Election, July 10, 2021, or October 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 11th day of January, 2022

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/22/26

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

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STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2022-001)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Timothy M. Reese)	
Complainant.)	
_____)	

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 FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Timothy M. Reese, former Sullivan’s Island Town Councilmember, did in Richland County, fail to file a Quarter 1/2021 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308.

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

That Timothy M. Reese, former Sullivan’s Island Town Councilmember, did in Richland

County, fail to file a Quarter 2 2021 CDR, in violation of Section 8-13-1308.

COUNT THREE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Timothy M. Reese, former Sullivan's Island Town Councilmember, did in Richland County, fail to file a Quarter 3 2021 CDR, in violation of Section 8-13-1308.

COUNT FOUR
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Timothy M. Reese, former Sullivan's Island Town Councilmember, did in Richland County, fail to file a Quarter 4 2021 CDR, in violation of Section 8-13-1308.

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

That Timothy M. Reese, former Sullivan's Island Town Councilmember, did in Richland County, fail to report a March 31, 2021 personal campaign contribution in the amount of \$2,000, in violation of Section 8-13-1308(F).

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

That Timothy M. Reese, former Sullivan's Island Town Councilmember, did in Richland County, fail to report an April 2, 2021 campaign expenditure to Island Eye/Lucky Dog Publishing in the amount of \$600, in violation of Section 8-13-1308(F).

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

That Timothy M. Reese, former Sullivan's Island Town Councilmember, did in Richland County, fail to report an April 23, 2021 campaign expenditure to TGI Signs in the amount of

\$1,308, in violation of Section 8-13-1308(F).

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 2nd day,
of November 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Timothy M. Reese, 305 Station 20 Street, Sullivan's Island, SC 29482 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 16th day of November 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 ETHICS COMMISSION
RECEIVED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2022-001)
State Ethics Commission,)
Complainant,)
Timothy M. Reese,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on January 11, 2022. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Timothy M. Reese (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 a successful candidate in a May 2, 2017 election for Sullivan’s Island Town Council (Town Council).
2. In conjunction with his 2017 election, Respondent filed an Initial Campaign Disclosure Report (CDR) disclosing \$98.00¹ in on-hand contributions.
3. Respondent did not file any additional CDRs until February 2021, at which time he filed fifteen (15) quarterly CDRs, all containing the same \$98.00 in on-hand contributions.²
4. Respondent thereafter failed to file any additional CDRs.
5. Respondent was subsequently an unsuccessful candidate in a May 4, 2021 election for Town Council.

¹ Based on a March 1, 2024 amendment made to Respondent’s Quarter 2 2017 CDR, this amount has increased to \$198.00 in the Commission’s public filings.

² Respondent was penalized \$1,500 for failing to file these CDRs through the Commission’s regular non-compliance process. To date, Respondent has paid the full \$1,500 to the Commission.

6. Respondent failed to file a Pre-Election CDR prior to the May 4, 2021 election.
7. In a May 12, 2021 certified letter, the Commission notified Respondent of his failure to timely file a Pre-Election Campaign Disclosure Report (CDR)
8. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on May 14, 2021 at 10:36 a.m. However, the USPS proof of service does not contain the Respondent's signature. Rather, the proof of service contains the notation "C-19 R2 LB."
9. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed and reviewed. According to those records, Respondent maintained a balance of \$198.00 from 2017 until the Complaint was filed on January 11, ^{2022 SEF} 2021.
10. Following the filing of the Complaint, Respondent filed came into compliance by filing all requisite CDRs, to include a Final 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. 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.

...

(D)(1) 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 for the period ending twenty days before the election.

(E) Notwithstanding the provisions of subsections (B) and (D), if a pre-election campaign report provided for in subsection (D) is required to be filed within thirty days of the end of the prior quarter, a candidate or committee must combine the quarterly report provided for in subsection (B) and the pre-election report and file the combined report subject to the provisions of subsection (D) no later than fifteen days before the election.

3. 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 ...

4. 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 8-13-1308 for failing to timely file a 2021 Pre-Election CDR, a Quarter 2 2021 CDR, a Quarter 3 2021 CDR and a Quarter 4 2021 CDR.³ Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent states that he engaged in minimal campaign activity during the relevant time periods and further states that his campaign bank account maintained a balance under \$200.00 during all relevant times. Respondent asserts that he did not receive the Commission’s May 2021 correspondence. Finally, Respondent states that he has paid \$1,500.00 to the Commission for the CDRs referenced in paragraph three (3) of the Statements of Facts.

³ The Commission also found probable cause to charge Respondent with three (3) counts of violating Section 8-13-1308(F) for failing to report campaign contributions and expenditures. However, given that Respondent has since disclosed this activity, the Commission declines to proceed on these charges.

DISPOSITION

1. The Commission finds Respondent in violation of four (4) counts of Section 8-13-1308.
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, an administrative fee of \$300.00. The Commission declines to assess any late-filing penalties given the minimal campaign bank account balance and because Respondent has already paid \$1,500 to the Commission as described herein.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$300.00 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 \$300.00 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 2nd DAY OF May 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


TIMOTHY M. REESE
RESPONDENT