

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-002

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

RESPONDENT: Rick N. Osbon
ADDRESS: [REDACTED]
TELEPHONE NUMBER: (803) 641-0152
TITLE: Mayor – City of Aiken

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. The Respondent failed to disclose government income on his 2019 Statement of Economic Interests.

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 October 16, 2019 and October 21, 2019. In addition, a Campaign Disclosure was due no later than January 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 requirements by certified letters dated May 28, 2021 as described in the attached. To date, no properly completed 2019 Statement of Economic Interests, Pre-Election, January 10, 2021, or October 10, 2021 Campaign Disclosure has been received. All in violation of Section 8-13-1120, 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 01/27/26

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

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2022-002)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Rick N. Osbon)	
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, August 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 REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Rick N. Osbon, City of Aiken Mayor, did in Richland County, fail to report government income on his 2019 Statement of Economic Interests, in violation of Section 8-13-1120(A)(2).

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

That Rick N. Osbon, City of Aiken Mayor, did in Richland County, fail to file a 2019 Pre-

Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(D)(1).

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

That Rick N. Osbon, City of Aiken Mayor, did in Richland County, fail to file a 2020 Quarter 4 CDR, in violation of Section 8-13-1308(B).

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

That Rick N. Osbon, City of Aiken Mayor, did in Richland County, fail to file a 2021 Quarter 3 CDR, in violation of Section 8-13-1308(B).

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.).

[THIS SPACE INTENTIONALLY LEFT BLANK]

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 16th 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 Rick N. Osbon, 14 Caw Caw Court, Aiken, SC 29803 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 21st 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2022-002)
)
 State Ethics Commission,)
 Complainant,)
)
 Rick N. Osbon,)
 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 Rick N. Osbon (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing.¹ Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent was City of Aiken Mayor.
2. On April 2, 2019, Respondent filed a 2019 Statement of Economic Interests (SEI) but failed to disclose his government income therein.
3. Prior to the filing of the Complaint, Respondent’s most recent election was on November 5, 2019. Respondent failed to file a Pre-Election Campaign Disclosure (CDR) prior to this election.
4. Although his campaign bank account carried a balance of contributions during the relevant reporting periods, Respondent failed to file a Q4 2020 CDR and a Q3 2021 CDR.
5. In a May 28, 2021 certified letter, the Commission notified Respondent of his failure to timely file

¹ In addition to the violations outlined in the Notice of Hearing, the Commission also found probable cause to believe Respondent violated Section 8-13-1348 for transferring \$300 out of his campaign bank account and into his personal bank account on February 20, 2019, then transferring the funds back into his campaign bank account on May 9, 2019. However, the Commission waived further proceedings as to this violation given that the transfer appeared to be a mistake that was promptly corrected by Respondent.

the 2019 Pre-Election CDR and the Q4 2020 CDR.² A certified letter was also sent to Respondent notifying him of his failure to report government income on his 2019 SEI.

6. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on June 1, 2021 at 6:31 p.m. The proof of service provided by USPS contains the signature of "Reagan Osbon," who Respondent has identified as his minor child.
7. On June 11, 2021, late-filing penalties began to accrue at \$20 per day (\$10 per CDR).
8. On June 21, 2021, late-filing penalties began to accrue at \$200 per (\$100 per CDR).
9. Following the filing of the Complaint, Respondent filed a 2019 Pre-Election CDR, a Q4 2020 CDR, and a Q3 2021 CDR. Respondent also amended his 2019 SEI to include government income.

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) and a "public official" pursuant to Section 8-13-100(27). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308 provides, in relevant part:

...

(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.

² The May 28, 2021 certified letter did not address the Q3 2021 CDR.

3. Section 8-13-1120(A)(2) provides, in relevant part:

A [SEI] filed pursuant to Section 8-13-1110 must be on forms prescribed by the State Ethics Commission and must contain full and complete information concerning . . . the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period

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 8-13-320(10)(l) allows the Commission to require a public official to pay 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.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating 8-13-1120(A)(2) for failing to disclose government income on his 2019 SEI; one (1) count of violating of Section 8-13-1308(D)(1) for failing to timely file a 2019 Pre-Election CDR, and two (2) counts of violating 8-13-1308(B) for failing to timely file a Q4 2020 CDR and a Q3 2021 CDR. Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. Respondent states his omission of government income from his 2019 SEI and his failure to file the CDRs in question was an oversight on his part. Respondent states that he did not receive the Commission's May 28, 2021 correspondence and it appears that his minor child signed for the letter, but did not relay it to him.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of 8-13-1120(A)(2), one (1) count

of Section 8-13-1308(D)(1), and two (2) counts of 8-13-1308(B).

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 six (6) months from receipt of this Order, a reduced late-filing penalty of \$300, a reduced civil penalty of \$100 and an administrative fee of \$500, for a total of \$900. The Commission declines to assess any accrued late-filing penalties.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$900 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 (less any money paid) in its Judgment Rolls, without cost to the Commission

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

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


RICK N. OSBON
RESPONDENT