

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-004

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

RESPONDENT: Dock L. Smith
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Trustee – Florence County School
District 4

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 2018 and 2019 Statement of Economic Interests.

Respondent was reminded of the filing requirements by a certified letter dated February 19, 2021 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2018 or 2019 Statement of Economic Interests has been received. All in violation of Section 8-13-1140, SC 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
1st 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)
IN THE MATTER OF:)
Complaint C2022-004)
Dock L. Smith)
Respondent.)
State Ethics Commission)
Complainant.)

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, to support the allegations made 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 20, 2023 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 Dock L. Smith, former Florence County School District 4 Trustee, did in Richland County, fail to file a 2018 Statement of Economic Interests, 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 Dock L. Smith, former Florence County School District 4 Trustee, did in Richland County, fail to file a 2019 Statement of Economic Interests, in violation of Section 8-13-1140.

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.

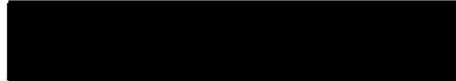


Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 11th day,
of October 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Dock L. Smith, 208 E. McLendon Street, Timmonsville, SC 29161 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 14th day of October 2022, 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 C2022-004)
State Ethics Commission,)
Complainant.)
Dock L. Smith,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND 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 of 1991 (Ethics Act), the Commission reviewed the above-captioned complaint against Dock L. Smith, (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on October 19, 2023, were Commissioners Scott E. Frick, Mary Hunter B. Tomlinson, and Matthew N. Tyler, Hearing Chair. Respondent was duly notified, but did not appear. Complainant was represented by Courtney M. Laster. The following charges were considered:

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

That Dock L. Smith, former Florence County School District Four Trustee, did in Richland County, fail to file a 2018 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 Dock L. Smith, former Florence County School District Four Trustee, did in Richland County, fail to file a 2019 SEI, in violation of Section 8-13-1140.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Panel finds as fact:

1. Respondent served on the Florence School District Four (District) Board of Trustees (Board) from November 2015 – November 2019.
2. Respondent did not file an annual SEI on or before March 30, 2018.
3. On or about May 10, 2018, the South Carolina Department of Education (Department) declared a state of emergency for the District. Based on this declaration, Respondent maintained his elected position, but was relieved of his governing responsibilities until the state of emergency ended.
4. Respondent did not file an annual SEI on or before March 30, 2019.
5. Respondent did not run for re-election in 2019.
6. In a February 19, 2021 certified letter, the Commission notified Respondent of his failure to file a 2018 SEI and a 2019 SEI.
7. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on February 22, 2021 at 11:34 a.m.
8. Penalties began to accrue at \$20.00 per day (\$10.00 per report) on March 4, 2021.
9. Penalties began to accrue at \$200.00 per day (\$100.00 per report) on March 14, 2021.
10. As of the date of the hearing, Respondent had not filed a 2018 SEI or a 2019 SEI and had accrued the statutory maximum of \$10,000.00 (\$5,000.00 for each SEI) in late-filing penalties.

CONCLUSIONS OF LAW

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

1. At all times relevant, Respondent was a public official pursuant to Section 8-13-100(27) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.

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

A person required to file a [SEI] under this chapter annually shall file, pursuant to Section 8-13-365, an updated statement for the previous calendar year, no later than noon on March thirtieth of each calendar year . . .

3. Section 8-13-1510(A) of the Ethics Act provides, in part:

. . . 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 calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

6. Section 8-13-130 of the Ethics Act allows the Commission to levy an administrative fee on any person who is found in violation of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of evidence, that Respondent, Dock L. Smith, is in violation of two (2) counts of Section 8-13-1140 for failing to timely file SEIs in 2018 and 2019. The Panel finds that, despite the Department's takeover of the District, Respondent maintained his status as a public official and was therefore required to file a 2019 SEI.

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a late-filing penalty of \$5,000.00 for the 2018 SEI and an administrative fee of \$900.00, for a total of \$5,900.00. Respondent is furthered ordered to file his 2019 SEI.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$5,900.00 is not paid and the 2019 SEI is not filed within eleven (11) months from Respondent's receipt of this Order, a judgment in the amount of \$10,900.00 shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court in the

County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$10,900.00 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Dock L. Smith has ten (10) days from receipt of this Order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 24th DAY OF October 2023.

STATE ETHICS COMMISSION


MATTHEW N. TYLER, HEARING CHAIR

Columbia, South Carolina