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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY: CASE NUMBER C 2022-027

COMPLAINT FORM

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

RESPONDENT: Victor J. Avendano ADDRESS: [REDACTED] TELEPHONE NUMBER: [REDACTED] TITLE: Candidate - Mount Pleasant Town Council

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 Campaign Disclosure was due no later than April 10, 2018, July 10, 2018, October 10, 2018, 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, July 10, 2021, October 10, 2021, and January 10, 2022. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadlines.

Respondent was reminded of the filing requirement by a certified letter dated November 24, 2021, as described in the attached. To date, no properly completed Quarter 1, 2018, Quarter 2 2018, Quarter 3 2018, Quarter 4 2018, Quarter 1 2019, Quarter 2 2019, Quarter 3 2019, Quarter 4 2019, Quarter 1 2020, Quarter 2 2020, Quarter 3 2020, Quarter 2020, Quarter 1 2021, Quarter 2 2021, Quarter 3 2021, or Quarter 4, 2021 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B) 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 23rd day of March, 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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
))
IN THE MATTER OF:))
))
Complaint C2022-027))
))
State Ethics Commission) **NOTICE OF HEARING**
Complainant.))
))
Victor J. Avendano))
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 June 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 A CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 1 2018 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland

County, fail to file a Quarter 2 2018 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 3 2018 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 4 2018 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 1 2019 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 2 2019 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 3 2019 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 4 2019 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 1 2020 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 2 2020 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 3 2020 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 4 2020 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 1 2021 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 2 2021 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 3 2021 CDR, in violation of Section 8-13-1308(B).

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

That Victor J. Avendano, candidate for Mount Pleasant Town Council, did in Richland County, fail to file a Quarter 4/Final 2021 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.).

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.

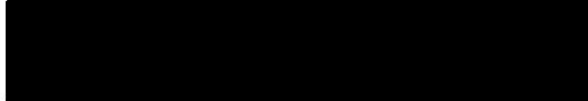
Dated this 4th day,
of October 2023.



Meghan Walker Dayson, Executive Director
State Ethics Commission

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Victor J. Avendano, 1059 Loyalist Lane, Mount Pleasant, SC 29464 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 11th day of October 2023, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

Rachael O'Bryan, Administrative Assistant
State Ethics Commission (803) 253-4192



STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2022-027)
)
 State Ethics Commission,)
 Complainant,)
)
 Victor J. Avendano,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 23, 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 Victor J. Avendano (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 candidate for Mount Pleasant Town Council in a November 3, 2015 election.
2. Respondent filed several Campaign Disclosure Reports (CDR) with the Commission during his 2015 election cycle. Prior to the filing of the Complaint, Respondent's most recent CDR was filed on October 23, 2015 and showed a positive balance of on-hand contributions.
3. Respondent did not file any additional quarterly CDRs.
4. On November 24, 2021, the Commission mailed a certified letter to Respondent's address of record advising him of his failure to timely file quarterly CDRs from April 10, 2018 to July 10, 2021.
5. According to the United States Postal Service, this letter was delivered on December 2, 2021 at 12:14 p.m.

6. On December 12, 2021, penalties began accruing at \$150 per day (\$10 per CDR).
7. On December 22, 2021, penalties began accruing at \$1,500 per day (\$100 per CDR).
8. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed. A review of these records revealed Respondent's campaign bank account had a balance of \$235.16 as of March 23, 2018.¹ Thereafter, the bank charged monthly bank fees until the account was depleted and ultimately closed on November 4, 2021.
9. On August 25, 2023, following contact from a Commission Investigator, Respondent came into compliance by filing the required CDRs.

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(B) provides, in relevant part:

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.

3. 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

¹ The Commission is bound by a four-year statute of limitations pursuant to Section 8-13-320(9)(d). Accordingly, the Commission's investigation was limited to activity occurring on or after March 23, 2018.

the required statement or report is not filed, not exceeding five thousand dollars.

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 sixteen (16) counts of violating Section 8-13-1308 for failing to file sixteen (16) CDRs from April 10, 2018 through January 10, 2022. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required CDRs. In mitigation, Respondent states 2015 was his first time running for office and he believed that once the election concluded, he was no longer required to file CDRs. Respondent further states that he engaged in no campaign activity following the election and asserts that the bank closed his campaign bank account following a lengthy period of inactivity. Respondent also states that he was serving on the State Auctioneers Commission when he received the Commission’s November 24, 2021 letter and that he erroneously believed (without opening the letter) that it related to his position on that Board, from which he had just resigned.² Respondent accepts responsibility for his actions in failing to open the Commission’s letter and in failing to timely file the required CDRs.

DISPOSITION

1. The Commission hereby finds Respondent in violation of sixteen (16) count of Section 8-13-1308.

² The Commission notes that, in addition to the CDRs outlined herein, the November 24, 2021 letter contained information on Respondent’s failure to timely file Statements of Economic Interests (SEI) related to his position on the State Auctioneers Commission. The Commission further notes that several days after the Commission’s certified letter was delivered to Respondent’s address of record, Respondent filed the necessary SEIs related to his position on the State Auctioneers Commission.

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 orders the Respondent to pay the Commission, within one (1) year from receipt of this Order, a reduced late-filing penalty of \$300 pursuant to Section 8-13-1510(A)(1) and an administrative fee of \$300 pursuant to Section 8-13-130, for a total of \$600. The Commission declines to assess any additional accrued late-filing penalties given the amount of contributions on hand in Respondent's campaign bank account and the lack of campaign activity following the election.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$600 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$600 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 14th DAY OF January 2023.

STATE ETHICS COMMISSION



SCOTT E. PRICK, CHAIR



VICTOR J. AVENDANO
RESPONDENT