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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-040

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

RESPONDENT: Darnell M. Johnson
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate - Orangeburg County Sheriff

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. The Respondent failed to properly disclose the names and addresses of nineteen contributors.

Section 8-13-1302 of the South Carolina Code Ann., requires that all candidates maintain a record of campaign contributions, expenditures, all receipted bills, canceled checks, or other proof of payment for each expenditure and the occupation of each person making a contribution for a period of four years. South Carolina Code of Regulations, Reg. 52-501.D requires that campaign records must be made available to the State Ethics Commission upon request. The Respondent failed to provide the occupation of nineteen contributors.

Respondent was reminded of the filing requirements by letters dated March 16, 2021 and August 9, 2021 as described in the attached. To date, no properly completed Quarter 1 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1302 and Section 8-13-1308 (F), S.C. Code Ann., 1976, as amended.

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.

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
19th day of April, 2022

[REDACTED]
Meghan L. Walker, Executive Director

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

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
ELECTRONIC COPIES WILL NOT BE ACCEPTED

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2022-040)
State Ethics Commission)
Complainant.)
Darnell M. Johnson)
Respondent.)

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, 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 MAINTAIN CAMPAIGN RECORDS
SECTION 8-13-1302, S.C. CODE ANN., 1976, AS AMENDED

That Darnell M. Johnson, candidate for Orangeburg County Sheriff, did in Richland County, fail to maintain campaign records for campaign contributions and expenditures, in violation of Section 8-13-1302.

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

That Darnell M. Johnson, candidate for Orangeburg County Sheriff, did in Richland

County, fail to file a 2020 Quarter 2 Campaign Disclosure Report, in violation of Section 8-13-1308(B).

COUNT THREE
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Darnell M. Johnson, candidate for Orangeburg County Sheriff, did in Richland County, fail to report eight (8) campaign contributions from 4-Way Stop, S.A. Mart, Quick Pantry, D. Fields, Palmetto Trans., James Bookard, Roger Hadwood, and personal contributions, in violation of Section 8-13-1308(F)(1).

COUNT FOUR
FAILURE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That Darnell M. Johnson, candidate for Orangeburg County Sheriff, did in Richland County, fail to report seventeen (17) campaign expenditures, in violation of Section 8-13-1308(F)(3).

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 28th day,
of March 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the **RESPONDENT** Darnell M. Johnson, 702 Beauregard Road, Summerville, SC 29486 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29th day of March 2024, 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 C2022-040)
)
 State Ethics Commission)
 Complainant,)
)
 Darnell M. Johnson,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on April 19, 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 Darnell M. Johnson (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 Orangeburg County Sheriff in a June 9, 2020 election.
2. In a March 16, 2021 first-class letter mailed with United States Postal Service (USPS) tracking, the Commission notified Respondent that his Quarter 1, 2020 Campaign Disclosure Report (CDR) lacked a variety of information related to contributions and expenditures, to include contributor addresses and occupations.
3. On August 9, 2021, a Commission staff member checked USPS for the status of the first-class letter, but USPS could produce no tracking information. The letter was re-mailed via certified mail the same day.
4. According to the USPS, the certified letter was delivered on August 23, 2021 at 2:15 p.m. The return receipt provided by USPS does not contain Respondent's signature.
5. Receiving no response, the Complaint was filed on April 19, 2022.
6. Following the filing of the Complaint, Respondent's campaign bank account records were

subpoenaed, revealing that Respondent failed to disclose eight (8) campaign contributions and seventeen (17) campaign expenditures in his CDRs.

7. Respondent's campaign bank account records and CDRs also revealed two (2) March 23, 2020 expenditures totaling \$11.71 for which Respondent was unable to produce supporting documentation.
8. Following the filing of the Complaint, Respondent came into compliance by disclosing the aforementioned contributions and expenditures, as well as the missing contributor occupations.

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(F) requires CDRs to contain detailed information regarding campaign contributions and expenditures, to include:
 - (1) the total of contributions accepted by the candidate or committee; (2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution; (3) the total expenditures made by or on behalf of the candidate or committee; (4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose and beneficiary of the expenditure.
3. Section 8-13-1302 provides, in relevant part:
 - (A) A [candidate] must maintain and preserve an account of: (1) the total amount of contributions accepted by the [candidate]; (2) the name and address of each person making a contribution and the amount and date of receipt of each contribution; (3) the total amount of expenditures made by or on behalf of the [candidate]; (4) the name and address of each person to whom an expenditure is made including the date, amount, purpose, and beneficiary of the expenditure; (5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and (6) the occupation of each person making a contribution.
 - (B) The [candidate] must maintain and preserve all receipted bills and accounts required by this article for four years.

4. Section 8-13-320 allows the Commission to assess a \$2,000.00 civil penalty for each violation of the Ethics Act.
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 one (1) count of violating Section 8-13-1302 for failing to maintain records related to the March 23, 2020 expenditures and two (2) counts of violating Section 8-13-1308(F) for failing to disclose contributions and expenditures.¹ Through this Consent Order, Respondent admits he violated the Ethics Act in each of these instances. In mitigation, Respondent states, and the Commission acknowledges, that this is Respondent’s first Complaint. Respondent states that he had a campaign volunteer assisting him throughout the 2020 election cycle and that this person collected contributions on his behalf, but failed to collect the requisite information. Respondent further states he did not receive the Commission’s August 9, 2021 correspondence regarding the missing contribution and expenditure information. Respondent states that he immediately began to collect the requisite information after a Commission Investigator contacted him after the Complaint was filed. Respondent is currently in compliance with regard to this Complaint.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1302 and two (2) counts of Section 8-13-1308(F).
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and

¹ The Commission also found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(B) for failing to timely file a 2020 Quarter 2 CDR. However, Respondent has already been penalized for his failure to file this CDR through the Commission’s regular non-compliance process. Accordingly, the Commission declines to proceed on this charge.

Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues a Public Reprimand and orders the Respondent to pay to the Commission, within one (1) year from receipt of this Order, a reduced civil penalty of \$100.00 for each violation of the Ethics Act and an administrative fee of \$500.00, for a total of \$800.00.

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 \$800.00 (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 \$800.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 18th DAY OF September 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


DARNELL M. JOHNSON
RESPONDENT