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STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

STATE ETHICS  
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2022-042

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

RESPONDENT: Nancy R. Foster  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Mayor – City of Bamberg

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 no later between March 17, 2021 and March 22, 2021.

Respondent was reminded of the filing requirement by a certified letter dated November 30, 2021 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure has been received. All in violation of Section 8-13-1308(A) and Section 8-13-1308 (D)(1), 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 04/22/26

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

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STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )

Complaint C2022-042 )

State Ethics Commission )  
Complainant. )

Nancy R. Foster )  
Respondent. )

**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 State Ethics Commission will, therefore, convene a formal hearing into the matters, 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 October 17, 2024 at 9:30 a.m. at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegation will be heard:

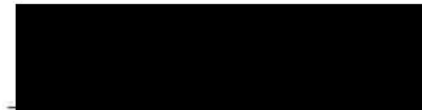
**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(A) S.C. CODE ANN., 1976, AS AMENDED**

That Nancy R. Foster, City of Bamberg Mayor, did in Richland County, fail to file a 2021 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(A).

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.

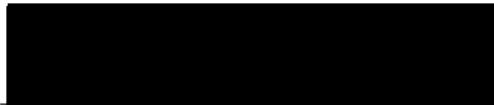


Meghan Walker Dayson, Executive Director  
State Ethics Commission

Dated this 28<sup>th</sup> 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 RESPONDENT Nancy Foster, 11611 Heritage Hwy., Bamberg, SC 29003 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29<sup>th</sup> day of March 2024, 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 C2022-042 )  
 )  
 State Ethics Commission, )  
 Complainant, )  
 )  
 Nancy Foster, )  
 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 Nancy Foster (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 has served as Mayor of the City of Bamberg (City) since 2011 and was most recently reelected on April 6, 2021. She did not file a Pre-Election Campaign Disclosure Report (CDR) prior to her 2021 election.
2. On January 29, 2021, prior to her election, Respondent filed a Statement of Intention of Candidacy. She paid a \$50.00 filing fee and listed her address as 11611 Heritage Hwy. Bamberg, SC 29003.
3. On November 30, 2021, the Commission sent Respondent notice of her failure to file a Pre-Election CDR via certified mail to 11611 Heritage Hwy. Bamberg, SC 29003.
4. According to the United States Postal Service, the certified letter was delivered on December 2, 2021 at 4:15 p.m. The return receipt does not appear to contain Respondent's signature.

5. Following the filing of the Complaint, a Commission investigator interviewed Respondent via telephone. Respondent informed the investigator that she did not receive a copy of the Commission's Complaint or the November 30, 2021 certified letter. The Commission's investigator provided Respondent a copy of the Complaint and cover letter via email on December 14, 2023. Respondent acknowledged receipt of the Complaint and cover letter in a letter dated February 16, 2024.
6. On February 23, 2024, Respondent filed her Pre-Election CDR with the assistance of Commission staff and is now in compliance.

#### **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(A) provides, in relevant part:

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.

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; 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.

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 one (1) count of violating Section 8-13-1308(A) for failing to file a 2021 Pre-Election CDR. Through this Consent Order, Respondent admits she violated the Ethics Act as described herein. In mitigation, Respondent states she did not receive the Commission’s Complaint or certified letter until the December 2023 email.<sup>1</sup> The Commission acknowledges that the return receipt for the certified letter does not contain Respondent’s signature. Respondent further states that she did not receive campaign contributions and therefore believed that there was nothing to report. The Commission acknowledges that its investigation did not reveal additional contributions or expenditures beyond the \$50.00 filing fee.

### **DISPOSITION**

1. The Commission finds Respondent in violation of one (1) count of 8-13-1308(A).
2. The Commission adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby orders Respondent to pay the Commission, within four (4) months from receipt of this Order, a late-filing penalty of \$100.00 and an administrative fee of \$300.00, for a total of \$400.00. The Commission declines to assess accrued penalties given the mitigation herein.

By executing this Consent Order, Respondent understands that she is confessing to a

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<sup>1</sup> The Respondent also asserts that the Complaint, cover letter, and penalty letter were sent to the incorrect address. However, the address used was provided by Respondent on her Statement of Intention of Candidacy as well as her filings with the Commission from 2009-present.

judgment of \$400.00 in the event she 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 \$400.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 27<sup>th</sup> DAY OF October 2024.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
NANCY FOSTER  
RESPONDENT

  
WILLIAM KEMP  
RESPONDENT'S ATTORNEY