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MAY 16 2022

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

STATE ETHICS  
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2022-052

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

RESPONDENT: Elaine Barnett  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Candidate – Berkeley County School Board

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 January 10, 2021, April 10, 2021, July 10, 2021, October 10, 2021, January 10, 2022, and April 10, 2022. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by letters dated April 22, 2021 and June 10, 2021 as described in the attached. To date, no properly completed Quarter 4 2020, Quarter 1 2021, Quarter 2 2021, Quarter 3 2021, Quarter 4 2021, or Quarter 1 2022 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.

**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  
16th day of May, 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

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STATE OF SOUTH CAROLINA	)	
COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
	)	
Complaint C2022-052	)	
	)	
State Ethics Commission	)	<b>NOTICE OF HEARING</b>
Complainant.	)	
	)	
Elaine Barnett	)	
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, February 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 AN INITIAL CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED**

That Elaine Barnett, candidate for Berkeley County School Board, did in Richland County, fail to file an Initial Campaign Disclosure Report (CDR) within ten days of reaching the \$500.00 threshold, in violation of Section 8-13-1308(A).

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

That Elaine Barnett, candidate for Berkeley County School Board, did in Richland County,

fail to file a Quarter 4 2020 CDR, in violation of Section 8-13-1308(B).

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

That Elaine Barnett, candidate for Berkeley County School Board, did in Richland County, fail to file a Quarter 1 2021 CDR, in violation of Section 8-13-1308(B).

**COUNT FOUR**  
**FAILURE TO USE A CAMPAIGN BANK ACCOUNT**  
**SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED**

That Elaine Barnett, candidate for Berkeley County School Board, did in Richland County, fail to process a \$150.00 personal contribution and corresponding expenditure through her campaign bank account, in violation of Section 8-13-1312.

**COUNT FIVE**  
**EXCESSIVE CASH WITHDRAWAL**  
**SECTION 8-13-1348(E), S.C. CODE ANN., 1976, AS AMENDED**

That Elaine Barnett, candidate for Berkeley County School Board, did in Richland County, withdraw more than \$100.00 in cash from her campaign bank account, in violation of Section 8-13-1348(E).

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

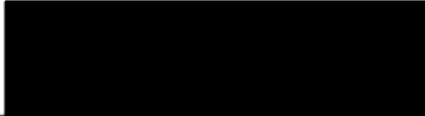
witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.

  
\_\_\_\_\_  
Meghan Walker Dayson, Executive Director  
State Ethics Commission

Dated this 27<sup>th</sup> day,  
of July 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the Elaine Barnett, 301 Liberty Hall Road, Goose Creek, SC 29445 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd day of August 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**  
State Ethics Commission

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2022-052 )  
State Ethics Commission, )  
Complainant, )  
Elaine Barnett, )  
Respondent. )  
\_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**CONSENT ORDER**

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on May 16, 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 Elaine Barnett (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 entry of the following:

**STATEMENTS OF FACT**

1. Respondent was an unsuccessful candidate for Berkeley County School District in a November 3, 2020 general election.
2. On September 16, 2020, Respondent received a \$1,000 contribution from Healing In The Blood.
3. Respondent did not file an Initial Campaign Disclosure Report (CDR) on or before September 26, 2020.
4. On October 5, 2020, Respondent used personal funds to make a \$150 campaign expenditure to CVC Media. Respondent did not process this transaction through a campaign bank account.
5. Respondent filed a 2020 Pre-Election CDR on October 10, 2020 and thereafter amended this CDR on October 29, 2020. In both the original filing and the amendment, Respondent disclosed \$58.95 in on-hand contributions.
6. Respondent thereafter failed to file any additional CDRs.
7. In an April 22, 2021 certified letter, the Commission notified Respondent of her failure to timely

file Quarter 4 2020 and Quarter 1 2021 CDRs.

8. On June 2, 2021, the certified letter was returned as “Return to Sender – Unclaimed.”
9. On June 10, 2021, the certified letter was re-mailed via first class with a United States Postal Service (USPS) tracking number.
10. According to the USPS, the certified letter was delivered in or at the Respondent’s mailbox on June 14, 2021 at 1:13 p.m.
11. On June 24, 2021, late-filing penalties began accruing at \$20 per day (\$10 per CDR).
12. On July 4, 2021, late-filing penalties began accruing at \$200 per day (\$100 per CDR).
13. Following numerous attempts to bring Respondent into compliance by Commission staff, the Complaint was filed on May 16, 2022.
14. Following the filing of the Complaint, Respondent’s campaign bank account records were subpoenaed and reviewed. According to these records, Respondent withdrew \$195 in cash from the campaign bank account on November 9, 2020. In response to questions from Commission Investigators, Respondent indicated these funds were used to provide food and beverages during an event for campaign workers. The bank records further revealed Respondent’s campaign bank account closed on February 5, 2021.
15. On June 29, 2023, Respondent came into compliance by filing the requisite 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 provides, in relevant part:
  - (A) Upon the 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.

- (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 . . .

. . .

- (F) Certified campaign reports detailing campaign contributions and expenditures must contain: (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 8-13-1312 provides, in relevant part:

. . . expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt. All contributions received by an agent of a candidate or committee within must be forwarded to the candidate or committee not later than five days after receipt . . .

4. Section 8-13-1348(E) provides:

A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty-five dollars for each expenditure.

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

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.
7. Section 8-13-320(10) allows the Commission to assess a civil penalty up to \$2,000 for each violation of the Ethics Act.

### **DISCUSSION**

The Commission found probable cause to charge Respondent the following: (1) failing to file an Initial CDR on or before September 26, 2020, in violation of Section 8-13-1308(A); (2) failing to file a Quarter 4 2020 CDR and a Quarter 1 2021 CDR, which she was required to do given that her campaign bank account did not close until February 5, 2021, both in violation of Section 8-13-1308(B); (3) failing to process a personal contribution and corresponding expenditure through the campaign bank account in violation of Section 8-13-1312; and (4) withdrawing more than \$100 in cash from the campaign bank account in violation of Section 8-13-1348(E).<sup>1</sup>

Through this Consent Order, Respondent acknowledges she violated the Ethics Act in these instances. In mitigation, Respondent states she lost both her mother and sister around the time the required CDRs were due. Respondent states she served as the caretaker for both family members and asserts that they died approximately thirty (30) days apart. Respondent also states she was in a car accident in September 2022 and continued to suffer from health issues throughout 2023, to include a hospitalization. Respondent acknowledges responsibility for her violation as described herein.

### **DISPOSITION**

1. The Commission hereby finds Respondent in violation of the Ethics Act as set forth herein.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and

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<sup>1</sup> The Commission also found probable cause to believe Respondent failed to disclose a \$300 contribution from the Berkeley County Republican Party in her 2020 Pre-Election CDR. Given that Respondent has since disclosed this contribution, the Commission declines to proceed on this count.

Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues a Public Reprimand and orders the Respondent to pay the Commission, within one (1) year from receipt of this Order, a late-filing penalty of \$450 (\$150 for each aforementioned CDR), a reduced civil penalty of \$300 (\$150 for Respondent's failure to use a campaign bank account and \$150 for Respondent's withdrawal of more than \$100 from a campaign bank account), and an administrative fee of \$500, for a total of \$1,250.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$3,750 (less any money paid to the Commission) in the event she 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 \$3,750 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 3<sup>rd</sup> DAY OF May 2024.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
ELAINE BARNETT  
RESPONDENT