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STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-055

COMPLAINT FORM

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: John T. Hanna
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: (803) 253-4192

TITLE: Mayor - Town of Johnsonville

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. Respondent failed to report income on his 2019 Statement of Economic Interests.

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 2020, 2021, and 2022 Statement of Economic Interests. An email reminder was sent thirty days prior to the deadline in 2020 and 2021, and email reminders were sent thirty days and ten days prior to the deadline in 2022.

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 between October 16, 2019 and October 21, 2019. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by letters dated November 29, 2021 and December 31, 2021 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure, 2020, 2021, or 2022 Statement of Economic Interests has been received. All in violation of Section 8-13-1120, Section 8-13-1140, Section 8-13-1308(A), Section 8-13-1308(D)(1), 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 18th day of May, 2022

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/22/24

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 C2022-055)
State Ethics Commission)
Complainant.)
John T. Hanna)
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, October 17, 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to file a 2020 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to file a 2022 SEI, in violation of Section 8-13-1140.

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

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to file a 2023 SEI, in violation of Section 8-13-1140.

COUNT FIVE
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to report sources of income on his 2019 SEI, in violation of Section 8-13-1120(A)(2).

COUNT SIX
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to report sources of income on his 2020 SEI, in violation of Section 8-13-1120(A)(2).

COUNT SEVEN
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to report sources of income on his 2021 SEI, in violation of Section 8-13-1120(A)(2).

COUNT EIGHT
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to report

sources of income on his 2022 SEI, in violation of Section 8-13-1120(A)(2).

COUNT NINE
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to report sources of income on his 2023 SEI, in violation of Section 8-13-1120(A)(2).


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

That John T. Hanna, Town of Johnsonville Mayor, did in Richland County, fail to file a 2019 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.).

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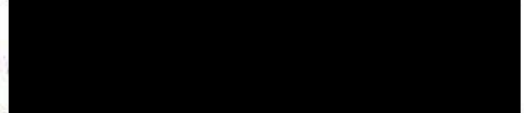
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above 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 John T. Hanna, 7538 Spring Branch Road, Nichols, SC 29581 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
State Ethics Commission (803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2022-055)
State Ethics Commission,)
Complainant.)
John T. Hanna,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

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 John T. Hanna (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on October 17, 2024, were Commissioners AJ Holloway, Mary Hunter B. Tomlinson, and F. Xavier Starkes, Hearing Panel Chair. Respondent was duly notified but did not appear. The Commission was represented by Renique K. Brabham, Esq. The following charges were considered: four (4) counts of violating Section 8-13-1140 for failing to file 2020, 2021, 2022, and 2023 Statements of Economic Interests (SEIs); one (1) count of violating Section 8-13-1140(A) for failing to report income on his 2019 SEI; and one (1) count of violating Section 8-13-1308(A) for failing to file a 2019 Pre-Election Campaign Disclosure Report (CDR).¹

FINDINGS OF FACT

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

1. Respondent was elected as mayor of the Town of Johnsonville (Town) in a November 5, 2019

¹ The Commission also found probable cause to charge Respondent with four (4) counts of violating Section 8-13-1120(A) for failing report income on his 2020, 2021, 2022, and 2023 SEIs. However, given that Respondent was also charged with violating Section 8-13-1140 for failure to file these SEIs, Commission staff moved for these counts to be dismissed at the call of the case. The Panel granted the motion.

election and served in that capacity until November 2023. Prior to serving as mayor, Respondent served on Town Council from 2012 through 2019.

2. Respondent filed a 2019 SEI but failed to report his sources of income therein.
3. Respondent failed to file a Pre-Election CDR prior to the November 5, 2019 mayoral election. Thereafter, Respondent failed to file a SEI on or before March 30 in 2020 and 2021.
4. On December 31, 2021, after attempting to notify Respondent via certified mail, the Commission notified Respondent of his failure to file a 2019 Pre-Election CDR and 2020 and 2021 SEIs via first-class mail with a United States Postal Service (USPS) tracking number. The Commission sent Respondent an additional first-class letter with USPS tracking notifying Respondent of his failure to report income on his 2019 SEI.
5. According to USPS, the December 31, 2021 letters were delivered to Respondent's address of record on January 5, 2022 at 11:32 a.m.
6. On January 15, 2022, late-filing penalties began to accrue at \$30.00 per day (\$10.00 per report).
7. On January 25, 2022, late-filing penalties began to accrue at \$300.00 per day (\$100.00 per report).
8. Afterwards, Respondent failed to file a 2022 SEI by March 30, 2022.
9. On May 18, 2022, the Commission filed its Complaint, which outlined Respondent's failure to file his 2022 SEI in addition to the allegations listed in the December 31, 2021 penalty letters.
10. On July 18, 2022, a Commission investigator hand-delivered the Commission's Complaint and cover letter to Respondent.
11. On July 28, 2022, late-filing penalties began to accrue at \$10.00 per day with regard to the 2022 SEI.

12. On July 29, 2022, late-filing penalties began to accrue at \$100.00 per day with regard to the 2022 SEI.
13. Respondent thereafter failed to file a 2023 SEI by March 30, 2023.
14. Following the filing of the Complaint, the Commission's investigation revealed that Respondent received government income from the Town in 2018 through 2023.
15. As of the date of the hearing, Respondent had not filed SEIs for 2020 through 2023 or a 2019 Pre-Election CDR. Respondent has also failed to properly report income on his 2019 SEI.

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) and a "candidate" pursuant to Section 8-13-1300(4). 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 . . . an updated statement for the previous calendar year, no later than noon on March 30 . . .
3. Section 8-13-1120(A)(2) of the Act requires public officials to report:

the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period.
4. Section 8-13-1308(A) provides, in relevant part:

. . . 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.
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 8-13-320(10)(1) allows the Commission to require a public official to pay a civil penalty of up to \$2,000.00 for each violation of the Ethics Act.
7. 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.

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 John T. Hanna is in violation of four (4) counts of violating Section 8-13-1140 for failing to file 2020, 2021, 2022, and 2023 SEIs; one (1) count of violating Section 8-13-1120(A) for failing to properly report income on his 2019 SEI; and one (1) count of violating Section 8-13-1308(A) for failing to file a 2019 Pre-Election CDR.

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a reduced late-filing penalty of \$13,367.00 (\$4,000.00 each for his 2020 through 2022 SEIs; \$100.00 for his 2023 SEI; and \$1,267.00 for his 2019 Pre-Election CDR), a reduced civil penalty of \$1,000.00 (for failing to report income on his 2019 SEI), and an administrative fee of \$1,100.00, for a total of \$15,467.00.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$15,467.00.00 is not paid in full within six (6) months from Respondent’s receipt of this Order, the late-filing penalties shall revert to the maximum of \$20,100.00 (\$5,000.00 each for his 2019 Pre-Election CDR and 2020

through 2022 SEIs; and \$100.00 for his 2023 SEIs), the civil penalty shall revert to its maximum of \$2,000.00 (for his failure to report income on his 2019 SEI), and the Commission shall enter a judgment against Respondent in the amount of \$23,200.00, less any money paid, with the Clerk of Court's Office in the County of Respondent's last known residence. In that event, the Clerk of Court shall enter this Order in the amount of \$23,200.00, less any money paid, in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent John T. Hanna 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 23rd DAY OF OCTOBER 2024.

STATE ETHICS COMMISSION


F. XÁVIER STARKES, HEARING CHAIR

Columbia, South Carolina