

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-059

COMPLAINT FORM

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

RESPONDENT: Stephen L. Whisnant
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Horry County Council

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 2020 Statement of Economic Interests.

Section 8-13-1314, S.C. Code Ann., 1976, as amended, states that a candidate may not accept contributions from a person aggregating \$1,000.00 in an election cycle. Respondent reported a \$1,009.49 loan from Sherry Whisnant and was instructed to refund the excess contribution and provide documentation of the refund.

Respondent was reminded of the filing requirements by letters dated December 17, 2020, March 31, 2021, and January 11, 2022 as described in the attached. To date, no properly completed 2020 Statement of Economic Interests or documentation of the refund have been received. All in violation of Section 8-13-1120 and Section 8-13-1314, SC 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
7th day of June, 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 C2022-059)	
)	
Stephen L. Whisnant)	NOTICE OF HEARING
Respondent.)	
)	
State Ethics Commission)	
Complainant.)	
)	

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, to support the allegations made 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 17, 2023 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 REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report government income on his 2020 Statement of Economic Interests, in violation of Section 8-13-1120(A)(2).

COUNT TWO
EXCESSIVE CASH CAMPAIGN CONTRUBTION
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County,

deposit \$290.00 in cash into his campaign bank account, in violation of Section 8-13-1314(A)(2).

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

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to file a 2020 Quarter 2 Campaign Disclosure Report, in violation of Section 8-13-1308(B).

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

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to file a 2020 Quarter 3 Campaign Disclosure Report, in violation of Section 8-13-1308(B).

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

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to file a Final Campaign Disclosure Report, in violation of Section 8-13-1308(B).

COUNT SIX
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$100.00 contribution deposited on March 18, 2020 in his campaign bank account, in violation of Section 8-13-1308(F)(2).

COUNT SEVEN
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$150.00 contribution deposited on March 27, 2020 in his campaign bank account, in violation of Section 8-13-1308(F)(2).

COUNT EIGHT
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$50.00 contribution deposited on March 31, 2020 in his campaign bank account, in violation of Section 8-13-1308(F)(2).

COUNT NINE
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$100.00 contribution deposited on May 18, 2020 in his campaign bank account, in violation of Section 8-13-1308(F)(2).

COUNT TEN
FAILURE TO REPORT CAMPAIGN CONTRIBUTIONS
SECTION 8-13-1308(F)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$50.00 contribution deposited on May 22, 2020 in his campaign bank account, in violation of Section 8-13-1308(F)(2).

COUNT ELEVEN
FAILURE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$16.52 expenditure made to Harland Clarke, in violation of Section 8-13-1308(F)(4).

COUNT TWELVE
FAILURE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County,

fail to report a \$163.72 expenditure made to SC.GOV, in violation of Section 8-13-1308(F)(4).

COUNT THIRTEEN
FAILURE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$25.00 expenditure made to BB&T M-App Transfer, in violation of Section 8-13-1308(F)(4).

COUNT FOURTEEN
FAILURE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(4), S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to report a \$20.00 expenditure made to BB&T M-App Transfer, in violation of Section 8-13-1308(F)(4).

COUNT FIFTEEN
FAILURE TO DEPOSIT CONTRIBUPTION INTO CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to deposit a contribution in the amount of \$500.00 from Gary French into his campaign bank account, in violation of Section 8-13-1312.

COUNT SIXTEEN
FAILURE TO DEPOSIT CONTRIBUPTION INTO CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to deposit a contribution in the amount of \$1,009.49 from Sherry Whisnant into his campaign bank account, in violation of Section 8-13-1312.

COUNT SEVENTEEN
FAILURE TO MAKE EXPENDIUTRE FROM CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to make an expenditure in the amount of \$681.43 to Vista Print from his campaign bank account, in violation of Section 8-13-1312.

COUNT EIGHTEEN
FAILURE TO MAKE EXPENDITURE FROM CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to make an expenditure in the amount of \$252.13 to Super Cheap Signs from his campaign bank account, in violation of Section 8-13-1312.

COUNT NINETEEN
FAILURE TO MAKE EXPENDITURE FROM CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to make an expenditure in the amount of \$295.93 to Super Cheap Signs from his campaign bank account, in violation of Section 8-13-1312.

COUNT TWENTY
FAILURE TO MAKE EXPENDITURE FROM CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to make an expenditure in the amount of \$160.00 to The Horry Independent from his campaign bank account, in violation of Section 8-13-1312.

COUNT TWENTY-ONE
FAILURE TO MAKE EXPENDITURE FROM CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Stephen L. Whisnant, Candidate for Horry County Council, did in Richland County, fail to make an expenditure in the amount of \$300.00 to The Loris Scene from his campaign bank

account, in violation of Section 8-13-1312.

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 L. Walker, Executive Director
State Ethics Commission

Dated this 23rd day,
of February 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Stephen L. Whisnant, 3689 Highway 66, Loris, SC 29569 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 27th day of February 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

(803) 253-4192

Columbia, South Carolina

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2022-059)
State Ethics Commission,)
Complainant,)
Stephen L. Whisnant,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on June 7, 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 Stephen L. Whisnant (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 a first-time candidate for Horry County Council in a June 9, 2020 primary election. Respondent was unsuccessful in this election.
2. Respondent filed an Initial Campaign Disclosure Report (CDR) on May 27, 2020.¹ Among other campaign activity, Respondent disclosed personal loan of \$1,009.49 loan to his campaign.²
3. On July 6, 2020, Respondent filed his 2020 Statement of Economic Interests (SEI) as a candidate, but did not disclose any sources of income therein.³

¹ Respondent's Initial CDR was not timely filed pursuant to Section 8-13-1308(A). Respondent was assessed a \$100.00 late-filing penalty through the Commission's regular non-compliance process.

² Respondent initially reported this loan from his spouse, which led the Commission to believe Respondent had accepted an excessive contribution in violation of Section 8-13-1314. However, following the filing of the Complaint, the Commission learned that Respondent and his spouse shared a joint checking account. Accordingly, the amount of the loan was permissible pursuant to Section 8-13-1314(B) and Respondent was not charged with accepting an excessive campaign contribution.

³ Respondent's 2020 SEI was not timely filed pursuant to Section 8-13-1356. Respondent was assessed a \$100.00 late-filing penalty through the Commission's regular non-compliance process.

4. In a December 17, 2020 letter mailed to Respondent's address of record, the Commission notified Respondent of his failure to report any income on his 2020 SEI.
5. Receiving no response to the Commission's correspondence, the Complaint was filed and Respondent's campaign bank account records were subpoenaed and reviewed. A review of these records revealed Respondent opened his campaign bank account on March 11, 2020 with a cash deposit of \$290. The Commission investigation revealed Respondent maintained no records related to this cash deposit.
6. The campaign bank account records further revealed the following contributions were deposited into Respondent's campaign bank account, but were not disclosed in Respondent's CDRs:

	DATE	CONTRIBUTOR	AMOUNT
1	3/18/2020	Stephen Whisnant	\$100.00
2	3/27/2020	Stephen Whisnant	\$150.00
3	3/31/2020	Stephen Whisnant	\$50.00
4	5/18/2020	Stuart Hardee	\$100.00
5	5/22/2020	Stephen Whisnant	\$50.00

7. The campaign bank account records further revealed the following expenditures were made from Respondent's campaign bank account, but were not disclosed in Respondent's CDRs:

	DATE	VENDOR	AMOUNT
1	3/25/2020	Harland Clarke	\$16.52
2	3/27/2020	SC.GOV 03-27	\$163.72
3	4/24/2020	Stephen Whisnant	\$25.00
4	4/28/2020	Stephen Whisnant	\$20.00
5	5/26/2020	PayPal fee	\$0.88

8. A comparison of Respondent's campaign bank account records to his CDRs revealed Respondent reported receiving a \$500 contribution from Gary French on April 18, 2020. However, this contribution was not deposited into Respondent's campaign bank account, nor was the personal loan of \$1,009.49.
9. An additional comparison of Respondent's campaign bank account records to Respondent's CDRs

revealed the following campaign expenditures that Respondent failed to make using his campaign bank account:

	DATE	VENDOR	PURPOSE	AMOUNT
1	4/5/2020	Vista Print	Magnets, signs, posters, cards	\$681.43
2	4/14/2020	Super Cheap Signs [sic]	Signs	\$252.13
3	5/9/2020	Super Cheap Signs [sic]	Signs	\$295.93
4	5/14/2020	The Horry Independent	Front Lines Hero Ad	\$160.00
5	5/22/2020	The Loris Scene	Campaign Ad	\$300.00

10. According to Respondent's campaign bank account records, Respondent's campaign bank account closed on November 3, 2020, thereby requiring Respondent to file the following CDRs: (1) 2020 Quarter 2 CDR; (2) 2020 Quarter 3 CDR; and (3) a Final CDR.
11. On August 7, 2023, Respondent filed all requisite CDRs, made all previously unreported disclosures, and amended his 2020 SEI to include government income.

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 8-13-1120(A) requires individuals filing an SEI to disclose, among other things:
 - (2) 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.
3. Section 8-13-1308 provides:
 - (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

4. 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 . . .

5. Section 8-13-1314(A) provides, in relevant part:

Within an election cycle, a candidate or anyone acting on his behalf shall not solicit or accept, and a person shall not give or offer to give to a candidate or person acting on the candidate's behalf . . . (2) a cash contribution from an individual unless the cash contribution does not exceed twenty-five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor

6. 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 . . .

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.

8. 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 report government income on his 2020 SEI in violation of Section 8-13-1120(A)(2); (2) failing to maintain records related to cash contributions over \$25.00 in violation of Section 8-13-1314; (3) failing

to file three (3) CDRs in violation of Section 8-13-1308(B); (4) failing to disclose \$450.00 in contributions in violation of Section 8-13-1308(F); (5) failing to disclose \$225.24 in expenditures in violation of Section 8-13-1308(F); (6) failing to deposit two (2) contributions into his campaign bank account in violation of Section 8-13-1312; and (7) failing to make five (5) expenditures from his campaign bank account in violation of Section 8-13-1312.

Through this Consent Order, Respondent acknowledges he violated the Ethics Act in these instances. In mitigation, Respondent states that he is a high school fine arts teacher and that this was his first run for public office. Respondent states he was unfamiliar with the reporting and fundraising requirements. Respondent states that when he first received a call from a Commission Investigator, Hurricane Ian was approaching his area of the State, and that he was not as prompt as he should have been in rectifying this matter. Respondent apologizes for his actions.

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 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 \$300 (\$100 for each aforementioned CDR) for failing to file three (3) CDRs in violation of Section 8-13-1308(B); a reduced civil penalty of \$100 for failing to disclose government income on his 2020 SEI in violation of Section 8-13-1120(A)(2); a reduced civil penalty of \$100 for failing to maintain records of a cash contribution over \$25 in violation of Section 8-13-1314; a reduced civil penalty of \$300 for failing to disclose campaign contributions and expenditures in violation of Section 8-13-1308(F); a reduced civil penalty of \$300 for failing to use his campaign bank account for two (2) contributions and five (5) expenditures in violation of Section 8-13-1308(F); and an administrative fee of \$300, for

a total of \$1,400.

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 \$1,400 (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 \$1,400 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 10th DAY OF October 2023.

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR

DocuSigned by:

Stephen L. Whisnant

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STEPHEN L. WHISNANT
RESPONDENT