

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER

C. 2022-073

COMPLAINT FORM

COMPLAINANT: Rep. Stewart Jones
ADDRESS: [REDACTED]
TELEPHONE NUMBER: 864-993-4336
TITLE: State Representative District 14

RESPONDENT: Councilwoman Marian Miller
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: City Council District 1

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

Please see second page for details.

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 Laurens

Personally appeared before me _____ who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
5 day of July, 2022

[REDACTED SIGNATURE]

Complainant Signature

[REDACTED]
Notary Public for South Carolina
My Commission expires August 30, 2030

LOGGED

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2022-073)

Marian Miller)
Respondent.)

NOTICE OF HEARING

Stewart Jones)
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 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 Thursday, August 17, 2023 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
USE OF PUBLIC RESOURCES TO INFLUENCE AN ELECTION
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Marian Miller, Laurens City Council Member, did in Richland County, use public time at the May 1, 2022 Laurens City Council meeting to influence the outcome of the June 2022 Republican primary election, in violation of Section 8-13-1346.

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 20th day,
of March, 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Marian Miller, 304 Jersey Street, Laurens, SC 29360 by depositing said **NOTICE OF HEARING** in the United States mail, 304 Jersey Street, Laurens, South Carolina 29360 on this 20th day of March 2023, 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 2022-073)
Stewart Jones)
Complainant.)
Marian Miller)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

Pursuant to Section 8-13-320(10) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the State Ethics Commission (Commission) reviewed the above-captioned complaint and found probable cause to charge Marian Miller (Respondent) with one (1) count of violating Section 8-13-1346. Present at the hearing held on August 17, 2023, were Commissioners Bryant S. Caldwell, Brandolyn Thomas Pinkston, and Neal D. Truslow, Hearing Panel Chair. Respondent appeared *pro se*. The Commission was represented by Courtney M. Laster. The following charge was considered:

COUNT ONE
USE OF PUBLIC RESOURCES TO INFLUENCE AN ELECTION
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Marian Miller, Laurens City Council Member, did use public time at the May 17, 2022 Laurens City Council meeting to influence the outcome of an election, in violation of Section 8-13-1346.

FINDINGS OF FACT

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

1. At all times relevant, Respondent served on Laurens City Council (Council).
2. The May 17, 2022, Council minutes reflect the following narrative:

Mayor Senn explained that he now wants to share some troubling news. He learned yesterday afternoon that it appears that certain budget requests in the amount of \$2.5 million, which were included in the state budget, have now been cut. At this point, he would like to give council the ability to make comment about this since he has had the

opportunity to speak with several members. Councilor Lowry stated that he is going to give some information and all of the information is factual that you need to take back to your constituents. The City of Laurens had \$2.5 million in the state budget in a year that Columbia is flushed with money. This \$2.5 million would go for the building of our new park, an amphitheater behind United Community Bank, and silent railroad crossings that a lot of people have asked for in our city. We requested this money and it was put into the state budget by Representative Stewart Jones. We just found out that it has been stripped out of the budget. Basically, it was stripped out of the budget because our representation is lacking in cooperation with things and how they work in Columbia. This is very troubling and should be troubling for everyone. In contrast, Representative Mark Willis, was able to secure \$4.4 million for Fountain Inn. Councilor Lowry stated that he has spoken to Representative Jones and he was very untruthful about it. He acted like he didn't know anything about it, but yet he could site some facts he knows about it. He is having a rift down in Columbia with the Speaker of the House and we are paying the price. Representative Jones voted against the budget. The budget was passed 108 to 7 and he is one of the seven that voted against it. He voted against his own request, which was the \$2.5 million. There was also money in there for the county and it was taken out as well. Not only is the city paying the price, the county is paying the price. We are being punished as a city for what our representative is not doing for us in Columbia. His vote against the budget cost us that money. He voted against a pay raise for teachers and state employees. He voted against a \$650 million tax cut. These are facts. Councilor Miller explained to everyone that he is up for reelection in the Republican Primary. Voting against him is the only way we will get him out. Losing the \$2.5 million will hurt the city and the county. Representative Jones was not present at the meeting. Mayor Senn stated that he thought it was important to give council the opportunity to address the issue on the record. It is his expectation that whoever represents the City of Laurens in Columbia will do so in a way that advances the best interest of the City of Laurens and they should do so in a way that is collegial and cooperative.

3. During the Panel hearing held on August 17, 2023, the Panel reviewed video footage from the May 17, 2022 City Council meeting. Therein, Respondent made the following specific, relevant comments:

. . . he is up for reelection, which is coming up right now. In the Republican primary. So, therefore, that's the only way we're going to get him out. This money, the 2.5 that he voted down, it's going to hurt the city and the county. So, therefore, if you know of anybody or go to the poll, we do not have a democratic primary, but y'all can go to the polls and vote in the Republican primary . . . he is not getting along with the other representatives, bottom line. So they are not supporting him [] and that's why he needs to get out.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes, as a matter of law:

1. At all times relevant, Respondent was a public official as defined by Section 8-13-1300(28).

Accordingly, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1346(A) provides:

A person may not use or authorize the use of public funds, property, or time to influence the outcome of an election.

3. Section 8-13-1300(31) defines "influence the outcome of an elective office," in relevant part, as:

(a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to "vote for", "elect", "cast your ballot for", "Smith for Governor", "vote against", "defeat", or "reject";

(b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate including or substantially similar to slogans or words such as "Smith's the One", "Jones 2000", "Smith/Jones", "Jones!", or "Smith-A man for the People!"; or

4. Sections 8-13-130 and 8-13-320(10) allow the Panel to levy an administrative fee and to require payment of a civil penalty of up to \$2,000 for each 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 the evidence, that Respondent Marian Miller is in violation of one (1) count of Section 8-13-1346 for advocating for the defeat of a clearly identified candidate, Complainant Stewart Jones, during the May 17, 2022 City Council meeting. See SEC AO2018-004 (finding comments made during a public meeting may constitute use of public time to influence the outcome of an election pursuant to Section 8-13-1346).

THEREFORE, pursuant to Section 8-13-320 and Section 8-13-130 of the Ethics Act, the Panel hereby issues a Public Reprimand and orders Respondent to pay an administrative fee of \$500 to the Commission within ninety (90) days from her receipt of this Order. The Panel declines to issue a civil penalty provided Respondent pays the \$500 administrative fee to the Commission within ninety (90) days from her receipt of this Order.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$500 administrative fee is not paid within ninety (90) days from Respondent's receipt of this Order, a judgment in the amount of \$2,500 (the \$500 administrative fee plus a \$2,000 civil penalty imposed pursuant to Section 8-13-320) shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$2,500 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Marian Miller has ten (10) days from receipt of this Order to appeal to the full Commission.

AND IT IS SO ORDERED THIS 29 DAY OF August 2023.

STATE ETHICS COMMISSION


NEAL D. TRUSLOW, HEARING CHAIR

Columbia, South Carolina