

STATE ETHICS COMMISSION  
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# STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

**FOR COMMISSION USE ONLY:**  
CASE NUMBER  
C 2022-090

## COMPLAINT FORM

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

**RESPONDENT:** Nadine H. Foxworth  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Board Member - Marion County School District

Section 8-13-1120, SC Code Ann., 1976, as amended, requires certain officials to file a Statement of Economic Interests prior to assuming the duties of the office. Respondent was required to file a 2020 Statement of Economic Interests prior to taking the oath of office on July 21, 2020.

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 between June 24, 2020 and June 29, 2020.

Respondent was reminded of the filing requirements by a certified letter dated March 8, 2022 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure or 2020 Statement of Economic Interests have been received. All in violation of Section 8-13-1120, 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 2 day of August, 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**

STATE OF SOUTH CAROLINA	)	
COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
	)	
Complaint C2022-090	)	
	)	
State Ethics Commission	)	<b>NOTICE OF HEARING</b>
Complainant.	)	
	)	
Nadine Foxworth	)	
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, 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, April 18, 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 PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

That Nadine Foxworth, Marion County School Board Member, did in Richland County, fail to file a 2020 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D).

**COUNT TWO**  
**FAILURE TO REPORT AN IN-KIND CONTRIBUTION/EXPENDITURE**  
**SECTION 8-13-1308(F), S.C. CODE ANN., 1976, AS AMENDED**

That Nadine Foxworth, Marion County School Board Member, did in Richland County, fail to report an in-kind contribution and expenditure for materials used to make campaign flyers,

in violation of Section 8-13-1308(F).

**COUNT THREE**  
**FAILURE TO REPORT FILE A STATEMENT OF ECONOMIC INTERESTS**  
**SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED**

That Nadine Foxworth, Marion County School Board Member, did in Richland County, fail to file a 2020 Statement of Economic Interests prior to taking the oath of Office for Marion County School Board on July 21, 2020, in violation of Section 8-13-1110.

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 2nd day,  
of November 2023.

**Certificate of Service by Certified Mail**

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Nadine H. Foxworth, 2928 Foxworth Rd., Marion, SC 29571 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 16<sup>th</sup> day of November 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 OF SOUTH CAROLINA	)	
COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
COMPLAINT C2022-090	)	
	)	
State Ethics Commission,	)	<b>CONSENT ORDER</b>
Complainant,	)	
	)	
Nadine Foxworth,	)	
Respondent.	)	
_____	)	

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 2, 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 Nadine Foxworth (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 was a successful candidate in a July 14, 2020 election for Marion County School District Board of Education.
2. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) 15-20 days prior to the July 14, 2020 election.<sup>1</sup>
3. Respondent did not file a Statement of Economic Interests (SEI) prior to taking oath of office on July 21, 2020.<sup>2</sup>
4. In a March 8, 2022 certified letter, the Commission notified Respondent of her failure to timely file a 2020 Pre-Election CDR and a 2020 SEI.
5. According to the United States Postal Service, the certified letter was delivered to Respondent’s address of record on March 10, 2022 at 2:40 p.m. The USPS return receipt reads “C-19 sig.”

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<sup>1</sup> Respondent did file a Pre-Election CDR on February 25, 2022, which was too early.

<sup>2</sup> Respondent’s election was initially scheduled to be held on April 14, 2020. However, the election was postponed by Executive Order due to the COVID-19 pandemic.

6. On March 20, 2022, late-filing penalties began to accrue at \$20 per day (\$10 per report).
7. On March 30, 2022, late-filing penalties began to accrue at \$200 per day (\$100 per report).
8. Following the filing of the Compliant, Respondent received assistance from Commission staff and filed an amended 2020 Pre-Election CDR and a 2020 SEI.

### 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) and a “public official” pursuant to Section 8-13-100(27) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1110(A) provides in relevant part:

No public official, regardless of compensation . . . may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter. . .

3. Section 8-13-1308 provides, in relevant part:

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election . . .

. . .

(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 8-13-1510(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.

5. 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.
6. Section 8-13-320(10) allows the Commission to issue a civil penalty of up to \$2,000 for each violation of the Ethics Act.

### DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(D) for failing to file a 2020 Pre-Election CDR 15-20 days prior to her July 14, 2020 election and one (1) count of violating Section 8-13-1110 for failing to file a 2020 SEI prior to taking oath of office.<sup>3</sup> Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file her 2020 Pre-Election CDR and 2020 SEI. In mitigation, Respondent states she was confused about the filing requirements after her election and oath of office were postponed. Respondent further asserts she did not receive the Commission’s March 8, 2022 correspondence. The Commission acknowledges the return receipt does not appear to contain Respondent’s signature. Respondent states that her inexperience, lack of understanding, and becoming a caretaker for her grandmother resulted in her missing filing deadlines. She also states that she kept attempting to get into compliance until realizing she needed the Commission’s assistance to properly file the reports. Respondent acknowledges responsibility for her violation as described herein.

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<sup>3</sup> The Commission also found probable cause to believe Respondent failed to report an in-kind contribution and expenditure for materials used to make campaign flyers. Given that Respondent has since disclosed this contribution and expenditure, the Commission declines to proceed on this count.

**DISPOSITION**

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308(D) and one (1) count of Section 8-13-1110.
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 written warning and orders the Respondent to pay the Commission, within six (6) months from receipt of this Order, a reduced late-filing penalty of \$200 and an administrative fee of \$300, for a total of \$500.

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 \$500 (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 \$500 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 25<sup>th</sup> DAY OF February 2024.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
NADINE FOXWORTH  
RESPONDENT