

STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-103

COMPLAINT FORM

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

RESPONDENT: Tony L. Black
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Commissioner – Saluda Commission of Public Works

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 the 2019 Statement of Economic Interests prior to January 2019.

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 and 2021 Statement of Economic Interests.

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 October 17, 2018 and October 22, 2018. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by a certified letters dated March 17, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure, 2019 Statement of Economic Interests, 2020 Statement of Economic Interests, or 2021 Statement of Economic Interests has not 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 14th day of September, 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)
IN THE MATTER OF:)
Complaint C2022-103)
State Ethics Commission)
Complainant.)
Tony L. Black)
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 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That Tony L. Black, Saluda Public Works Commissioner, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI) prior to taking the oath of office, in violation of Section 8-13-1110.

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

That Tony L. Black, Saluda Public Works Commissioner, did in Richland County, fail to file a 2020 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 Tony L. Black, Saluda Public Works Commissioner, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Tony L. Black, Saluda Public Works Commissioner, did in Richland County, fail to file a 2018 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.).

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.

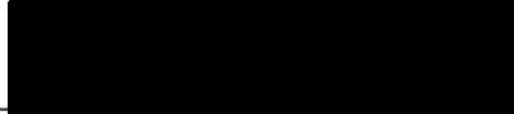


Meghan Walker Dayson, Executive Director
State Ethics Commission

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 Tony L. Black, 407 Travis Avenue, Saluda, SC 29138 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2022-103)
)
State Ethics Commission,)
Complainant,)
)
Tony L. Black,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on September 14, 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 Tony L. Black (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 has served on the Saluda Commission of Public Works since his election on November 6, 2018.
2. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) prior to the November 6, 2018 election.
3. Respondent failed to file a Statement of Economic Interests (SEI) prior to taking oath of office in January 2019.
4. Respondent failed to file a SEI prior to March 30 in 2020 and 2021.
5. In a March 17, 2022 certified letter, the Commission notified Respondent of his failure to file a 2018 Pre-Election CDR and SEIs for 2019-2021.
6. According to the United States Postal Service, the certified letter was delivered to

Respondent's address of record on March 19, 2022 at 9:25 a.m.

7. On March 29, 2022, penalties began to accrue at \$40.00 per day (\$10.00 per report).
8. On April 8, 2022, penalties began to accrue at \$400.00 per day (\$100.00 per report).
9. On January 27, 2024, Respondent filed his 2018 Pre-Election CDR and SEIs for 2019-2021.

Respondent is now in compliance.

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). 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 with the appropriate supervisory office. If a [public official] has no economic interests to disclose, he shall nevertheless file a statement of inactivity to that effect with the appropriate supervisory office. All disclosure statements are matters of public record open to inspection upon request.

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

Upon 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.

4. 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 . . .

5. Section 8-13-1510(A) provides, in relevant part:

... a person required to file a report or statement under this chapter who files a late 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.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(A) for failing to file a 2018 Pre-Election CDR, one (1) count of violating Section 8-13-1110 for failing to file a 2019 SEI prior to be sworn into office, and two (2) counts of violating Section 8-13-1140 for failing to timely file SEIs in 2020 and 2021. Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent states he attempted to file his Pre-Election CDR in 2019 but mistakenly filed an Initial CDR instead.¹ Further, Respondent asserts that 2018 was his first run for office and he was confused by the filing requirements. He asserts that he also found it difficult to navigate the Commission’s filing system. Additionally, Respondent states his parents were both sick around October 2022, and he did not receive all of the Commission’s correspondence. The Commission acknowledges that the return receipt for the March 17, 2022 certified penalty letter does not appear to contain Respondent signature.

DISPOSITION

¹ Following the filing of the Complaint, the Commission investigation revealed Respondent filed a 2019 Initial CDR on March 4, 2019 showing no contributions or expenditures. Because this report was submitted after his election in 2018, however, it holds no bearing on the present case.

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1110, one (1) count of Section 8-13-1308(A), and two (2) counts of Section 8-13-1140.
2. The Commission adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues this Public Reprimand and orders Respondent to pay the Commission, within six (6) months from receipt of this Order, a late-filing penalty of \$400.00 (\$100.00 for each report) and an administrative fee of \$600.00, for a total of \$1,000.00.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$1,000.00 in the event he does not make payment as provided for in this Order, in which case the Commission shall file a Judgment against Respondent with the Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$1,000.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 13th DAY OF September 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


TONY L. BLACK
RESPONDENT