

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-104

COMPLAINT FORM

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

RESPONDENT: Linda Archie-Simmons
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Council Member – Town of St. Matthews

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 Campaign Disclosure was due no later than October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, July 10, 2021, January 10, 2022, April 10, 2022, and July 10, 2022. In addition, a Quarter 3 2021/Pre-Election Campaign Disclosure was due between October 13, 2021 and October 18, 2021. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadlines.

Respondent was reminded of the filing requirement by a certified letter dated March 28, 2022 as described in the attached. To date, a properly completed Quarter 3 2018, Quarter 4, 2018, Quarter 1 2019, Quarter 2 2019, Quarter 3 2019, Quarter 4 2019, Quarter 1 2020, Quarter 2 2020, Quarter 3 2020, Quarter 4 2020, Quarter 1 2021, Quarter 2 2021, Quarter 3 2021/Pre-Election, Quarter 4 2021, Quarter 1, 2022, or Quarter 2 2022 Campaign Disclosure has not been received. All in violation of Section 8-13-1308(A), Section 8-13-1308(B), 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)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2022-104)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Linda Archie-Simmons)	
Respondent.)	
)	

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, February 15, 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That Linda Archie-Simmons, former St. Matthews Town Councilmember, did in Richland County, fail to file a 2021 Quarter 3/Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D).

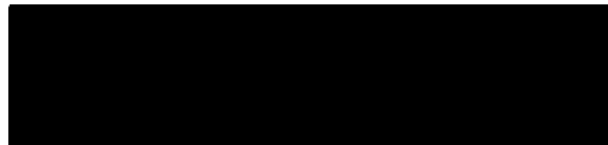
COUNT TWO
FAILURE TO USE A CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Linda Archie -Simmons, former St. Matthews Town Councilmember, did in Richland

County, fail to use a campaign bank account to make a \$50.00 expenditure for a filing fee and a \$214.00 expenditure for campaign signs, 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 Walker Dayson, Executive Director
State Ethics Commission

Dated this _____ day,
of May 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Linda Archie-Simmons, 179 Taylor Street, St. Matthews, SC 29135 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 5th day of June 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2022-104)	
)	
State Ethics Commission,)	CONSENT ORDER
Complainant,)	
)	
Linda Archie-Simmons,)	
Respondent.)	
_____)	

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 Linda Archie-Simmons (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1308 for failing to file a 2021 Pre-Election Campaign Disclosure Report (CDR) and one (1) count of violating Section 8-13-1312 for failing to use a campaign bank account.¹ Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent was a candidate for St. Mathews Town Council (Council) in a November 7, 2017 election and a November 2, 2021 election.
2. On December 31, 2017, Respondent filed a Quarter 4, 2017 CDR disclosing \$150 in on-hand contributions. Respondent failed to file any additional CDRs.
3. Respondent did not file a Pre-Election CDR prior to the November 2, 2021 general election.
4. In a March 28, 2022 certified letter, the Commission notified Respondent of her failure to file

¹ The Complaint also alleged Respondent failed to file multiple quarterly CDRs in relation to a 2017 election. When the Complaint was filed, Respondent showed a \$150 balance of on-hand contributions. The Commission’s investigation revealed that Respondent closed her campaign bank account immediately following her 2017 election. Accordingly, Respondent was not required to file the quarterly CDRs.

multiple quarterly CDRs, including a Quarter 3, 2021/Pre-Election CDR.

5. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on April 6, 2022 at 1:31 p.m. Respondent contacted Commission staff following her receipt of the letter and was transferred to the Disclosure Department for assistance.
6. On April 16, 2022, late-filing penalties began to accrue at \$10 per day.
7. On April 26, 2022, late-filing penalties began to accrue at \$100 per day.
8. On May 31, 2022, Respondent amended the CDRs related to her 2017 election, but failed to file a 2021 Pre-Election CDR. Despite these amendments, Respondent's filings still reflected a \$150 balance of contributions.
9. Following the filing of the Complaint, Respondent informed a Commission Investigator that she closed her campaign bank account shortly after her 2017 election. Respondent stated she did not open a campaign bank account for the 2021 election. Respondent further stated she paid for campaign signs and the filing fee with personal funds.
10. On May 3, 2023, Respondent filed a 2021 Pre-Election CDR. At the time Respondent came into compliance, she had accrued \$5,000 in late-filing penalties.

CONCLUSIONS OF LAW

Based upon the Statements of Fact, the Commission concludes, as a matter of law:

1. At all times relevant, Respondent a "candidate" pursuant to Section 8-13-1300(4) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308 provides, in relevant part:
 - (A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8-13-1304(A) 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.

...

(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 . . .

3. Section 8-13-1312 provides, in relevant part:

Except as is required for the separation of funds and expenditures under the provisions of Section 8-13-1300(7), a candidate shall not establish more than one campaign checking account and one campaign savings account for each office sought. . .

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

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 for failing to file a 2021 Pre-Election CDR and one (1) count of violating Section 8-13-1312 for failing to use a campaign bank account to pay for a filing fee and campaign signs. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file the 2021 Pre-Election CDR and when she failed to use a campaign bank account to pay for her filing fee and campaign signs. In mitigation, Respondent states that she believed a campaign bank

account was not required unless or until she raised or spent \$500. In addition, Respondent offers the following:

I received a letter from Meghan Walker dated November 16, 2021² thanking me for participating in the 2021 election. The letter also referred to me bringing my account to a \$0.00 balance in order to discontinue filing reports. At that time, I believed that my account was already at a \$0.00 balance, therefore there was no need to worry about anything.

The correspondence came during a very difficult time. On January 28, 2022, my mother passed away for whom I was the sole caretaker for almost a year. On March 28, 2022, I received another letter, this time informing me that I was in violation of the ethics reform act. The letter also [*sic*] that continued delays could result in a maximum penalty of up to \$85,000. I also received another letter about being in arrears to the ethics committee quarter 1 of 2018 and quarter 2 of 2018³ as well as certified letters about complaints being filed.

During this time I was mentally exhausted and still grieving the loss of my mother. I could barely take care of myself. I was in such despair that I called the office of the ethics commission in tears. I explained that I didn't know how to proceed and was afraid of going to jail for \$150. I became so overwhelmed that I abruptly ended that call and became extremely sorrowful and distressed.

It has never been my intention to do anything wrong or defraud anyone in any way. I am an honest person. I just had a hard time dealing with the pressures being placed on me at that time. I know how important it is to follow rules and take every matter seriously.

I have been unable to locate the banking and/or the fundraising related to my [2017] campaign. From this experience, I have learned that anything to do with a campaign require [*sic*] bank account information and prompt filing of information is important.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308 and one (1) count of Section 8-13-1312.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

² Following each election, the Commission's Executive Director sends unsuccessful candidates a letter informing them of their responsibilities under the Ethics Act.

³ Respondent was penalized for failing to timely file a Quarter 1 2018 CDR and a Quarter 2 2018 CDR through the Commission's non-compliance process.

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 \$300, a reduced civil penalty of \$100 for failing to use a campaign bank account, and an administrative fee of \$350, for a total of \$750.

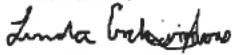
By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$750 (less any money paid to the Commission) in the event she does not make full and timely payment as provided for in this Order. In that event, 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 \$750 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 24th DAY OF July 2023.

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR

DocuSigned by:

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LINDA ARCHIE-SIMMONS
RESPONDENT