STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-105

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

RESPONDENT: Kevin R. Andrus
ADDRESS: [redacted]
TELEPHONE NUMBER: [redacted]
TITLE: Candidate – Town of Mount Pleasant Council

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 13, 2021 and October 18, 2021. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by a certified letter dated March 21, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure has not been received. All in violation of 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	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:	)	
Complaint C2022-105	)	
State Ethics Commission Complainant.	)	**NOTICE OF HEARING**
Kevin R. Andrus 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, August 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 allegation will be heard:

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

That Kevin R. Andrus, candidate for Mt. Pleasant Town Council, did in Richland County, fail to file a 2021 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.

[redacted]

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 Kevin R. Andrus, 3593 Deer Creek Road, Mount Pleasant, SC 29466 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29th day of March 2024, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.

[redacted]

Rachael O'Bryan, Administrative Assistant

Columbia, South Carolina — State Ethics Commission — (803) 253-4192

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF: COMPLAINT C2022-105	)	
State Ethics Commission, Complainant,	)	**CONSENT ORDER**
Kevin R. Andrus 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 Kevin R. Andrus (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 candidate for Mount Pleasant Town Council in a November 2, 2021 election.
2. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) prior to the election.
3. In a March 21, 2022 certified letter, the Commission notified Respondent of his failure to file a 2021 Pre-Election CDR.
4. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on March 24, 2022 at 6:19 p.m.
5. On April 3, 2022, penalties began to accrue at $10.00 per day.
6. On April 13, 2022, penalties began to accrue at $100.00 per day.
7. On January 23, 2024, with help from Commission staff, Respondent filed his 2021 Pre-Election CDR disclosing no campaign contributions or expenditures. Respondent is now in compliance.

CONCLUSIONS OF LAW

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

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

> . . . 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.

3. 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.

4. 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 timely file a 2021 Pre-Election CDR. Through this Consent Order, Respondent admits he failed to timely file a 2021 Pre-Election CDR. In mitigation, Respondent states 2021 was his first run for public office and that he was unfamiliar with the filing requirements. Respondent states that he believed he was not required to file anything with the Commission because he did not raise or spend any money during his campaign. Respondent acknowledges receipt of the Commission's March 2022 letter and states that he attempted to file the requisite report thereafter, but was apparently unsuccessful.[1] Respondent states that he is a business owner and that he was attempting to serve his community by running for office. Respondent states it was not his intention to hide

[1] The Commission notes that Respondent had a "Saved, Not Filed" Statement of Economic Interests in his electronic account during the Commission investigation.

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anything from the public or the Commission.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A).
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 written warning to Respondent, and orders Respondent to pay the Commission, within nine (9) months from receipt of this Order, a reduced late-filing penalty of $200.00 and an administrative fee of $600.00, for a total of $800.00.

By executing this Consent Order, Respondent understands that he is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of $800.00 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 County Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of $800.00 (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

[redacted]

SCOTT E. PRICK, CHAIR

[redacted]

KEVIN R. ANDRUS
RESPONDENT