

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
c 2022-115

COMPLAINT FORM

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive, Ste. 150,
Suite 150, Columbia, SC 29210
TELEPHONE NUMBER: 803.253.4192
TITLE:

RESPONDENT: Roger A. Gaddy
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Winnsboro Mayor

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).

Commission staff received information that Roger A. Gaddy participated in a Town Council discussion regarding bonuses for town employees. Additional information indicated at a council meeting on November 3, 2020, council members discussed and voted to award a \$4,000.00 bonus to councilmembers in executive session. Financial records received from the Town of Winnsboro revealed payroll deposits were made on November 20, 2020, to all councilmembers for a \$4,000.00 "BONUS." Roger A. Gaddy received a net bonus of \$3,138.01. A review of the November 3, 2020, Town Council meeting minutes revealed Roger A. Gaddy was present during the executive session discussion and subsequent vote.

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 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
27th day of September, 2022

[REDACTED]
Complainant Signature

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/22/24

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 C2022-115)

State Ethics Commission)
Complainant.)

NOTICE OF HEARING

Roger A. Gaddy)
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 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, October 17, 2024 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
FAILURE TO RECUSE FROM A GOVERNMENTAL DECISION IN WHICH
RESPONDENT HAD AN ECONOMIC INTEREST
SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED

That Roger A. Gaddy, Former Town of Winnsboro Mayor, did in Richland County, participate in discussion and voting to receive a \$4,000 bonus at a November 3, 2020 council meeting, in violation of Section 8-13-700(B).

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 L. Walker, Executive Director
State Ethics Commission

Dated this 22nd day,
of January 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Roger A. Gaddy, 213 W. High Street, Winnsboro, SC 29180 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24th day of January 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

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
) IN THE MATTER OF:)
COMPLAINT C2022-115)
) State Ethics Commission,)
Complainant,)
) Roger A. Gaddy,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the South Carolina State Ethics Commission (Commission) by way of a complaint filed on September 22, 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 Roger A. Gaddy (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 served on the Winnsboro Town Council (Council) from 2008 until 2021.
2. At a November 3, 2020 Council meeting, Council voted unanimously to give a \$4,000.00 bonus to Town employees and Council. Respondent participated in the discussion and the vote.
3. A member of the Municipal Association of South Carolina (MASC) subsequently contacted Council and advised it that the bonus was improper.
4. Following receipt of this information from MASC, Respondent returned the bonus to the Town.

CONCLUSIONS OF LAW

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

1. At all times relevant, Respondent was a public official, as defined by Section 8-13-100(27). The Commission has personal and subject matter jurisdiction.
2. Section 8-13-700(B) provides, in relevant part:

No [public official] may make, participate in making, or in any way attempt to use his [public

office] to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A [public official] who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

- (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;
...
- (4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes.

3. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation of any provision of the Ethics Act.”
4. Section 8-13-320(10)(l)(i) allows the Commission to require payment of a civil penalty of up to two thousand dollars for each violation of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-700(B) for voting to award himself a bonus on November 3, 2020. Through this Consent Order, Respondent acknowledges that he violated the Ethics Act in this regard. In mitigation, Respondent states he was advised by the Town Finance Director that the bonus was appropriate and that he was unaware his participation and/or vote were problematic until Council received information from the MASC. Respondent further states that the Town Manager was present for the November 3, 2020 Council meeting, but did not advise Council that the vote was problematic. Respondent states that he returned the bonus as soon as he became aware that his participation and/or vote were improper.

DISPOSITION

1. The Commission hereby finds Respondent Roger in violation of one (1) count of Section 8-13-700(B).
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 this Public Reprimand to Respondent for violation of the Ethics Act;

AND orders Respondent to pay to the Commission, within ninety (90) days, a reduced civil penalty of \$300 and an administrative fee of \$200, for a total of \$500.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Act, but also confessing to a judgment of \$500 (less any money paid to the Commission) in the event he does not make full and timely payment as provided in this Order. In that event, the Commission shall file a Judgment against Respondent 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 ORDERED THIS 30th DAY OF March, 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


ROGER A. GADDY
RESPONDENT