

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022 - 120

COMPLAINT FORM

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

RESPONDENT: Emanuel L. Gilchrist
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Council Member – Town of Johnston

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 2019, 2020, 2021, and 2022 Statement of Economic Interests.

Respondent was reminded of the filing requirements by a certified letter dated July 6, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, a 2019, 2020, 2021, or 2022 Statement of Economic Interests has not been received. All in violation of Section 8-13-1140, SC 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
21st 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 C2022-120)
State Ethics Commission)
Complainant.)
Emanuel L. Gilchrist)
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, June 20, 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Emanuel L. Gilchrist, former Johnston Town Councilmember, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That Emanuel L. Gilchrist, former Johnston Town Councilmember, did in Richland

County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

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

That Emanuel L. Gilchrist, former Johnston Town Councilmember, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Emanuel L. Gilchrist, former Johnston Town Councilmember, did in Richland County, fail to file a 2022 SEI, in violation of Section 8-13-1140.

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.).

[THIS SPACE INTENTIONALLY LEFT BLANK]

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 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 the RESPONDENT Emmanuel L. Gilchrist, 234 Slide Hill Road, Johnston, SC 29832 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.



Columbia, South Carolina

Rachael O'Bryan, Administrative Assistant
State Ethics Commission (803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
))
IN THE MATTER OF:)
COMPLAINT C2022-120)
))
State Ethics Commission,)
Complainant,)
))
Emanuel L. Gilchrist,)
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 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 Emanuel L. Gilchrist (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 Johnston Town (Town) Council from 2018 to 2022.
2. Respondent failed to file a Statement of Economic Interests (SEI) on or before March 30 in 2019, 2020, 2021, and 2022.
3. In a July 6, 2022 certified letter, the Commission notified Respondent of his failure to timely file 2019, 2020, 2021, and 2022 SEIs.
4. According to United States Postal Service, the letter was "Delivered, Left with Individual" at Respondent's address of record on July 9, 2022 at 3:39 p.m. The return receipt appears to contain Respondent's signature.
5. On July 19, 2022, late-filing penalties began to accrue at \$40.00 per day (\$10.00 per SEI).
6. On July 29, 2022, late-filing penalties began to accrue at \$400.00 per day (\$100.00 per SEI).
7. After no response, the Complaint was filed on September 22, 2022.
8. On December 15, 2023, Respondent filed SEIs for 2019, 2020, 2021, and 2022 with assistance

from Commission staff. 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 “public official” pursuant to Section 8-13-100(27).

Therefore, the Commission has personal and subject matter jurisdiction.

2. 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 . . .

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 four (4) counts of violating Section 8-13-1140 for failing to timely file SEIs in 2019, 2020, 2021, and 2022. Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent states he ran for office when he was young and did not fully understand his filing responsibilities. Additionally, Respondent asserts he was concerned about the legitimacy of the Commission’s earlier correspondences because they were sent after his term of office ended. He further provided that no one in the Town’s administration or the Commission notified him of his filing responsibilities. Respondent asserts he would have filed had he known of this requirement.

DISPOSITION

1. The Commission finds Respondent in violation of four (4) counts of 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 one (1) year from receipt of this Order, a reduced late-filing penalty of \$800.00 (\$200.00 for each SEI) and an administrative fee of \$600.00, for a total of \$1,400.00.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$1,400.00 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 \$1,400.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 3rd DAY OF July 2024.



EMANUEL L. GILCHRIST
RESPONDENT

STATE ETHICS COMMISSION

SCOTT E. FRICK, CHAIR