

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

c. 2022-136

COMPLAINT FORM

COMPLAINANT: Tom Hutto

RESPONDENT: Perry Sutton

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TITLE:

TITLE: Council Member

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).

See attachment.

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 York

Personally appeared before me Tom Hutto 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

21 day of Sept, 22

[REDACTED]

Complainant Signature

[REDACTED]

Notary Public for South Carolina

My Commission expires July 5, 2028

Caitlin Fewell  
Notary Public, State of South Carolina  
My Commission Expires July 5, 2028

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192


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## Attachment to Complaint

- 1) Council Member Sutton addressed Zoning Board of Appeals. This board is seated by the City Council.

### 2021 Zoning Board of Appeals

ZBA Minutes 2-2021  2/16/21: Mr. Perry Sutton, 1002 S Confederate Avenue and owner of 718 Carolina Avenue, spoke in opposition to the request, specifically with regards to the change of the neighborhood from peaceful in the 1960s to current criminal activity. He added issues with crime needed to be addressed without having this type of business in the neighborhood. (Pg 2)

- 2) P. Sutton only has an SEI filed for 2021. On it, he does not list any income at all. According to the city website, he was in school at the time, but it seems odd for him to have no source of income at all, or that his spouse did not have some form of income.

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND ) BEFORE THE STATE ETHICS COMMISSION  
) )  
IN THE MATTER OF: )  
COMPLAINT C2022-136 )  
) )  
Tom Hutto, ) **DECISION AND ORDER**  
Complainant. )  
) )  
Perry Sutton, )  
Respondent. )  
\_\_\_\_\_ )

This matter came before the South Carolina Ethics Commission (Commission) by way of a Complaint filed on October 26, 2022. The Commission’s Executive Director reviewed the Complaint, determined it contained facts sufficient to warrant an investigation, and ordered an investigation. On November 21, 2024, the Commission reviewed the Complaint and investigative findings to determine whether probable cause existed to charge Perry Sutton (Respondent) with violating the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act). For the reasons stated herein, the Commission finds probable cause exists, but waives further proceedings on the matter.

**STATEMENT OF FACTS**

1. Respondent has served on the Rock Hill City Council since 2022.
2. On February 16, 2021, prior to his election to City Council, Respondent appeared before the City Board of Zoning Appeals (ZBA) and spoke in opposition to a zoning request.
3. Respondent timely filed his Statement of Economic Interests (SEI) on March 18, 2022, but failed to disclose his sources of income therein.
4. The Complaint alleged Respondent’s appearance before the City ZBA was improper because City Council appoints the members of the ZBA. The Complaint further alleged Respondent had failed to properly disclose his sources of income on his 2022 SEI.

5. On December 2, 2022, Respondent amended his 2022 SEI to disclose sources of income.

### **LAW**

Pursuant to Section 8-13-320, the Commission is empowered to receive complaints and conduct investigations related to violations of the Ethics Act. Following the receipt of a Complaint and completion of a corresponding investigation, the Commission must determine whether there is probable cause to believe a violation of the Ethics Act occurred. Section 8-13-320(10)(i). If the Commission determines probable cause exists, it may order a hearing on the merits or, if the Respondent has taken action to remedy or correct the alleged violation, it may waive further proceedings. Section 8-13-320(10)(i). The decision to waive further proceedings lies within the sound discretion of the Commission.

Section 8-13-740(A)(5) prohibits municipal public officials from knowingly representing a person before any subunit of the municipality for which the public official has official responsibility. Section 8-13-1120 of the Ethics Act requires public officials to disclose sources of governmental and private income on their SEIs.

### **DECISION**

As an initial matter, the Commission finds that probable cause does not exist to believe Respondent violated Section 8-13-740 of the Ethics Act given that he was not a public official at the time he appeared before the ZBA on February 16, 2021. However, based on evidence presented, the Commission hereby determines there is probable cause to believe that Respondent violated Section 8-13-1120 of the Ethics Act by failing to properly disclose his sources of income on his 2022 SEI. However, Respondent has since properly amended his 2022 SEI to disclose said income. Therefore, based on the totality of the circumstances, the Commission hereby waives further proceedings pursuant to Section 8-13-320(10)(i) of the Ethics Act.

THEREFORE, pursuant to Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the Commission hereby waives further proceedings.

AND IT IS SO ORDERED THIS 14<sup>th</sup> DAY OF January, 2024.

SOUTH CAROLINA ETHICS COMMISSION



SCOTT E. FRICK, CHAIR

Columbia, South Carolina