

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-145

COMPLAINT FORM

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: Kate Darby
ADDRESS: [REDACTED]
TELEPHONE NUMBER: ([REDACTED])

TELEPHONE NUMBER: (803) 253-4192

TITLE: Trustee – Charleston County School Board

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 2020 and 2022 Statement of Economic Interests.

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 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, October 10, 2021, January 10, 2022, April 10, 2022, July 10, 2022, and October 10, 2022. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by a certified letter dated May 5, 2022 as described in the attached. To date, a properly completed 2020 Statement of Economic Interests, 2022 Statement of Economic Interests 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, Quarter 4 2021, Quarter 1 2022, Quarter 2 2022, or Quarter 3 2022 Campaign Disclosure has not been received. All in violation of Section 8-13-1140, Section 8-13-1308 (B), 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
21st day of November, 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 C2022-145)
State Ethics Commission)
Complainant.)
Kathleen M. Darby)
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, February 20, 2025 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 Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a 2020 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 Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland

County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 1 2019 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 2 2019 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 3 2019 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 4 2019 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 1 2020 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 2 2020 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 3 2020 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 4 2020 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 1 2021 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 2 2021 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland

County, fail to file a Quarter 3 2021 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 4 2021 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 1 2022 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 2 2022 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 3 2022 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 4 2022 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 1 2023 CDR, in violation of Section 8-13-1308(B).

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

That Kathleen M. Darby, former Charleston County School Board Trustee, did in Richland County, fail to file a Quarter 2/Final 2023 CDR, in violation of Section 8-13-1308(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 Walker Dayson, Executive Director
State Ethics Commission

Dated this 22nd day,
of July 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Kathleen M. Darby, 245 Indigo Bay Circle, Mount Pleasant, SC 29464 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 31st day of July 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2022-145)	
)	
State Ethics Commission,)	CONSENT ORDER
Complainant,)	
)	
Kate Darby,)	
Respondent.)	
)	

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on November 21, 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 Kate Darby (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 elected to a second term on the Charleston County School District (District) Board of Trustees (Board) on November 16, 2018. Respondent remained on the Board until her term expired in November 2022.
2. Prior to the filing of the Complaint, Respondent's most recently filed Campaign Disclosure Report (CDR) was a Quarter 4 2018 CDR filed on January 10, 2019 showing a balance of \$276.98 in contributions. Respondent thereafter failed to file any additional CDRs.
3. Respondent did not file a Statement of Economic Interests (SEI) by March 30 in 2020 or 2022.¹
4. In a May 5, 2022 certified letter, the Commission notified Respondent of her failure to timely file CDRs from Quarter 1 2019 through Quarter 1, 2022. The letter also notified Respondent of her failure to file SEIs in 2020 and 2022.
5. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on May 7, 2022 at 11:32 a.m. The return receipt contains an illegible signature.

¹ Respondent timely filed a 2021 SEI.

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6. During the Commission investigation, a review of Respondent's campaign bank account records revealed that Respondent's campaign bank account remained dormant following her 2018 election except for automatic withdrawals for a campaign website and monthly bank fees. The records further revealed the campaign bank account was closed on April 4, 2023 with a \$38.76 donation to a non-profit entity.
7. On March 28, 2023, following contact from a Commission Investigator, Respondent came into compliance by filing her 2020 and 2022 SEIs. On April 4, 2023, Respondent filed all required CDRs.

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 "candidate" pursuant to Section 8-13-1300(4) and a "public official" pursuant to Section 8-13-100(27). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308(B) provides, in relevant part:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.
3. Section 8-13-1362(A) provides:

If a candidate or committee has not accepted any contributions and has not made any expenditures during a reporting period, the candidate or a duly authorized officer of the committee must file a statement of inactivity.
4. Regulation 52-504(C) provides:

Statement of Inactivity. The pre-election report and each quarterly report are required even when there have been no contributions or expenditures.
5. 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 . . .
6. 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

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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.

7. 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 two (2) counts of violating Section 8-13-1140 for failing to timely file SEIs in 2020 and 2022; and eighteen (18) counts of violating Section 8-13-1308(B) for failing to timely file CDRs from Quarter 1 2019 through Quarter 2 2023. Through this Consent Order, Respondent admits she violated the Ethics Act as described herein. In mitigation, Respondent states that she did not believe additional CDRs were required following the election because she was not engaged in campaign activity. Respondent states that she did not receive the Commission’s May 5, 2022 correspondence and that she does not recognize the signature on the return receipt as belonging to her or her spouse. Respondent further states that, with regard to SEIs, she timely filed each year she was in office except for 2020 and 2022. As to the 2020 SEI, Respondent believes that the Covid-19 pandemic created such confusion within the District and Respondent’s place of employment (a funeral home) that she neglected to file. As to the 2022 SEI, Respondent believes she missed the annual reminder from the District. Respondent states it was not her intent to hide anything from the Commission or the public.

The Commission acknowledges that the instant complaint is Respondent’s first and only instance of non-compliance during her public service. The Commission further notes that Respondent’s campaign bank account maintained less than \$300.00 following her 2018 election.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of 8-13-1140 and eighteen (18) counts of 8-13-1308(B).
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and

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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 \$650.00 (\$100.00 per SEI and \$25.00 per CDR) and an administrative fee of \$600.00, for a total of \$1,250.00. The Commission believes the reduction of late-filing penalties with regard to the CDRs is warranted given the near dormancy of Respondent's campaign bank account following her 2018 election. The Commission further declines to assess any accrued late-filing penalties given the uncertainty related to Respondent's receipt of the Commission's certified letter. Respondent is permitted to make partial payments to the Commission, in amounts determined by the Respondent, during the one (1) year repayment period. However, under no circumstances shall the full amount be paid later than one (1) year from Respondent's receipt of this Order.

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 \$1,250.00 (less any money paid to the Commission) in the event she does not make payment as provided for in this Order. In that event, 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 \$1,250.00 less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 20th DAY OF February 2025.

STATE ETHICS COMMISSION


F. XAIVER STARKES, CHAIR

DocuSigned by:

KATE DARBY

DB4013806220420

KATE DARBY
RESPONDENT