

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-152

COMPLAINT FORM

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

RESPONDENT: Paul Hart
ADDRESS: P.O. Box 32
Iva, SC 29655
TELEPHONE NUMBER: [REDACTED]
TITLE: Council – City of Iva

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. Respondent failed to properly disclose the source of government income on the 2019 Statement of Economic Interests.

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 Statement of Economic Interests.

Respondent was reminded of the filing requirements by certified letters dated May 9, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, a properly amended 2019 Statement of Economic Interests and a 2020 Statement of Economic Interests has not been received. All in violation of Section 8-13-1120 and 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
23rd day of November, 2022

[REDACTED]

Meghan L. Walker, Executive Director

[REDACTED]

Notary Public for South Carolina
My Commission expires 01/24/26

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

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| STATE OF SOUTH CAROLINA |) | |
| COUNTY OF RICHLAND |) | BEFORE THE STATE ETHICS COMMISSION |
| |) | |
| IN THE MATTER OF: |) | |
| |) | |
| Complaint C2022-152 |) | |
| |) | |
| State Ethics Commission |) | NOTICE OF HEARING |
| Complainant. |) | |
| |) | |
| Paul Hart |) | |
| 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, October 19, 2023 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Paul Hart, Town of Iva Councilmember, did in Richland County, fail to file a 2020 Statement of Economic Interests, 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.).

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 May 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Paul Hart, PO Box 32, Iva, SC 29655 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 5th day of June 2023, 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)
IN THE MATTER OF:)
COMPLAINT C2022-152)
State Ethics Commission,)
Complainant,)
Paul Hart,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on November 23, 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 Paul Hart (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1140 for failing to timely file 2020 Statement of Economic Interests (SEI). Prior to the hearing, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent has served as a councilmember on Iva Town Council.
2. Respondent failed to file a SEI on or before March 30, 2020.
3. In a May 9, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2020 SEI.
4. According to the USPS, the certified letter was delivered to Respondent's address of record on May 19, 2022 at 11:01 a.m.
5. On May 29, 2022, penalties begin accruing at \$10 per day.
6. On June 8, 2022, penalties begin accruing at \$100 per day.
7. On April 10, 2023, Respondent filed his 2020 SEI, having accrued \$5,000 in late-filing penalties pursuant to Section 8-13-1510.

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:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required 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 8-13-1140 for failing to timely file his 2020 SEI. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required SEI. Respondent states that he is eighty-one (81) years of age, a retired pastor, and has served on Town Council since 2011. Respondent states that the Town of Iva is a low-to-moderate income municipality with an estimated population of 1169 and a land area of approximately 0.9 square miles. Respondent states that the Town Clerk customarily files his SEIs on his behalf. Following contact from a Commission Investigator in this matter, the Town Clerk assisted Respondent with filing his 2020 SEI. The Commission acknowledges that the Town Clerk confirmed that he

generally assists Respondent and two other Councilmembers who are unable to operate computers with filing their SEIs. Respondent states it was not his intent to conceal any activity from the Commission.

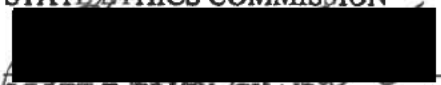
DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1140.
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 a public reprimand and orders the Respondent to pay the Commission, within one (1) year from receipt of this Order, an administrative fee of \$450. The Commission waives the accrued late-filing penalties.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$450 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$450 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS ^{11th} DAY OF ~~October~~ ^{November} 2023. *DEF*

STATE ETHICS COMMISSION

SCOTT E. FRICK, CHAIR


PAUL HART
RESPONDENT


MARY MCCORMAC

RESPONDENT'S ATTORNEY