

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022 - 156

COMPLAINT FORM

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

RESPONDENT: Sammie McDuffie, III
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Council Member – City of
New Ellenton

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 report a family member's private source of income on the 2019 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 Pre-Election Campaign Disclosure was due between June 24, 2020 and June 29, 2020.

Respondent was reminded of the filing requirements by letters dated July 9, 2021 and April 8, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure and 2019 Statement of Economic Interests have not been received. All in violation of Section 8-13-1120, Section 8-13-1308(A), Section 8-13-1308(D)(1), 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
1st day of December, 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 C2022-156)
)
State Ethics Commission)
Complainant.)
)
Sammie McDuffie, III)
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 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 June 20, 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 allegations will be heard:

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

That Sammie McDuffie, III, former New Ellenton City Councilmember, did in Richland County, fail to file a 2020 Pre-Election CDR, in violation of Section 8-13-1308(A).


COUNT TWO
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Sammie McDuffie, III, former New Ellenton City Councilmember, did in Richland County, fail to report Respondent's income on his 2019 Statement of Economic Interests, in

violation of Section 8-13-1120(A)(10).

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 January 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Sammie McDuffie, 116 George Avenue, New Ellenton, SC 29809 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
IN THE MATTER OF:)
)
Complaint C2022-156)
)
State Ethics Commission)
Complainant.)
)
Sammie McDuffie, III)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

**AMENDED
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 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 August 15, 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 allegations will be heard:

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

That Sammie McDuffie, III, former New Ellenton City Councilmember, did in Richland County, fail to file a 2020 Pre-Election CDR, in violation of Section 8-13-1308(A).

COUNT TWO
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Sammie McDuffie, III, former New Ellenton City Councilmember, did in Richland County, fail to report Respondent's income on his 2019 Statement of Economic Interests, in

violation of Section 8-13-1120(A)(10).

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 16th day,
of May 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on Sammie McDuffie, 116 George Avenue, New Ellenton, SC 29809 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 17th day of May 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)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2022-156)

State Ethics Commission)
Complainant.)

Sammie McDuffie, III)
Respondent.)

**SECOND AMENDED
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 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 February 20, 2025 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 allegations will be heard:

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

That Sammie McDuffie, III, former New Ellenton City Councilmember, did in Richland County, fail to file a 2020 Pre-Election CDR, in violation of Section 8-13-1308(A).


COUNT TWO
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Sammie McDuffie, III, former New Ellenton City Councilmember, did in Richland County, fail to report Respondent's income on his 2019 Statement of Economic Interests, in

violation of Section 8-13-1120(A)(10).

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 17th day,
of July 2024.

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2022-156)	
)	
State Ethics Commission,)	CONSENT ORDER
Complainant.)	
)	
Sammie McDuffie, III,)	
Respondent.)	
_____)	

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on December 1, 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 Sammie McDuffie, III (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 New Ellenton City Council (Council) from 2016 through 2020. He was an unsuccessful candidate for reelection in a July 14, 2020 election.
2. According to the State Election Commission, Respondent filed his Statement of Intention of Candidacy and Party Pledge pursuant to his reelection on February 21, 2020.
3. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) prior to the July 14, 2020 election.
4. In a July 9, 2021 certified letter, the Commission notified Respondent of his failure to timely file a 2020 Pre-Election CDR.¹ The Commission sent Respondent an additional certified letter

¹ The letter also notified Respondent of his failure to timely file a 2020 SEI. As Respondent later filed this SEI prior to the filing of the Complaint, the 2020 SEI late-filing penalty is being handled through the Commission's standard non-compliance process.

notifying Respondent of his failure to report income on his 2019 Statement of Economic Interests (SEI).

5. According to the United States Postal Service, the certified letter was “Delivered, Left with Individual” on July 12, 2021 at 11:28 a.m.
6. On October 4, 2023, after further contact from Commission staff, Respondent amended his 2020 Pre-Election CDR and 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 “candidate” pursuant to Section 8-13-1300(4). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308(A) provides, in relevant part:

. . . a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.
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
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 8-13-

1308(A) for failing to timely file a 2020 Pre-Election CDR.² Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent states that he did not receive the Commission's correspondence because he moved to Georgia in July 2020. He asserts that any signature depicted in a return receipt was likely signed by his mother under the mistaken belief that it was addressed to his father, with whom Respondent shares the same name. Additionally, Respondent states that he suffered from a bad episode of Bell's Palsy which made it difficult for him to speak or respond to the Commission.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of 8-13-1308(A).
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 seven (7) months from receipt of this Order, a late-filing penalty of \$100.00 and an administrative fee of \$400.00, for a total of \$500.00.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$500.00 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 \$500.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.³

² The Commission also found probable cause to charge Respondent with one (1) count of 8-13-1120(A) for failing to properly identify sources of private income on his 2019 SEI. As described herein, the Commission declines to proceed as to this count because Respondent has since properly disclosed his sources of income.

³ The execution of this Consent Order applies only to the allegations discussed herein and does not affect any other instances of noncompliance.

AND IT IS SO ORDERED THIS 12TH DAY OF FEBRUARY 2025

STATE ETHICS COMMISSION

NEAL D. TRUSLOW, VICE-CHAIR

SAMMIE MCDUFFIE
RESPONDENT