

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-166

COMPLAINT FORM

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

RESPONDENT: Harvest Hope Food Bank
ADDRESS: Ms. Erinn Rowe
P.O. Box 451
Columbia, SC 29202
TELEPHONE NUMBER: (803) 587-3515
TITLE: Former Lobbyist's Principal

In accordance with Section 2-17-35, South Carolina Code of Laws, 1976, as amended, each lobbyist's principal must file disclosure statements no later than June thirtieth and January thirty-first of each year covering expenditures attributable to lobbying during that filing period.

The Respondent registered with the State Ethics Commission as a Lobbyist's Principal for calendar year 2018. Records of the State Ethics Commission indicate that a Lobbyist's Principal Disclosure Statement for the reporting period of June 1, 2018 through December 31, 2018 was due no later than January 31, 2019.


Respondent was reminded of the filing requirement by letters sent January 31, 2022 and September 6, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, a properly completed January 31, 2019 Lobbyist's Principal Disclosure Statement has not been received. All in violation of Section 2-17-35, 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
29th day of December, 2022


Meghan L. Walker, Executive Director


Notary Public for South Carolina
My Commission expires 01/27/26

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)
IN THE MATTER OF:)
Complaint C2022-166)
State Ethics Commission)
Complainant.)
Harvest Hope Food Bank)
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, April 18, 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 allegation will be heard:

COUNT ONE
FAILURE TO FILE A LOBBYIST'S PRINCIPAL'S REPORT
SECTION 2-17-35, S.C. CODE ANN., 1976, AS AMENDED

That Harvest Hope Food Bank, did in Richland County, fail to file a 2019 Lobbyist's Principal Report, in violation of Section 2-17-35.

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 4th day,
of October 2023.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2022-166)
)
State Ethics Commission,)
Complainant,)
)
Harvest Hope Food Bank,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (the “Commission”) by way of a Complaint filed on December 29, 2022. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (the “Act”), the complaint against Harvest Hope Food Bank (“Harvest Hope” or “Respondent”) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) violation of Section 2-17-35 for not timely filing a 2019 Lobbyist’s Principal (“LP”) Disclosure Report. Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. The Respondent was registered with the Commission as a LP on July 5, 2018.
2. Respondent did not timely file a January 31, 2019, LP Disclosure Statement disclosing lobbying activity from June 1, 2018, through December 31, 2018.
3. In a July 8, 2022, first-class letter, the Commission assessed a \$100.00 late-filing penalty for Respondent’s not filing a January 31, 2019, LP Disclosure Statement.
4. In a September 6, 2022, certified letter, the Commission advised Respondent that it had not filed a January 31, 2019, LP Disclosure Statement. With the same letter, the Commission provided Respondent with a Notice to Cease and Desist Lobbying Activities. According to the certified letter, additional late-filing penalties would accrue if the 2019 LP Disclosure

Statement was not filed.

5. According to the United States Postal Service, the certified letter was picked up by an individual at the post office on September 15, 2022, at 9:27 a.m.
6. On September 25, 2022, penalties began accruing at \$10.00 per day.
7. On October 5, 2022, penalties begin accruing at \$100.00 per day.
8. On July 11, 2023, following contact from a Commission Investigator, Respondent filed its January 31, 2019, LP Disclosure Statement having accrued \$5,000.00 in late-filing penalties. According to the Disclosure Statement, Respondent paid a lobbyist \$3,500.00 between June 1, 2018, and December 31, 2018.
9. In its multiple correspondence, including a March 8, 2023, letter and a July 18, 2023 letter to the Commission, the Respondent explained that the omission of filing the Disclosure Statement was solely due to an administrative oversight caused by changes in personnel, emphasizing that it was not an intentional effort to withhold information from the Commission.

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 lobbyist's principal pursuant to Section 2-17-10(14).
Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 2-17-35(A) provides, in relevant part:

Except as otherwise provided by Section 2-17-90(E), each lobbyist's principal, no later than June thirtieth and January thirty-first of each year, must file a report with the State Ethics Commission covering that lobbyist's principal's expenditures attributable to lobbying during that filing period. The filing periods are from January first to May thirty-first for the June thirtieth report, and are from June first to December thirty-first for the January thirty-first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2-17-25(C) must be reported no later than January thirty-first of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission . . .

3. Section 2-17-50(A) provides, in relevant part:

The State Ethics Commission shall (1) require a person to submit information pursuant to the requirements of this chapter; (2) in addition to any other penalty in this chapter, require a person who files a late statement or fails to file a required statement to be assessed a civil penalty as follows: (a) a fine of one hundred dollars if not filed within ten days after the established deadline provided in this chapter; and (b) after notice has been given by certified or registered mail that a required statement 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 that Respondent violated Section 2-17-35 for not timely filing its January 31, 2019, LP Disclosure Statement. In mitigation, Respondent stresses that it is a limited resource non-profit organization with a stated mission of “transform[ing] lives in the communities [it] serve[s] by feeding the hungry, addressing food insecurity and building a healthy and hopeful hunger-free tomorrow.” At the start of the Commission’s investigation, Respondent acknowledged the Commission’s allegations and pledged continuing cooperation. Respondent emphasizes that its failure to file the January 31, 2019, Disclosure Statement was an administrative error, and not an attempt to conceal information from the Commission. In support, Respondent points out a significant period of employee turnover from March 2017 to March 2020, during which key personnel responsible for filing the Disclosure Statements, including three different CEOs, left the organization without informing any of the remaining employees about the filing requirements. Respondent further states it is no longer a Lobbyist’s Principal. As a result of Respondent’s internal investigation, the organization has streamlined its administrative processes to ensure this does not happen in the future.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 2-17-35.
2. The Commission adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.


THEREFORE, the Commission orders Respondent to pay the Commission, within sixty (60) days from receipt of this Order, a reduced late-filing penalty of \$200.00 and an administrative fee of \$200.00, for a total of \$400.00. The Commission declines to assess the remaining \$4,800.00 in late-filing penalties.

By executing this Consent Order, Respondent understands that it is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of \$5,200.00 in the event it 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 business or residence, who shall enter this Order in the amount of \$5,200.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 29th DAY OF January 2024 2023.

STATE ETHICS COMMISSION


F. XAVIER STARKES, VICE-CHAIR¹


ERINN ROWE, CEO
HARVEST HOPE FOOD BANK
RESPONDENT


COURT E. WALSH
NELSON MULLINS RILEY & SCARBOROUGH
RESPONDENT'S ATTORNEY

¹ Commission Chairman Scott E. Frick recused from this matter.