

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION  
RECEIVED JAN 15 2023 4:58:11:2

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2023-001

COMPLAINT FORM

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

RESPONDENT: Cole M. Abell  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Council Member – Town of Lowrys

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 Pre-Election Campaign Disclosure was due between October 13, 2021 and October 18, 2021.

Respondent was reminded of the filing requirement by a certified letter dated May 23, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure, 2020 Statement of Economic Interests, or 2022 Statement of Economic Interests have not been received. All in violation of Section 8-13-1140, 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  
13<sup>th</sup> day of January, 2023

[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	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
	)	
Complaint C2023-001	)	
	)	
State Ethics Commission	)	<b>NOTICE OF HEARING</b>
Complainant.	)	
	)	
Cole M. Abell	)	
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, February 15, 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 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 Cole M. Abell, Town of Lowry Councilmember, did in Richland County, fail to file a 2021 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(A).

**COUNT TWO**  
**FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That Cole M. Abell, Town of Lowry Councilmember, did in Richland County, fail to file a 2020 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

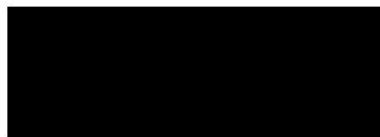
**COUNT THREE**  
**FAILURE TO FILE STATEMENT OF ECONOMIC INTERESTS**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That Cole M. Abell, Town of Lowry Councilmember, did in Richland County, fail to file a 2022 SEI, 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.


Dated this 14<sup>th</sup> day,  
of August 2023.



Meghan Walker Dayson, Executive Director  
State Ethics Commission

**Certificate of Service by Certified Mail**

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the Cole M. Able, 2196 Old York Road, Chester, SC 29706 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 15<sup>th</sup> day of August 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	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
COMPLAINT C2023-001	)	
	)	
State Ethics Commission,	)	<b>CONSENT ORDER</b>
Complainant,	)	
	)	
Cole M. Abell,	)	
Respondent.	)	
_____	)	

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on January 13, 2023. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the complaint against Cole M. Abell (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) violation of Section 8-13-1308(A) for failing to file a 2021 Pre-Election Campaign Disclosure Report (CDR) and two (2) violations of 8-13-1140 for failing to file 2020 and 2022 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to the following:

**STATEMENTS OF FACT**

1. Respondent has served on Lowrys Town Council (Council) from 2017 to present.
2. Most recently, Respondent participated in a November 2, 2021 election.
3. Respondent did not file a Pre-Election CDR before the November 2, 2021 election.
4. Respondent failed to file a SEI on or before March 30, 2020.
5. Respondent failed to file a SEI on or before March 30, 2022.
6. In a May 23, 2022 certified letter, the Commission notified Respondent of his failure to file a 2021 Pre-Election CDR, a 2020 SEI, and a 2022 SEI.
7. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on May 25, 2022 at 4:13 p.m. According to the USPS proof of

delivery, the letter was signed for by “Ray Cantrell.”

8. On June 4, 2022, penalties begin accruing at \$30 a day (\$10 per report).
9. On June 14, 2022, penalties begin accruing at \$300 a day (\$100 per report).
10. On January 13, 2023, the Complaint was filed and sent via certified mail to Respondent’s address of record. Respondent signed for the Complaint on January 21, 2023.
11. On February 9, 2023, Respondent filed his 2022 SEI.<sup>1</sup>
12. On April 10, 2023, a Commission Investigator contacted Respondent and advised him that he still needed to file his 2021 Pre-Election CDR and his 2020 SEI.
13. On April 12, 2023, Respondent filed his 2020 SEI.
14. On April 20, 2023, following additional communications with Commission staff, Respondent filed his 2021 Pre-Election CDR disclosing no money raised or spent in furtherance of his election.

#### **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 8-13-1140 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 8-13-1308(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.
4. Section 8-13-1510(A) provides, in relevant part:

---

<sup>1</sup> Respondent also timely filed his 2023 SEI on February 9, 2023.

. . . 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; 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.

5. 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 8-13-1308(A) for failing to timely file a 2021 Pre-Election CDR and two (2) counts of violating 8-13-1140 for failing to timely file 2020 and 2022 SEIs. Through this Consent Order, Respondent admits he failed to timely file these reports. In mitigation, Respondent states that he did not receive the Commission’s certified letter. Respondent states that Ray Cantrell is his uncle, but that Mr. Cantrell did not provide him with the Commission’s letter. Respondent states that when he received the Complaint, he attempted to file his reports, but did not realize he only filed his 2022 SEI. Respondent states he did not receive or spend any money in furtherance of his 2021 election. Respondent takes responsibility for his actions. The Commission notes that this is Respondent’s first Commission Complaint.

### **DISPOSITION**

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A) for failing to timely file his 2021 Pre-Election CDR and two (2) counts of Section 8-13-1140 for failing to file 2020 and 2022 SEIs.
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 written warning to Respondent, and orders

Respondent to pay the Commission, within one (1) year from receipt of this Order, a late-filing penalty of \$300.00 (\$100.00 for each report) and an administrative fee of \$250.00, for a total of \$550.00.

By executing this Consent Order, Respondent understands that he is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of \$550.00 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 \$550.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 6<sup>th</sup> DAY OF October 2023.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
\_\_\_\_\_  
COLE M. ABELL  
RESPONDENT