

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023-007

COMPLAINT FORM

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

RESPONDENT: Travis Kennedy
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Town of Wagener Mayor

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 June 8, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure has not been received. All in violation of 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 8th day of February, 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

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STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2023-007)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Travis Kennedy)	
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, 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 allegations will be heard:

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

That Travis Kennedy, candidate for Wagener Town Council, did in Richland County, fail to file a 2021 Initial Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(A).

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

That Travis Kennedy, candidate for Wagener Town Council, did in Richland County, fail to file a 2021 Pre-Election CDR, in violation of Section 8-13-1308(A).

COUNT THREE
FAILURE TO REPORT CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That Travis Kennedy, candidate for Wagener Town Council, did in Richland County, fail to report personal campaign contributions totaling \$531.54, in violation of Section 8-13-1308(F)(2).

COUNT FOUR
FAILURE TO REPORT CAMPAIGN EXPENDITURES
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That Travis Kennedy, candidate for Wagener Town Council, did in Richland County, fail to report campaign expenditures to Super Cheap Signs in the amount of \$506.54 and Filing fee to the Town of Wagner in the amount of \$25.00, in violation of Section 8-13-1308(F)(3).

COUNT FIVE
FAILURE TO OPEN CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Travis Kennedy, candidate for Wagener Town Council, did in Richland County, fail to open a campaign bank account to pay for campaign expenditures, in violation of Section 8-13-1312.

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.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Travis Kennedy, 264 Railroad Ave. E, Wagner, SC 29164 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 11th day of October 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 ETHICS COMMISSION
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2023-007)
State Ethics Commission,)
Complainant,)
Travis Kennedy,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on February 8, 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 Travis Kennedy (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 an unsuccessful candidate for Wagner Town Council in a November 8, 2021 election.
2. Respondent did not file¹ a Pre-Election Campaign Disclosure Report (CDR) prior to election.
3. In a June 8, 2022 certified letter, the Commission notified Respondent of his failure to file a 2021 Pre-Election CDR.
4. According to the United States Postal Service (USPS), Respondent signed for the letter on July 17, 2022 at 9:23 a.m.
5. On June 27, 2022, late-filing penalties began to accrue at \$10.00 per day.

¹ A review of the Commission’s electronic filing system revealed Respondent had a 2021 Pre-Election CDR with a “saved, not filed” status prior to the filing of the Complaint.

6. On July 7, 2022, late-filing penalties began to accrue at \$100.00 per day.
7. Following the filing of the Complaint, a Commission Investigator contacted Respondent. Respondent advised the Investigator that his campaign activity was limited to two (2) expenditures made with personal funds: (1) a July 17, 2021 expenditure for campaign signs in the amount of \$506.54; and (2) an August 11, 2021 expenditure for the filing fee in the amount of \$25.00.
8. On August 4, 2023, Commission staff assisted Respondent in filing an Initial CDR, in which he disclosed the expenditure for campaign signs, as well as the Pre-Election CDR, in which he disclosed the expenditure for the filing fee.

CONCLUSIONS OF LAW

Based upon the Statements of Fact, the Commission concludes, as a matter of law:

1. At all times relevant, Respondent a “candidate” pursuant to Section 8-13-1300(4) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308 provides, in relevant part:
 - (A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8 13 1304(A) must file an initial certified campaign report within ten days of these initial receipts or expenditures. However, 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.
...
 - (D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

3. Section 8-13-1312 provides, in relevant part:

. . . expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee . . .

4. 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.

5. Section 8-13-320(10)(l) allows the Commission to issue a civil penalty of up to \$2,000 for each violation of the Ethics Act.

6. 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 for failing to file a 2021 Initial CDR within ten (10) days of July 17, 2021; one (1) count of violating Section 8-13-1308 for failing to file a 2021 Pre-Election CDR prior to his November 8, 2021 election, and one (1) count of 8-13-1312 for failing to open a campaign bank account.² Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file these CDRs and when he failed to use a campaign bank

² The Commission also found probable cause to believe Respondent violated the Ethics Act by failing to disclose the campaign activity outlined in paragraph seven (7) in the Statement of Facts. However, given that Respondent has now disclosed this activity and because he is also charged with failing to file the corresponding CDRs, the Commission declines to proceed on these counts.

account for the aforementioned campaign activity. In mitigation, Respondent states that he believed he had filed the appropriate report before the election. Respondent states that he does not own a computer and that he attempted to file the CDR on his phone, though apparently was not successful. The Commission recognizes that Respondent had a 2021 Pre-Election CDR in a “saved, not filed” status within the Commission’s electronic filing system, indicating Respondent attempted to file a CDR at some time. Respondent further states that he does not recall receiving the Commission’s July 17, 2022 correspondence, but acknowledges that during the time period in question he was working two full-time jobs and was involved in active litigation regarding an election protest from his unsuccessful 2021 election. Respondent apologizes for his errors and acknowledges that compliance with the Ethics Act is his responsibility.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-1308 and one (1) count of Section 8-13-1312.
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 six (6) months from receipt of this Order, a reduced late-filing penalty of \$400.00 for his violations of Section 8-13-1308 (\$300.00 for the Pre-Election CDR and \$100.00 for the Initial CDR), a reduced civil penalty of \$100.00 for failing to use a campaign bank account, and an administrative fee of \$350.00, for a total of \$850.00. The Commission declines to assess the remaining \$4,700.00 in accrued penalties with respect to the

Pre-Election CDR.³

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 \$850.00 (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 \$850.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 9th DAY OF February 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR



TRAVIS KENNEDY
RESPONDENT

³ Late-filing penalties did not accrue with respect to the Initial CDR because Respondent did not receive certified notice of his failure to file pursuant to Section 8-13-1510.