

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023-010

COMPLAINT FORM

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

RESPONDENT: Norman A. Ernst
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Town of Elgin Council

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 August 12, 2020 and August 17, 2020 and between October 13, 2021 and October 18, 2021.

Respondent was reminded of the filing requirement by letters dated May 24, 2022 and June 10, 2022 as described in the attached. To date, properly completed Pre-Election Campaign Disclosures have 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 01/27/26

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

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2023-010)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Norman A. Ernst)	
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 Norman A. Ernst, Town of Elgin Councilmember, did in Richland County, fail to file a Pre-Election Campaign Disclosure Report (CDR) for a September 1, 2020 special election, in violation of Section 8-13-1308(A).

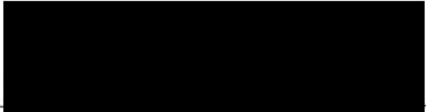
COUNT TWO
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED

That Norman A. Ernst, Town of Elgin Councilmember, did in Richland County, fail to file

a Pre-Election CDR for a November 2, 2021 general election, in violation of Section 8-13-1308(A).

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 27th day,
of July 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Norman A. Ernst, 1003 Cherry Lane, Elgin, SC 29045 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd 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
State Ethics Commission (803) 253-4192

Columbia, South Carolina

DocuSign
Envelope ID: EDBBF698-F921-4FC1-B06D-5F08488B944E

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2023-010)
)
State Ethics Commission,)
Complainant,)
)
Norman A. Ernst,)
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 Norman A. Ernst (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on two (2) violations of Section 8-13-1308(A) for failing to file two (2) Pre-Election Campaign Disclosure Reports (CDR). Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent was a candidate for Elgin Town Council in a September 1, 2020 special election and a November 2, 2021 general election.
2. Respondent did not file a Pre-Election CDR before either election.
3. In a June 10, 2022 certified letter, the Commission assessed a \$200 late-filing penalty and notified Respondent of his failure to file the Pre-Election CDRs.
4. According to the United States Postal Service (USPS), the certified letter was delivered to an individual at Respondent's address of record on June 13, 2022 at 6:44 p.m.
5. On May 26, 2023, following contact from a Commission Investigator, Respondent filed both Pre-Election CDRs disclosing no campaign contributions or expenditures.

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; 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 two (2) counts of violating Section 8-13-1308(A) for failing to timely file two (2) Pre-Election CDRs. Through this Consent Order, Respondent admits he failed to timely file the two (2) Pre-Election CDRs. In mitigation, Respondent states that although this was not his first run for public office, he had assistance with filing forms when he ran for Town Council in 2011. In addition, Respondent states that he did not receive the Commission’s June 10, 2022 letter advising him of his failure to file. Respondent believes his estranged stepdaughter accepted the letter on his behalf and failed to provide it to him. The Commission notes that it did not receive a signature confirmation of the certified letter, only an indication from the USPS that the letter was “Delivered, Left with an Individual.” Respondent states

that he spent no money in furtherance of either election and further states that he was unsuccessful in both elections.

DISPOSITION

1. The Commission finds Respondent in violation of two (2) counts of Section 8-13-1308(A) for failing to file two (2) Pre-Election CDRs.
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 sixty (60) days from receipt of this Order, a late-filing penalty of \$200.00 (\$100.00 for each CDR) and an administrative fee of \$200.00, for a total of \$400.00. The Commission declines to assess any additional late-filing penalties due to the uncertainty of Respondent's receipt of the Commission's June 10, 2023 certified letter.

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 \$400.00 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 \$400.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 6th DAY OF October 2023.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


NORMAN A. ERNST
RESPONDENT