

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2025-017

COMPLAINT FORM

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

RESPONDENT: James T. Shirey
ADDRESS: [REDACTED]
TELEPHONE NUMBER: (561) 972-0735
TITLE: [REDACTED]

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 2021 Statement of Economic Interests.

Respondent was reminded of the filing requirements by a certified letter dated June 24, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, a 2020 and 2021 Statement of Economic Interests have not been received. All in violation of Section 8-13-1140, SC 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
21st 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 C2023-017)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
James T. Shirey)	
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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That James T. Shirey, former Town of Fort Mill Councilmember, did in Richland County, fail to file a 2020 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That James T. Shirey, former Town of Fort Mill Councilmember, did in Richland County, fail to file a 2021 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.



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 James T. Shirey, 149 Creekside Drive, Fort Mill, SC 29715 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

Columbia, South Carolina

(803) 253-4192

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2023-017)
State Ethics Commission,)
Complainant,)
James T. Shirey,)
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 21, 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 James T. Shirey (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on two (2) violations of Section 8-13-1140 for failing to file 2020 and 2021 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. At all relevant times, Respondent served on the Fort Mill Town Council (Council). Respondent's most recent term expired in 2022.
2. Respondent timely filed SEIs from 2014-2019.
3. Respondent did not file a SEI on or before March 30 in 2020 or 2021.
4. In a June 24, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2021 Pre-Election Campaign Disclosure Report (CDR), a 2020 SEI, and a 2021 SEI.
5. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on June 27, 2022 at 5:50 p.m.

6. On July 5, 2022, Respondent filed his 2021 Pre-Election CDR.¹
7. On July 7, 2022, late-filing penalties began to accrue at \$20 per day (\$10 per SEI).
8. On July 17, 2022, late-filing penalties began to accrue at \$200 per day (\$100 per SEI).
9. Respondent came into compliance on February 26, 2023, having accrued \$10,000 in late-filing penalties.

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 “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 8-13-1510(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

¹ Respondent was penalized \$100 for his failure to timely file the 2021 Pre-Election CDR through the Commission’s regular non-compliance process.

violating Section 8-13-1140 for failing to timely file 2020 and 2021 SEIs. Through this Consent Order, Respondent admits he failed to timely file his 2020 and 2021 SEIs. In mitigation, Respondent states that his spouse and his child suffered from Covid-19 in or around the time the 2020 SEI was due and that he was responsible for their care. Respondent further states that in the fall of 2020, he discovered he had a genetic enzyme anomaly that required him to undergo a quadruple bypass which required extensive recovery. Respondent states that he initially signed up to run for another term in 2021, but thereafter withdrew from the race due to health concerns. Respondent states that he contacted the Commission following receipt of the Commission's letter in June of 2022 and believed he had filed the necessary reports when he filed his 2021 Pre-Election CDR. Respondent apologizes for neglecting his responsibilities to the Commission in 2020 and 2021 and notes that his SEIs were filed on time every year he was on Council prior to 2020.

DISPOSITION

1. The Commission finds Respondent in violation of two (2) counts of Section 8-13-1140 for failing to file 2020 and 2021 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 sixty (60) days from receipt of this Order, a late-filing penalty of \$400 and an administrative fee of \$200, for a total of \$600. The Commission declines to assess the remaining \$9,600 in late-filing penalties.

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 \$600 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 \$600 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 21st DAY OF October 2023.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


JAMES T. SHIREY
RESPONDENT