

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023-021

COMPLAINT FORM

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

RESPONDENT: Michael P. Thomas
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council Member – Town of Whitmire

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 2021 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 19, 2022 and October 24, 2022. Respondent was sent an email reminder thirty days before and ten days before each Campaign Disclosure deadline.

Respondent was reminded of the Statement of Economic Interests filing requirement by a certified letter dated June 24, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure or 2021 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 3rd day of March, 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 C2023-021)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Michael P. Thomas)	
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, August 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 Michael P. Thomas, Whitmire City Councilmember, did in Richland County, fail to file a 2022 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(A).

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

That Michael P. Thomas, Whitmire City Councilmember, did in Richland County, fail to file a 2021 Statement of Economic Interests, 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.

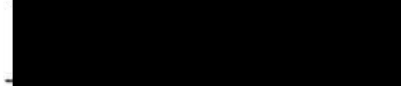


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 16th day,
of November 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Michael P. Thomas, 271 Glenn Street, Whitmire, SC 29178 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 21st day of November 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 C2023-021)	
)	
State Ethics Commission,)	CONSENT ORDER
Complainant,)	
)	
Michael P. Thomas)	
Respondent.)	
_____)	

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 3, 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 Michael P. Thomas (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating 8-13-1308(A) for failure to timely file a 2022 Pre-Election Campaign Disclosure Report (CDR) and one (1) count of violating Section 8-13-1140 for failure to timely file a 2021 Statement of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent was elected to the Whitmire City Council in 2008.
2. Respondent’s most recent election was November 8, 2022.
3. Respondent failed to file a 2021 SEI on or before March 30, 2021.
4. In a June 24, 2022 certified letter, the Commission notified Respondent of his failure to timely file 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 8:51 a.m. The Commission acknowledges the signature on the return receipt does not seem to belong to Respondent.

6. Respondent failed to file a 2022 Pre-Election CDR prior to his November 8, 2022 election.
7. On March 9, 2023, Respondent filed his 2021 SEI and 2022 Pre-Election CDR. According to Respondent's 2022 Pre-Election CDR, Respondent did not raise or spend any money during his campaign other than his 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 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:

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 . . .
5. Sections 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 8-13-1140 for failing to timely file his 2021 SEI and one (1) count of violating Section 8-13-1308(A) for failing to file a 2022 Pre-Election CDR. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to file the 2021 SEI and 2022 Pre-Election CDR. In mitigation, Respondent asserts he did not receive the Commission's June 24, 2022 certified letter. The Commission acknowledges the return receipt for the letter does not appear to contain have Respondent's signature. Additionally, Respondent has provided the Commission with the following statement:

[F]rom 2018-2022 I was dealing with a lot of family issues. From running a family business and taking care of my father until January 23, 2018 when he passed. Then exactly 1 year later my mother got sick and was in the hospital for over 6 weeks, then having to go through physical rehab so that she would be able to go home. September 2019 I went through a divorce and moved out of my house and moved in with my mother for 9 months. Then October 27, 2021 I was severely burned while working on a vehicle and was flown to Augusta Burn Center in Georgia by medical helicopter. After my surgery then and having to go back and forth for several months to have the skin grafts checked and treatment continued. With everything that has happened the past several years doesn't make everything right. With running a family business, taking care of disabled mother and other things it was very hard to keep up with everything. I know that sometime a few years ago, the ethics website was updated. For all of the years I have been on city council here, I have always been the one to remind everyone and assist them in submitting the documentation online. I have always printed the forms out and the confirmation page but when I moved out, I was unable to locate a lot of my stuff. After talking to [a member of Commission staff], he recommended that I send a letter explaining what I had going on. I assume that you all received the letter but I am not sure. Being an elected official for a small town that does not pay much for services as an elected official. Until this pas[t] January we were only paid \$100 per month and after taxes and retirement it was only around \$80 per month. Starting this year the pay was increased to \$200 without the deductions. . .

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1140 and one (1) count of Section 8-13-1308(A).
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 one (1) year from receipt of this Order, a late-filing penalty of \$200 (\$100 per report) and a \$250 administrative fee, for a total of \$450.

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 \$450 (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 Richland County Clerk of Court's Office. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$450 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 5th DAY OF July 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


MICHAEL P. THOMAS
RESPONDENT