

STATE ETHICS COMMISSION  
RECEIVED MAR 3 '23 AM 11:36:4

# STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

**FOR COMMISSION USE ONLY:**  
**CASE NUMBER**  
C 2022-024

## COMPLAINT FORM

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

**RESPONDENT:** Ernest L. Boston, Sr.  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Candidate - Darlington City 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 October 16, 2019 and October 21, 2019. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by a certified letter dated October 28, 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  
3<sup>rd</sup> 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**

C102form

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
Complaint C2023-024 )  
State Ethics Commission )  
Complainant. )  
Ernest L. Boston, Sr. )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

**NOTICE OF HEARING**

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 June 20, 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 Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2019 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(D), S.C. CODE ANN., 1976, AS AMENDED**

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland

County, fail to file a 2019 Pre-Election CDR, in violation of Section 8-13-1308(D).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2020 Quarter 1 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2020 Quarter 2 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2020 Quarter 3 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2020 Quarter 4 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2021 Quarter 1 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2021 Quarter 2 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2021 Quarter 3 CDR, in violation of Section 8-13-1308(B).

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

That Ernest L. Boston, Sr., candidate for City of Darlington Council, did in Richland County, fail to file a 2021 Quarter 4 CDR, in violation of Section 8-13-1308(B).

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.).

**[This space intentionally left blank]**

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 28<sup>th</sup> day,  
of March 2024.

*Certificate of Service by Certified Mail*

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Ernest L. Boston, Sr. 121 Allen Street, Darlington, SC 29532 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29<sup>th</sup> day of March 2024, 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



within ten (10) days of reaching a \$500.00 accumulated aggregate on August 19, 2019.

7. The investigation also revealed that Respondent maintained a campaign bank account balance of less than \$60.00 until the account was closed on December 6, 2021 and failed to file quarterly CDRs from Quarter 1 2020 through Quarter 4 2021.
8. On January 8, 2024, Respondent filed all required CDRs with help from Commission staff and is now in compliance.

### 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 provides, in relevant part:
  - (A) Upon receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate . . . 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.
  - (B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.
  - . . .
  - (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 for the period ending twenty days before the 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. . .

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 one (1) count of violating Section 8-13-1308(A) for failing to timely file a 2019 Initial CDR; one (1) count of violating Section 8-13-1308(D) for failing to timely file a 2019 Pre-Election CDR; and eight (8) counts of violating Section 8-13-1308(B) for failing to file quarterly CDRs from Quarter 1 2020 through Quarter 4 2021. Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. In mitigation, Respondent states he and his wife were hospitalized for COVID-19 shortly after his election date. Additionally, Respondent asserts he did not receive the Commission’s October 28, 2022 penalty letter. The Commission acknowledges that the return receipt does not appear to contain Respondent’s signature. Respondent also asserts this was his first run for office and he was confused with the filing requirements. The Commission further acknowledges that Respondent had minimal campaign bank account activity during the periods covering his quarterly CDRs.

#### **DISPOSITION**

1. The Commission finds Respondent in violation of one (1) count of 8-13-1308(A), one (1) count of 8-13-1308(D), and eight (8) counts of Section 8-13-1308(B).
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 Public Reprimand and orders Respondent to pay the Commission, within one (1) year from receipt of this Order, a reduced late-filing penalty of \$600.00 and an administrative fee of \$600.00, for a total of \$1,200.00.

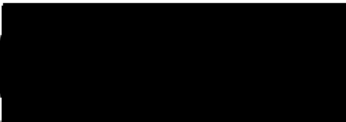
By executing this Consent Order, Respondent understands that he is confessing to a judgment

of \$1,200.00 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 \$1,200.00 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 5<sup>th</sup> DAY OF July 2024.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
ERNEST L. BOSTON, SR.  
RESPONDENT