

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2023 - 024

COMPLAINT FORM

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

RESPONDENT: Linda L. Cooler
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council – Town of Varnville

Section 8-13-1120, SC Code Ann., 1976, as amended, requires certain officials to file a Statement of Economic Interests prior to assuming the duties of the office. Records in the State Ethics Commission indicate that the Respondent was required to file the 2019 Statement of Economic Interests prior to May 2019.

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. Respondent was required to file the 2020, 2021, and 2022 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 April 17, 2019 and April 22, 2019.

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
20th 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) BEFORE THE STATE ETHICS COMMISSION
))
IN THE MATTER OF:))
))
Complaint C2023-034))
))
State Ethics Commission) **NOTICE OF HEARING**
Complainant.))
))
Linda L. Cooler))
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, 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 A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Linda L. Cooler, Varnville Town Councilmember, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308.

COUNT TWO
FAILURE TO REPORT IN-KIND CAMPAIGN CONTRIBUTION
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Linda L. Cooler, Varnville Town Councilmember, did in Richland County, fail to report an in-kind campaign contribution of signs received from Spinbad, in violation of Section 8-

13-1308.

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

That Linda L. Cooler, Varnville Town Councilmember, did in Richland County, fail to timely file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That Linda L. Cooler, Varnville Town Councilmember, did in Richland County, fail to timely file a 2020 SEI, in violation of Section 8-13-1140.

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

That Linda L. Cooler, Varnville Town Councilmember, did in Richland County, fail to timely file a 2021 SEI, in violation of Section 8-13-1140.

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

That Linda L. Cooler, Varnville Town Councilmember, did in Richland County, fail to timely file a 2022 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 11th day,
of May 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Linda L. Cooler, P.O. Box 1145, Varnville, SC 29944 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 1st day of May 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

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2023-034)
)
 State Ethics Commission,)
 Complainant,)
)
 Linda L. Cooler,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 20, 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 Linda L. Cooler (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 has served on Varnville Town Council (Council) since her election on May 7, 2019.
2. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) prior to the May 7, 2019 election.
3. Respondent failed to file a 2019 Statement of Economic Interests (SEI) prior to taking the oath of office or assuming her official responsibilities.
4. Respondent failed to file a SEI on or before March 30 in 2020-2022.
5. In a January 23, 2023 certified letter, the Commission notified Respondent of her failure to timely file a 2019 Pre-Election CDR and SEIs for 2019-2022.
6. According to the United States Postal Service, the certified letter was picked up from the Post Office on January 30, 2023 at 9:41 a.m. The return receipt appears to contain Respondent's signature.
7. On February 9, 2023, late-filing penalties began to accrue at \$50.00 per day (\$10.00 per report).

8. On February 19, 2023, late-filing penalties began to accrue at \$500.00 per day (\$100.00 per report).
9. Following the filing of the Complaint, the Commission investigation revealed that a business, Spinbad, provided multiple campaign signs to Respondent free of charge.
10. On April 16, 2024, with assistance from Commission staff, Respondent came into compliance by disclosing the aforementioned in-kind contribution and filing her 2019 Pre-Election CDR and SEIs for 2019-2022.

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 8-13-1308 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.
...
 - (F) Certified campaign reports detailing campaign contributions and expenditures must contain: (1) the total of contributions accepted by the candidate or committee; (2) the name and address of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution; (3) the total expenditures made by or on behalf of the candidate or committee; (4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.
3. Section 8-13-1110(A) provides, in relevant part:

No public official. . . may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interest in accordance with the provisions of this chapter with the appropriate supervisory office. . . .
4. 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 . . .

5. 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.

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 2019 Pre-Election CDR and four (4) counts of violating Section 8-13-1140¹ for failing to file SEIs for 2019-2022.² Through this Consent Order, Respondent admits she violated the Ethics Act as described herein. In mitigation, Respondent states 2019 was her first run for office and that she was relying on Council to inform her of any filing responsibilities. She further states that she was confused when she received notice from the Commission because she was not aware of any filing duties and that she thereafter reached out to the Commission for assistance.³ The Commission acknowledges that Respondent was first informed of her failure to file in January 2023,

¹ Due to a scrivener’s error, the Commission found probable cause to charge Respondent with violating Section 8-13-1140 for failing to file her 2019 SEI. However, Respondent was required to file her 2019 SEI prior to taking her oath of office or assuming her official responsibilities. Therefore, her failure to file her 2019 SEI should have been charged as a violation of Section 8-13-1110.

² The Commission also found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(F) for failing to report the in-kind contribution from Spinbad. Given that Respondent has since disclosed this contribution, the Commission declines to proceed as to this count.

³ Respondent asserts she sent a letter to the Commission around April 2023 requesting information regarding her filing responsibilities and received no response. However, the Commission has no record of receiving a letter from Respondent.

almost four (4) years after her first filing was due. The Commission further acknowledges that Varnville is a small municipality and that the filing fee for Council is \$15.00. Respondent asserts, and the Commission acknowledges, that she did not raise or spend any money during her campaign.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of 8-13-1308 and four (4) counts of Section 8-13-1140.
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 \$625.00 (\$125.00 per report) and an administrative fee of \$500.00, for a total of \$1,125.00. The Commission declines to assess any additional accrued late-filing penalties given the mitigation set forth herein.

By executing this Consent Order, Respondent understands that she is confessing to a judgment of \$1,125.00 in the event she 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 \$1,125.00 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 8th DAY OF August 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


LINDA L. COOLER
RESPONDENT