

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
c 2023-042

COMPLAINT FORM

COMPLAINANT: Tobi C. Kaigler
ADDRESS: 118 Kaigler Rd. Swansea, SC
TELEPHONE NUMBER: 803-521-1646
TITLE: Constituent

RESPONDENT: James E. Haigler
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: County Chairman

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

Calhoun County Councilman James E. Haigler for District 5 Campaigned for the District 5 County Council Seat placing signs throughout the district. I noticed Mr. Haigler failed to report any campaign funds for 2022. I have attached a photo copy of one of the campaign signs for Mr. James Haigler. Councilman failed to report campaign funds to Ethics Commission.

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 Calhoun

Personally appeared before me Tobi C. Kaigler who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this 18 day of March, 2023

[REDACTED]

[REDACTED]

Complainant Signature

Notary Public for South Carolina
My Commission expires

TAMMY M. TURNER
Notary Public, State of South Carolina
My Commission Expires 3/22/2029

SEC-7 (Revised 3/2022)

★ **RE-ELECT** ★

**JAMES EARL
HAIGLER**

Calhoun County Council Dist. 5

November 8, 2022

Ringneck Tr

★ RE-ELECT ★
JAMES EARL
HAIGLER
Calhoun County Council Dist. 5
November 8, 2022

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STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2023-042)	
)	
Tobi C. Kaigler)	NOTICE OF HEARING
Complainant.)	
)	
James E. Haigler)	
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 DISCLOSE A CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to disclose a personal campaign contribution of \$1,455.20, in violation of Section 8-13-1308(F)(1).

COUNT TWO
FAILURE TO DISCLOSE A CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to disclose an October 19, 2022 personal campaign contribution in the amount of \$300.00, in

violation of Section 8-13-1308(F)(1).

COUNT THREE
FAILURE TO DISCLOSE A CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to disclose a November 4, 2022 campaign contribution from James Clyburn in the amount of \$1,000.00, in violation of Section 8-13-1308(F)(1).

COUNT FOUR
FAILURE TO DISCLOSE A CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to disclose five (5) campaign expenditures to Signs Plus totaling \$1,455.20, in violation of Section 8-13-1308(F)(3).

COUNT FIVE
FAILURE TO DISCLOSE A CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to disclose a campaign expenditure to Gail Whitmore in the amount of \$200.00, in violation of Section 8-13-1308(F)(3).

COUNT SIX
FAILURE TO DISCLOSE A CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to disclose a campaign expenditure to James E. Hailger in the amount of \$1,100.00, in violation of Section 8-13-1308(F)(3).

COUNT SEVEN
FAILURE TO MAKE EXPENDITURE THROUGH CAMPAIGN BANK ACCOUNT
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That James E. Haigler, Calhoun County Councilmember, did in Richland County, fail to make five (5) campaign expenditures totaling \$1,455.20 from his campaign bank account, in violation of Section 8-13-1312.

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.).

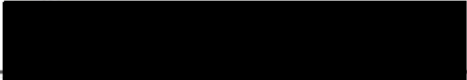
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.

Dated this 16th day,
of November 2023.


Meghan Walker Dayson, Executive Director
State Ethics Commission

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT James E. Haigler, 102 Courthouse Drive, St. Matthews, SC 29135 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 22nd 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)
)
 IN THE MATTER OF:)
 COMPLAINT C2023-042)
)
 Tobi C. Kaigler,)
 Complainant,)
)
 James E. Haigler,)
 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 24, 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 E. Haigler (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 was a candidate in a November 8, 2022 election for the Calhoun County Council.
2. Respondent filed multiple Campaign Disclosure Reports (CDRs) throughout his 2022 election cycle. Therein, Respondent disclosed a filing fee, but did not disclose any contributions, expenditures, or loans.
3. The Complaint alleged Respondent made expenditures during the 2022 election cycle and that he failed to disclose those expenditures in his Commission filings.
4. The Commission investigation revealed Respondent failed to disclose five (5) expenditures for campaign signs totaling \$1,455.20; one (1) expenditure to a campaign worker for \$200.00; one (1) personal contribution in the amount of \$300.00; one (1) third party contribution in the amount of \$1,000.00; and one (1) personal loan in the amount of \$1,464.16.

5. The Commission investigation further revealed Respondent did not use a campaign bank account for the five (5) expenditures for signs. Rather, Respondent paid for these signs using personal funds.
6. On July 10, 2023, following contact from a Commission Investigator, Respondent amended his CDRs to accurately reflect his campaign activity.

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(F) provides, in relevant part:

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 8-13-1312 provides, in relevant part:

. . . expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a duly authorized officer of a committee . . .
4. Section 8-13-320(10)(l) allows the Commission to require a public official to pay a civil penalty of up to \$2,000 for each violation of the Ethics Act.
5. 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 five (5) counts of violating Section 8-13-1312 for failing to make campaign expenditures through a campaign bank account.¹ Through this Consent Order, Respondent admits he violated the Ethics Act by failing to use a campaign bank account for the five (5) expenditures for signs. In mitigation, Respondent states that this election cycle was his first time running with opposition and, therefore, his first time engaging in campaign activity. Respondent was under the mistaken understanding that items purchased with personal funds did not need to be routed through a campaign bank account.

DISPOSITION

1. The Commission finds Respondent in violation of five (5) counts of Section 8-13-1312.
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 to Respondent and orders Respondent to pay the Commission, within ninety (90) days from receipt of this Order, a reduced civil penalty of \$500 and an administrative fee of \$200, for a total of \$700.

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 \$700 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 \$700 (less any money paid) in its Judgment

¹ The Commission also found probable cause to believe Respondent violated Section 8-13-1308 of the Ethics Act by failing to disclose the aforementioned three (3) contributions and five (5) expenditures. Because Respondent has since disclosed these contributions and expenditures, the Commission declines to proceed on counts related to these violations.

Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 9th DAY OF February 2024.



JAMES E. HAIGLER, RESPONDENT

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR