

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2023-043

STATE ETHICS COMMISSION  
RECEIVED MARCH 23 PM 1 21 23

COMPLAINT FORM

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

RESPONDENT: James R. Burch  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Candidate – City of Inman 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 reminded of the filing requirement by a certified letter dated November 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 Walker Dayson 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  
29th day of March, 2023

[REDACTED]  
Meghan Walker Dayson, 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 )  
IN THE MATTER OF: )  
Complaint C2023-043 )  
State Ethics Commission )  
Complainant. )  
James R. Burch )  
Respondent. )

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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 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 allegation will be heard:

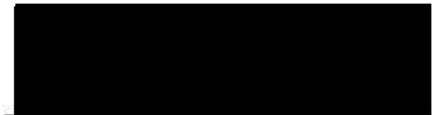
**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(A), S.C. CODE ANN., 1976, AS AMENDED**

That James R. Burch, candidate for City of Inman Council, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(A).

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 4<sup>th</sup> day,  
of October 2023.

**Certificate of Service by Certified Mail**

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the James R. Burch, 137 McIntosh Lane, Inman, SC 29349 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 11th day of October 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 C2023-043 )  
 )  
 State Ethics Commission, )  
 Complainant, )  
 )  
 James R. Burch )  
 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 27, 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 R. Burch (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 an unsuccessful candidate for Inman City Council in a November 5, 2019 election.
2. Respondent filed a Pre-Election Campaign Disclosure Report (CDR) on August 14, 2019, approximately eighty-three (83) days prior to the election.
3. In a November 28, 2022 certified letter, the Commission assessed a \$100 late-filing penalty against Respondent for his failure to file the 2019 Pre-Election CDR fifteen (15) days prior to the election as required by Section 8-13-1308 and advised him that failure to amend his previously filed CDR would result in additional late-filing penalties.
4. Although the certified letter was mailed to Respondent’s physical address at 137 McIntosh Lane, the United States Postal Service’s (USPS) return receipt indicated the certified letter was “Picked Up at Post Office” on December 9, 2022 at 10:19 a.m.
5. Following the filing of the Complaint and contact from a Commission Investigator, Respondent amended his 2019 Pre-Election CDR to disclose a \$50 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). Therefore, the Commission has personal and subject matter jurisdiction.
2. 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.
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 one (1) count of violating Section 8-13-1308(A) for failing to timely file a 2019 Pre-Election CDR fifteen (15) days prior to his election. The Commission notes that although Respondent filed a Pre-Election CDR on August 14, 2019, this report was filed too early. The Commission further notes that Section 8-13-1308 requires all candidates to file a CDR fifteen (15) days prior to each election so that the public may view each candidate’s campaign activity immediately prior to the election. Through this Consent Order, Respondent admits he failed to timely file a 2019 Pre-Election CDR. In mitigation, Respondent states that he was unaware that he filed the report too early. Respondent further states that he did not receive the Commission’s certified letter. Respondent states he does not have, and has not ever had, a Post

Office box. Respondent acknowledges his responsibility for complying with the provisions of the Ethics Act.

**DISPOSITION**

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A) for failing to file his 2019 Pre-Election CDR.
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 six (6) months from receipt of this Order, a late-filing penalty of \$100 and an administrative fee of \$300, for a total of \$400. The Commission declines to assess any additional late-filing penalties based on the discrepancy in the USPS's return receipt.

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 \$400 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 \$400 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 14<sup>th</sup> DAY OF January 2023.



JAMES R. BURCH  
RESPONDENT

STATE ETHICS COMMISSION



SCOTT E. FRICK, CHAIR