

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023 - 044

COMPLAINT FORM

STATE ETHICS COMMISSION
RECEIVED MAR 25 '23 PM 12:28

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

RESPONDENT: Terry C. Ott
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Councilman – Town of Cordova

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 2019, 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 October 13, 2021 and October 18, 2021.

Respondent was reminded of the filing requirements by a certified letter dated July 12, 2022 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure, 2019 Statement of Economic Interests, 2020 Statement of Economic Interests, 2021 Statement of Economic Interest, or 2022 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 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 01/24/26

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 C2023-044))
))
State Ethics Commission) **NOTICE OF HEARING**
Complainant.))
))
Terry C. Ott))
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 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 Terry C. Ott, Town of Cordova Councilmember, did in Richland County, fail to file a 2021 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(A).

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

That Terry C. Ott, Town of Cordova Councilmember, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That Terry C. Ott, Town of Cordova Councilmember, did in Richland County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

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

That Terry C. Ott, Town of Cordova Councilmember, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Terry C. Ott, Town of Cordova Councilmember, did in Richland County, fail to file a 2022 SEI, in violation of Section 8-13-1140.

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

That Terry C. Ott, Town of Cordova Councilmember, did in Richland County, fail to file a 2023 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.

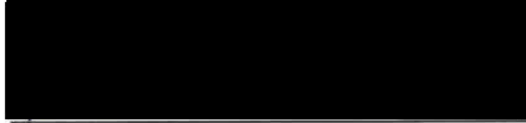


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 4th 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 RESPONDENT Terry C. Ott, 3131 Cordova Road, Cordova, SC 29039 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.



Columbia, South Carolina

Rachael O'Bryan, Administrative Assistant
State Ethics Commission (803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
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IN THE MATTER OF:)
COMPLAINT C2023-044)
))
State Ethics Commission,)
Complainant,)
))
Terry C. Ott,)
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 29, 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 Terry C. Ott (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. At all times relevant, Respondent has served on the Cordova Town Council. Respondent’s most recent election was November 2, 2021.
2. Respondent did not file a 2021 Pre-Election Campaign Disclosure Report (CDR) prior to the November 2, 2021 election.
3. Respondent timely filed Statements of Economic Interests (SEI) in 2012, 2013, 2014, 2015, 2016, 2017, and 2018.
4. Respondent did not file a SEI on or before March 30th in 2019, 2020, 2021, 2022, or 2023.
5. In a July 5, 2022 certified letter, the Commission notified Respondent of his failure to timely file the 2021 Pre-Election CDR and four (4) SEIs from 2019-2022.
6. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent’s address of record on July 16, 2022 at 10:29 a.m.
7. On July 26, 2022, late-filing penalties began to accrue at \$50.00 per day (\$10.00 per report).

8. On August 5, 2022, late-filing penalties began to accrue at \$500.00 per day (\$100.00 per report).
9. Following the filing of the Complaint and contact from a Commission Investigator, Respondent came into compliance by filing his 2019, 2020, 2021, 2022, and 2023¹ SEIs and his 2021 Pre-Election CDR. Respondent's 2021 Pre-Election CDR contained no campaign contributions or expenditures.

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(A) provides, in relevant part:

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.

3. 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 . . .

4. 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.

¹ Respondent did not receive certified notice of his failure to file his 2023 SEI because the filing deadline for the 2023 had not passed at the time of the Commission's July 5, 2022 correspondence.

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 8-13-1140 for failing to timely file SEIs from 2019-2023 and one (1) count of violating of Section 8-13-1308(A) for failing to timely file a 2021 Pre-Election CDR. Through this Consent Order, Respondent admits he violated the Ethics Act when he failed to file these reports. In mitigation, Respondent states that, at all times relevant, Council employed a secretary who filed all Councilmembers’ SEIs each year. Respondent states that he did not realize his SEIs were not being filed until he received the Commission’s July 5, 2022 letter. At that time, Respondent submits he provided the Commission’s letter to the Council’s secretary, who indicated she would file the requisite reports. Following the filing of the Complaint, Respondent realized the reports remained not filed and, accordingly, filed them himself. Respondent states that the secretary’s employment with Council has since been terminated. Respondent states that Cordova is a small town of approximately 135 people and that finding individuals to serve on Council proves difficult. Respondent acknowledges that his Commission filings are ultimately his responsibility. The Commission notes that multiple members of the Cordova Town Council did not file SEIs during these same years, lending credibility to Respondent’s assertions regarding the Council’s secretary.

DISPOSITION

1. The Commission finds Respondent in violation of five (5) counts of 8-13-1140 and one (1) count of Section 8-13-1308(A).
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 six (6) months from receipt of this Order, a reduced late-filing penalty of \$600.00 and an administrative fee of \$300.00, for a total of \$900.00. The Commission declines to assess any accrued late-filing penalties.

By executing this Consent Order, Respondent understands that he is confessing to a judgment of \$900.00 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 \$900.00 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 2nd DAY OF May 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


TERRY C. OTT
RESPONDENT