

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023-048

COMPLAINT FORM

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: Stacy Pinckney
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: (803) 253-4192 **TITLE:** Council Member – Town of Yemassee

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. Respondent failed to report government income on the 2022 Statement of Economic Interests.

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 2023 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 Campaign Disclosure was due no later than April 10, 2022, July 10, 2022, October 10, 2022, January 10, 2023, and April 10, 2023. Respondent was sent an email reminder thirty days before and ten days before each Campaign Disclosure deadline.

Section 8-13-1348 of the South Carolina Code of laws, 1976, as amended, prohibits a candidate from using campaign funds to defray personal expenses which are unrelated to the campaign. According to the Quarter 3 2021/Pre-Election Campaign Disclosure, the Respondent made an expenditure to Shell Gas in the amount of \$41.01 and made an expenditure to Shell in the amount of \$30.01 on the Quarter 4 2021 Campaign Disclosure. The Respondent was instructed to provide a mileage log in connection with campaign travel, reimburse the campaign account from personal funds, or donate to the Children's Trust Fund or a 501 (C)(3) if the campaign account is closed.

Respondent was sent letters dated May 13, 2022, July 11, 2022, and August 4, 2022 as described in the attached. To date, properly completed 2023 Statement of Economic Interests, Quarter 1 2022, Quarter 2 2022, Quarter 3 2022, Quarter 4 2022, or Quarter 1 2023 Campaign Disclosures have not been received. In addition, the Respondent has not amended the 2022 Statement of Economic Interests, provided a mileage log, reimbursed the campaign account, or provided proof of a donation. All in violation of Section 8-13-1120, Section 8-13-1140, Section 8-13-1308(B), Section 8-13-1308 (F), and Section 8-13-1348, 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
12th day of April, 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

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2023-048)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Stacy Pinckney)	
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, October 17, 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 STATEMENT OF ECONOMIC INTEREST
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to file a 2023 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to file a 2022 Quarter 1 Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(B).

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

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to file a 2022 Quarter 2/Final CDR, in violation of Section 8-13-1308(B).

COUNT FOUR
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept a \$150.00 cash contribution from Edward McNeil, in violation of Section 8-13-1314(A)(2).

COUNT FIVE
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept a \$30.00 cash contribution from Esther Long, in violation of Section 8-13-1314(A)(2).

COUNT SIX
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept a \$30.00 cash contribution from Elaine Roberts, in violation of Section 8-13-1314(A)(2).

COUNT SEVEN
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept a \$30.00 cash contribution from Jeannette Harley, in violation of Section 8-13-1314(A)(2).

COUNT EIGHT
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept

a \$30.00 cash contribution from Jami' Fennell, in violation of Section 8-13-1314(A)(2).

COUNT NINE
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept a \$30.00 cash contribution from Felicia Daley, in violation of Section 8-13-1314(A)(2).

COUNT TEN
ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT
SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, accept a \$100.00 cash contribution from James Fennell, in violation of Section 8-13-1314(A)(2).

COUNT ELEVEN
USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES
SECTION 8-13-1348(A), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, use campaign funds for personal use to purchase \$41.01 in fuel on October 12, 2021, in violation of Section 8-13-1348(A).

COUNT TWELVE
USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES
SECTION 8-13-1348(A), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, use campaign funds for personal use to purchase \$30.01 in fuel on October 19, 2021, in violation of Section 8-13-1348(A).

COUNT THIRTEEN
USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES
SECTION 8-13-1348(A), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, use campaign funds for personal use to purchase \$37.00 in fuel on November 11, 2021, in violation of

Section 8-13-1348(A).

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

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to make a \$150.00 expenditure for the filing fee through her campaign bank account, in violation of Section 8-13-1312.

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

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to make a \$56.00 expenditure to Carolina Graphics through her campaign bank account, in violation of Section 8-13-1312.

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

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to deposit campaign contributions into her campaign bank account within ten (10) days of receipt, in violation of Section 8-13-1312.

COUNT SEVENTEEN
IMPROPER DISBURSE OF UNEXPENDED CAMPAIGN FUNDS
SECTION 8-13-1370(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to properly disburse unexpended campaign funds, in violation of Section 8-13-1370(A)(2).

COUNT EIGHTEEN
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2), S.C. CODE ANN., 1976, AS AMENDED

That Stacy Pinckney, Town of Yemassee Councilmember, did in Richland County, fail to

report Respondent's income from Town of Yemassee on her 2022 SEI, in violation of Section 8-13-1120(A)(2).

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 24th day,
of January 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Stacy Pinckney, 46 Mixon Street, Yemassee, SC 29945 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 26th day of January 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 C2023-048)
)
 State Ethics Commission,)
 Complainant,)
)
 Stacy Pinckney,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on April 12, 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 Stacy Pinckney (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 Yemassee Town Council (Council) since her November 2, 2021 election.
2. On August 23, 2021, Respondent used personal funds to pay the \$150.00 fee to register as a candidate for Council.
3. On January 10, 2022, following her election, Respondent filed a 2021 Pre-Election Campaign Disclosure Report (CDR) showing, among other things, a \$41.01 expenditure for “fuel for campaigning.”¹
4. Also on January 10, 2022, Respondent filed a Quarter 4 2021 CDR showing, among other

¹ Respondent was separately penalized for her failure to timely file her Pre-Election CDR as well as her Initial CDR and 2021 Statement of Economic Interests. The late-filing penalties for these reports are being handled by the Commission’s standard non-compliance process and are not impacted by the disposition of this Complaint.

things, two (2) expenditures for “fuel for campaigning” totaling \$67.01 and an on-hand contribution balance of \$18.49. Respondent thereafter failed to file any other CDRs prior to the filing of the Complaint.

5. On August 4, 2022, after attempts to send notice by certified mail, the Commission notified Respondent via first-class mail with United States Postal Service (USPS) tracking of her failure to timely file Quarter 1 2022 and Quarter 2 2022 CDRs and of her improper use of campaign funds to purchase fuel.
6. According to USPS, the letters were “Delivered, In or at the mailbox” on August 18, 2022 at 9:34 a.m. Respondent does not recall receiving the letters.
7. Respondent failed to file a 2023 SEI by March 30, 2023.
8. Following the filing of the Complaint, the Commission investigation revealed that Respondent received cash contributions exceeding \$25.00 on seven (7) different occasions, with the excess amount totaling \$225.00. The Respondent did not deposit these cash contributions into her campaign bank account. The Commission investigation further revealed that Respondent failed to process an expenditure of \$56.00 for campaign signs through her campaign bank account and that she closed her campaign bank account on April 4, 2022.
9. On May 30, 2024, with the assistance of Commission staff, Respondent came into compliance by filing a Quarter 1 2022 CDR, a Quarter 2 2022/Final CDR, and a 2023 SEI.

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) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1308(B) provides:

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.

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. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt. All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt . . .

4. Section 8-13-1314(A) provides, in relevant part:

Within an election cycle, a candidate or anyone acting on his behalf shall not solicit or accept, and a person shall not give or offer to give to a candidate or person acting on the candidate's behalf:

...

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty-five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor; . . .

5. Section 8-13-1348(A) provides, in relevant part:

No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

6. Section 8-13-1140 provides, in relevant part:

A person required to file a [SEI] under this chapter annually shall file, pursuant to Section 8-13-365, an updated statement for the previous calendar year, no later than noon on March thirtieth of each calendar year . . .

7. Section 8-13-1510(A) provides:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required 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.

8. Section 8-13-320(10)(l) allows the Commission to issue a civil penalty of up to \$2,000 for each violation of the Ethics Act.
9. 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 two (2) counts of violating Section 8-13-1308(B) for failing to timely file Quarter 1 2022 and Quarter 2 2022/Final CDRs; one (1) count of violating Section 8-13-1140 for failing to timely file a 2023 SEI; seven (7) counts of violating Section 8-13-1314 for accepting cash contributions over \$25.00; three (3) counts of violating Section 8-13-1348(A) for using campaign funds for personal use by directly purchasing a total of \$108.02 in fuel; two (2) counts of violating Section 8-13-1312 for failing to process the \$150.00 filing fee and the \$56.00 expenditure for signs through the campaign bank account; and one (1) count of violating Section 8-13-1312 for failing to deposit campaign contributions into her campaign account.²

² The Commission also found probable cause to charge Respondent with one (1) count of violating Section 8-13-1120(A)(2) for failing to disclose governmental income on her 2022 SEI and one (1) count of violating Section 8-13-1370(A)(2) for failing to properly expend unused campaign funds. As Respondent has since disclosed her government

Through this Consent Order, Respondent acknowledges she violated the Ethics Act as described herein. In mitigation, Respondent states 2021 was her first run for office and that she was confused with the filing requirements and how to manage campaign funds. Respondent further states she heeded advice from another councilmember and that she recruited someone to help with the filings who did not complete assigned tasks. Further, Respondent states that she does not recall receiving the Commission's penalty letters.

Additionally, Respondent asserts she contracted COVID-19 in the beginning of her campaign which worsened with her chronic illness and necessitated multiple hospital visits. Respondent further asserts her ongoing sickness and efforts to come into compliance made her "overwhelmed" during the Commission's investigation. Moreover, Respondent admits she "totally got it wrong" and that she now understands how to properly manage campaign funds. Finally, the Commission acknowledges Respondent received \$1,041.00 in contributions during her campaign.

DISPOSITION

1. The Commission hereby finds Respondent in violation of the Ethics Act as set forth herein.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues a Public Reprimand and orders the Respondent to pay the Commission, within eighteen (18) months from receipt of this Order, a late-filing penalty of \$300.00 (\$100.00 each for her Quarter 1 2022 CDR, Quarter 2/Final CDR, and 2023 SEI);³ a reduced civil penalty of \$225.00 for the excessive cash contributions, a reduced civil

income on her 2022 SEI and has donated \$3.49 to a 501(c)(3) organization to account for her unexpended campaign funds, therefore, the Commission declines to proceed as to these counts.

³ No penalties have accrued because the Commission was unable to establish certified notice.

penalty of \$50.00 for her failure to process expenditures through her campaign account, and a reduced civil penalty of \$50.00 for her failure to deposit contributions into her campaign account; and an administrative fee of \$600.00, for a total of \$1,225.00. The Commission further orders Respondent to pay \$108.02 to the Children's Trust Fund and to provide proof of such payment to the Commission within eighteen (18) months from receipt of this Order. In addition, the Commission declines to assess a civil penalty for the violation of Section 8-13-1348(A) provided Respondent remits the \$108.02 to the Children's Trust Fund as described herein. Should the Respondent fail to remit the \$108.02 to the Children's Trust Fund as described herein, the Commission shall assess a civil penalty of \$1,000.00.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$2,333.02 (less any money paid to the Commission) in the event she does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$2,333.02 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 14th DAY OF September 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


STACY PINCKNEY
RESPONDENT