

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
c 2023-069

COMPLAINT FORM

COMPLAINANT: Rev. David Kennedy RESPONDENT: Mr. James M. Hughes
ADDRESS: [REDACTED] ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED] TELEPHONE NUMBER: [REDACTED]
TITLE: Minister TITLE: Trustee for Laurens County School

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).

Mr. James M. Hughes is a trustee on the Laurens County School Board - Number District 55. He represents Seat #4. Mr. Hughes appears not to be in compliance for filing the 2021, 2022, and 2023 Statements of Economic Interests form with the 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 Laurens
Personally appeared before me Rev. David Kennedy 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 26th day of April, 2023

[REDACTED]

[REDACTED]

Complainant Signature

Notary Public for South Carolina
My Commission expires 8/16/2026

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)
IN THE MATTER OF:)
Complaint C2023-069)
David Kennedy)
Complainant.)
James M. Hughes)
Respondent.)

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 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That James M. Hughes, Laurens School District 55 Trustee, did in Richland County, fail to file a 2021 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That James M. Hughes, Laurens School District 55 Trustee, did in Richland County, fail to file a 2022 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

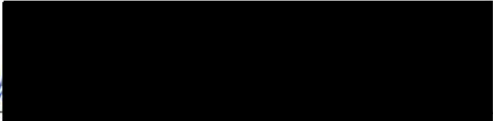
That James M. Hughes, Laurens School District 55 Trustee, did in Richland County, fail to file a 2023 SEI, in violation of Section 8-13-1140.

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

That James M. Hughes, Laurens School District 55 Trustee, did in Richland County, fail to file a 2022 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 20th day,
of November 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT James M. Hughes, 332 Bucks Point Road, Laurens, SC 29360 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 20th 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

State Ethics Commission

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2023-069)
)
 David Kennedy,)
 Complainant,)
)
 James M. Hughes,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on May 1, 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 M. Hughes (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1308(A) for failing to timely file 2022 Pre-Election Campaign Disclosure Report (CDR) and three (3) counts of violating Section 8-13-1140 for failing to timely file 2021, 2022, and 2023 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent is a member of the Laurens School District 55 Board of Trustees. Respondent was first elected on April 28, 2020 and was subsequently reelected on November 8, 2022.
2. Following his April 28, 2020 election, Respondent filed a 2020 SEI on July 13, 2020. Respondent did not file an SEI on or before March 30 in 2021, 2022, and 2023.
3. Respondent did not file a Pre-Election CDR fifteen (15) days prior to the November 8, 2022 election.
4. Respondent came into compliance by filing all requisite reports following the filing of the Complaint. Respondent's Pre-Election CDR disclosed no 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 8-13-1140 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 . . .

3. 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.

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 . . .¹

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 one (1) count of violating Section 8-13-1308(A) and three (3) counts of violating Section 8-13-1140. Through this Consent Order, Respondent admits he violated the Ethics Act by failing to timely file his 2022 Pre-Election CDR and his 2021, 2022, and 2023 SEIs. In mitigation, Respondent asserts he was under the mistaken

¹ The Complaint was filed by a third party rather than the Commission. Accordingly, the Respondent did not receive certified notice of his failure to file the aforementioned reports and, thus, accrued no additional late-filing penalties pursuant to 8-13-1510(A)(2).

belief that no CDR was required if a candidate was unopposed and did not raise or spend any money and that he was unaware of a continued obligation to file SEIs after his initial SEI filed on July 13, 2020.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A) and three (3) 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 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 \$400 (\$100 per late report) and an administrative fee of \$200, for a total of \$600.

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 \$600 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 \$600 (less any money paid) in its Judgment Rolls, without cost to the Commission.

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

STATE ETHICS COMMISSION

SCOTT E. FRICK, CHAIR

JAMES M. HUGHES
RESPONDENT