

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023 -091

COMPLAINT FORM

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

RESPONDENT: Kenneth Harvin
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Town of Summerton Mayor

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 March 16, 2022 and March 21, 2022.

Respondent was reminded of the filing requirement by a certified letter dated October 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(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
12th day of July, 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) BEFORE THE STATE ETHICS COMMISSION
))
IN THE MATTER OF:))
))
Complaint C2023-091))
))
State Ethics Commission) **NOTICE OF HEARING**
Complainant.))
))
Kenneth Harvin))
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, August 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 Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, fail to file a 2022 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(A).

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, fail to

file a 2022 Quarter 1 CDR, in violation of Section 8-13-1308(B).

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, fail to file a 2022 Quarter 2 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 Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, accept a \$150 cash contribution from Bernie Mayzck, 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 Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, accept a \$200 cash contribution from Dewayne Johnson, in violation of Section 8-13-1314(A)(2).

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$49.88 of campaign funds to purchase a non-campaign related meal at Yummy Japanese Grill on April 6, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$9.47 of campaign funds to purchase a non-campaign related meal at Zaxby's on April 6, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$6.08 of campaign funds to purchase a non-campaign related meal at Sonic Drive In on April 7, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$9.09 of campaign funds to purchase a non-campaign related meal at Zaxby's on April 7, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$50.03 of campaign funds to purchase fuel from Love Travel Center on April 8, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$21.80 of campaign funds to purchase a non-campaign related meal at Georgio's Restaurant on April 11, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend

\$17.12 of campaign funds to purchase a non-campaign related meal at Willie Jewells BBQ on April 11, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$16.10 of campaign funds to purchase a non-campaign related meal at McDonalds on April 11, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$5.54 of campaign funds to purchase a non-campaign related meal at McDonalds on April 12, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$10.05 of campaign funds to purchase fuel from ExxonMobil on April 12, 2022, in violation of Section 8-13-1348.

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

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, expend \$4.80 of campaign funds to purchase fuel from Quick Pantry #15 on April 14, 2022, in violation of Section 8-13-1348.

COUNT SEVENTEEN
FAILURE TO MAINTAIN CAMPAIGN RECORDS
SECTION 8-13-1302, S.C. CODE ANN., 1976, AS AMENDED

That Kenneth Harvin, Candidate for Mayor of Summerton, did in Richland County, fail to maintain records of campaign contributions and expenditures, in violation of Section 8-13-1302.

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.

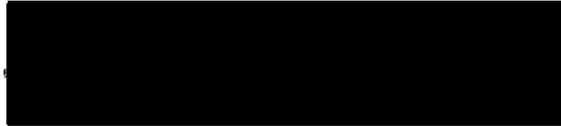


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 27th 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 Kenneth Harvin, 3 Windham Street, Summerton, SC 29148 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 27th 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
)
IN THE MATTER OF:)
COMPLAINT C2023-091)
)
State Ethics Commission,) **CONSENT ORDER**
Complainant,)
)
Kenneth Harvin,)
Respondent.)
_____)

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on July 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 Kenneth Harvin (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 Mayor of the Town of Summerton in an April 5, 2022 election.
2. Respondent did not file any Campaign Disclosure Reports (CDR) in conjunction with his 2022 election cycle.
3. In an October 28, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2022 Pre-Election CDR between March 16, 2022 and March 21, 2022.
4. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on November 3, 2022. Respondent signed for the letter.
5. On November 13, 2022, late-filing penalties began to accrue at \$10.00 per day.
6. On November 23, 2022, late-filing penalties began to accrue at \$100.00 per day.

7. Following the filing of the Complaint, Commission Investigators subpoenaed Respondent's campaign bank account records.
8. A review of these records revealed Respondent had engaged in minimal campaign activity at the time the 2022 Pre-Election CDR was due; however, Respondent had not raised or spent an accumulated aggregate of \$500.00. The records further revealed Respondent's campaign bank account maintained a balance of contributions until it was closed on June 8, 2022.
9. Respondent's campaign bank account records also reflected two (2) cash contributions: one (1) in the amount of \$150.00, reported by Respondent as being from Bernie Mayzck, and one (1) in the amount of \$100.00, reported by Respondent as being from Dewayne Johnson.
10. Finally, Respondent's campaign bank account records revealed that Respondent made eight (8) expenditures totaling \$135.08 for personal food and three (3) expenditures totaling \$64.88 for gas. Respondent was unable to provide Commission Investigators any receipts or invoices related to these expenditures and did not keep a mileage log during his campaign.
11. On March 20, 2024, Respondent filed his 2022 Pre-Election CDR, a Quarter 1 2022 CDR, and a Quarter 2 2022 CDR disclosing all necessary campaign activity. At the time of compliance, Respondent had accrued \$5,000.00 in late-filing penalties with regard to the 2022 Pre-Election CDR, \$100.00 in late-filing penalties with regard to the Quarter 1 2022 CDR, and \$100.00 in late-filing penalties with regard to the Quarter 2 2022 CDR.¹

CONCLUSIONS OF LAW

Based upon the Statements of Fact, the Commission concludes, as a matter of law:

¹ Respondent's late-filing penalties for the Quarter 1 2022 CDR and the Quarter 2 2022 CDR are limited to \$100.00 per CDR because he did not receive notice of his failure to file via certified letter pursuant to Section 8-13-1510.

1. At all times relevant, Respondent a “candidate” pursuant to Section 8-13-1300(4) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1308 provides, in relevant part:

(A) Upon the receipt or expenditure of campaign contributions or the making of independent expenditures totaling an accumulated aggregate of five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8-13-1304(A) 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.

(B) 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 8-13-1314(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;

4. 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 . . .

5. Section 8-13-1302(A)(5) provides, in relevant part:

A candidate, committee, or ballot measure committee must maintain and preserve an account of . . . all receipted bills, canceled checks, or other proof of payment for each expenditure . . .

6. Section 8-13-1302(B) provides:

The candidate, committee, or ballot measure committee must maintain and preserve all receipted bills and accounts required by this article for four years.

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 \$2,000.00 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 one (1) count of violating Section 8-13-1308(A) for failing to file a 2022 Pre-Election CDR and two (2) counts of violating Section 8-13-1308(B) for failing to file a Quarter 1 2022 CDR and a Quarter 2 2022 CDR, both of which were required given that Respondent’s campaign bank account did not close until June 8, 2022. The Commission also found probable cause to charge Respondent with two (2) counts of violating Section 8-13-1314(A)(5) for accepting two (2) cash contributions over \$25.00; eleven (11) counts of violating Section 8-13-1348 for using campaign funds for personal expenses as described in Paragraph Ten (10); and one (1) count of violating Section 8-13-1302 for failing to maintain records related to these expenditures. Through this Consent Order, Respondent acknowledges he violated the Ethics Act in each of these instances. In mitigation, Respondent states 2022 was his first run for public office and that he was unfamiliar with the requirements and restrictions related to campaigning. Respondent further states that he maintained a balance of less

than \$500.00 throughout his campaign and that he only accepted contributions from two (2) people other than himself. Respondent states that Summerton is a small town with a population of less than 800 people, and that he was attempting to serve his community by running for office.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308(A); two (2) counts of Section 8-13-1308(B); two (2) counts of Section 8-13-1314(A)²~~(B)~~; eleven (11) counts of Section 8-13-1348; and one (1) count of violating Section 8-13-1302.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

JEF

THEREFORE, the Commission hereby issues a Public Reprimand and orders the Respondent to pay the Commission, within one (1) year from receipt of this Order, a reduced late-filing penalty of \$400.00 for his violation of Section 8-13-1308(A), a late-filing penalty of \$200.00 for his violations of Section 8-13-1308(B) (\$100.00 for each CDR); a reduced civil penalty of \$100.00 for failing to maintain adequate records, and an administrative fee of \$350.00, for a total of \$1,050.00. The Commission declines to assess a civil penalty for Respondent's violations of Section 8-13-1348, but rather orders the Respondent to pay \$199.96 to the Children's Trust Fund and to provide the Commission with proof of said payment within one (1) year from receipt of this Order. The Commission declines to assess a civil penalty for Respondent's failure to maintain records in violation of Section 8-13-1302.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$1,249.96 (less any money paid to the Commission or the Children's Trust Fund) in the event he 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 \$1,249.96 (less any money paid to the Commission) 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


KENNETH HARVIN
RESPONDENT