

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023-106

COMPLAINT FORM

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

RESPONDENT: Johna T. Bilton
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Council Member – City of
Moncks Corner

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 letters dated October 28, 2022, December 20, 2022, January 23, 2023, and March 9, 2023 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
23rd day of August, 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 C2023-106))
))
State Ethics Commission) **NOTICE OF HEARING**
Complainant.))
))
Johna T. Bilton))
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(D)(1), S.C. CODE ANN., 1976, AS AMENDED

That Johna T. Bilton, candidate for Moncks Corner City Council, did in Richland County, fail to file a 2019 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(D)(1).

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

That Johna T. Bilton, candidate for Moncks Corner City Council, did in Richland County,

fail to file a 2019 Initial CDR, in violation of Section 8-13-1308(A).

COUNT THREE
FAILURE TO FILE TO REPORT CAMPAIGN CONTRIBUTION
SECTION 8-13-1308(F)(1), S.C. CODE ANN., 1976, AS AMENDED

That Johna T. Bilton, candidate for Moncks Corner City Council, did in Richland County, fail to report a personal contribution in the amount of \$265.88, in violation of Section 8-13-1308(F)(1).

COUNT FOUR
FAILURE TO FILE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1308(F)(3), S.C. CODE ANN., 1976, AS AMENDED

That Johna T. Bilton, candidate for Moncks Corner City Council, did in Richland County, fail to report an expenditure in the amount of \$265.88 for campaign signs, in violation of Section 8-13-1308(F)(3).

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.).

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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 May 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Johna T. Bilton, 105 S. Williams Drive, Moncks Corner, SC 29461 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 25th day of May 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
State Ethics Commission

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2023-106)
)
 State Ethics Commission,)
 Complainant,)
)
 Johna T. Bilton)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 23, 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 Johna T. Bilton (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 a candidate for Moncks County City Council in a November 5, 2019 election.
2. Respondent was required to file a Pre-Election Campaign Disclosure Report (CDR) between October 16, 2019 and October 21, 2019. She did not file a Pre-Election CDR within this timeframe.
3. On March 9, 2023, after attempts to send notice via certified mail, the Commission sent notice to Respondent of her failure to file a 2019 Pre-Election CDR via first-class mail with tracking.
4. According to the United States Postal Service, the letter was delivered on March 11, 2023 at 4:56 p.m.
5. The Commission investigation revealed that Respondent paid a \$100.00 filing fee to run for office. The investigation further revealed that Respondent used personal funds to make a

campaign expenditure of \$265.88 on October 14, 2019. Respondent did not file an Initial CDR by October 24, 2019.

6. On March 25, 2024, Respondent filed her required CDRs with the assistance of Commission staff and is now in compliance.

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 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.

....

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

....

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 Initial CDR and one (1) count of violating Section 8-13-1308(D)(1) for failing to file a 2019 Pre-Election CDR.¹ Through this Consent Order, Respondent admits she violated the Ethics Act as described herein. In mitigation, Respondent asserts that she was caretaker for her husband who suffered from a long-term illness before he became disabled in 2019. Respondent further asserts that her husband required multiple doctor visits and surgeries after becoming disabled and that they had a move in January 2020 due to the financial strain of his medical bills. Respondent states that these responsibilities caused her to neglect duties under the Ethics Act.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A) and one (1) count of 8-13-1308(D)(1).
2. The Commission adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

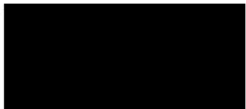
THEREFORE, the Commission hereby issues this Public Reprimand to Respondent, and orders Respondent to pay the Commission, within nine (9) months from receipt of this Order, a

¹ The Commission also found probable cause to charge Respondent with two (2) counts of violating 8-13-1308(F) for failing to report a personal campaign contribution and expenditure. As Respondent has since disclosed this personal contribution and the corresponding expenditure, the Commission declines to proceed as to these counts.

late-filing penalty of \$100.00² and an administrative fee of \$500.00, for a total of \$600.00.

By executing this Consent Order, Respondent understands that she is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of \$600.00 in the event she 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 \$600.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 18th DAY OF September 2024.



JOHNA T. BILTON
RESPONDENT

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR

² The last day of the grace period for filing the Pre-Election CDR was October 21, 2019. Because the Initial CDR was due October 24, 2019, the Respondent could have combined the Initial CDR and the Pre-Election CDR when filing. Accordingly, in the interest of justice, the Commission declines to assess a late-filing penalty for the Initial CDR.