

STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2023-110

COMPLAINT FORM

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

RESPONDENT: Letwishay Blair-Franklin
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: (803) 253-4192

TITLE: Trustee – McCormick County School Board

Section 8-13-1120, SC Code Ann., 1976, as amended, requires certain officials to file a Statement of Economic Interests prior to assuming the duties of the office. Respondent was required to file a 2019 Statement of Economic Interests prior to being sworn in on December 9, 2019.

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 2020, 2021, 2022, and 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 Pre-Election Campaign Disclosure was due between October 30, 2019 and November 4, 2019 for the November 19, 2019 special election. In addition, a Pre-Election Campaign Disclosure was due between October 14, 2020 and October 19, 2020 for the November 3, 2020 election.

Respondent was reminded of the filing requirement by letters dated May 5, 2023 and June 20, 2023 as described in the attached. To date, a properly completed Pre-Election Campaign Disclosure for the November 19, 2019 election, Pre-Election Campaign Disclosure for the November 3, 2020 election, 2019 Statement of Economic Interests, 2020 Statement of Economic Interests, 2021 Statement of Economic Interests, 2022 Statement of Economic Interests, or 2023 Statement of Economic Interests have not been received. All in violation of Section 8-13-1120, 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 1st day of September 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 C2023-110)	
)	
State Ethics Commission)	NOTICE OF HEARING
Complainant.)	
)	
Letwishay Blair-Franklin)	
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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI) prior to taking the oath of office, in violation of Section 8-13-1110.

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in

Richland County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2022 SEI, in violation of Section 8-13-1140.

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2023 SEI, in violation of Section 8-13-1140.

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2019 Initial Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(A).

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2019 Quarter 3/Pre-Election CDR, in violation of Section 8-13-1308(B).

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2019 Quarter 4 CDR, in violation of Section 8-13-1308(B).

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2020 Quarter 1 CDR, in violation of Section 8-13-1308(B).

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2020 Quarter 2/Final CDR, in violation of Section 8-13-1308(B).

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, fail to file a 2020 Quarter 3/Pre-Election CDR, in violation of Section 8-13-1308(A).

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

That Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, use \$15.19 of campaign funds at Shoney's on October 28, 2019, 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 Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, use \$8.85 of campaign funds at McDonalds on October 28, 2019, 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 Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, use \$12.44 of campaign funds at Quick Pantry on January 3, 2020, 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 Letwishay Blair-Franklin, McCormick County School Board Member, did in Richland County, use \$27.57 of campaign funds at Wendy's on January 6, 2020, in violation of Section 8-13-1348.

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 16th 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 Letwishay Blair-Franklin, 9086 Hwy. 28 South, Plum Branch, SC 29842 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.



Columbia, South Carolina

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

STATE ETHICS COMMISSION
RECEIVED APR 24 2024 10:09 AM

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2023-110)
State Ethics Commission,)
Complainant,)
Letwishay Blair-Franklin,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on September 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 Letwishay Blair-Franklin (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 successful candidate for McCormick County School Board (Board) in a November 19, 2019 special election and a November 3, 2020 election.
2. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) prior to the November 19, 2019 special election or the November 3, 2020 election.
3. Respondent did not file a Statement of Economic Interests (SEI) prior to taking the oath of office in 2019 nor did she file a SEI on or before March 30 in 2020, 2021, 2022, or 2023.
4. In a May 5, 2023 certified letter, the Commission notified Respondent of her failure to timely file 2019 and 2020 Pre-Elections CDRs and her failure to file 2019, 2020, 2021, 2022, and 2023 SEIs.¹
5. On June 20, 2023, the certified letter was returned as "Return to Sender – Unclaimed." The certified letter was re-mailed first class with a United States Postal Service (USPS) tracking number.
6. According to USPS, the letter was delivered to Respondent's mailbox on June 22, 2023 at 10:46

¹ The Commission's penalty letter did not reference the 2019 Initial CDR.

a.m.

7. On July 2, 2023, late-filing penalties began to accrue at \$70.00 per day (\$10.00 per report).
8. On July 12, 2023, late-filing penalties began to accrue at \$700.00 per day (\$100.00 per report).
9. On July 26, 2023, Respondent spoke with Commission staff and stated she would call back for assistance with her filings.
10. Commission staff subsequently subpoenaed Respondent's campaign bank account records and found Respondent accumulated \$500 in contributions on October 10, 2019. Respondent did not file an Initial CDR by October 20, 2019. These records also indicated Respondent maintained a balance of contributions until May 26, 2020, when her campaign bank account reached a zero balance. Respondent used less than \$800 for the entirety of her campaign.
11. The Commission investigation further revealed Respondent used campaign funds for personal use twice on October 28, 2019, once on January 3, 2020, and once on January 6, 2020, with expenditures totaling \$62.05.
12. With help from Commission staff, Respondent filed her 2019 SEI on September 21, 2023, her 2020 SEI on September 28, 2023, her remaining SEIs on September 26, 2023, and her CDRs on October 30, 2023. Respondent 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) 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 provides, in relevant part:
 - (A) 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.

(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 8-13-1110(A) provides in relevant part:

No public official, regardless of compensation . . . may take the oath of office or enter upon his official responsibilities unless he has filed a statement of economic interests in accordance with the provisions of this chapter. . .

4. 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 . . .

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

No candidate . . . 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 . . .

6. 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.

7. 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.

8. Section 8-13-320(10) allows the Commission to issue a civil penalty of up to \$2,000 for each violation of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1110 for failing to file a 2019 SEI prior to taking oath of office; four (4) counts of violating Section 8-13-1140 for failing to timely file SEIs in 2020, 2021, 2022, and 2023; one (1) count of violating Section 8-13-1308(A) for failing to timely file a 2019 Initial CDR; four (4) counts of violating Section 8-13-1308(B) for failing to timely file CDRs from 2019 Quarter 3/Pre-Election through 2020 Quarter 2/Final; one (1) count of violating of Section 8-13-1308(A) for failing to timely file a 2020 Quarter 3/Pre-Election CDR; and four (4) counts of violating Section 8-13-1348 for using campaign funds for personal expenditures.

Through this Consent Order, Respondent admits she violated the Ethics Act as described herein. In mitigation, the Commission acknowledges Respondent used less than \$800 throughout her campaign. Additionally, Respondent asserts 2019 was her first run for office and she was confused about the filing requirements. She states she did not receive notice of her failure to file the SEIs or CDRs. The Commission acknowledges USPS did not provide a return receipt containing a signature. Respondent asserts she was made aware of her violations only when she received the Complaint. Further, Respondent asserts she had a personal account with the same bank as her campaign account and that she mistakenly used the wrong debit card for her personal purchases.

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of 8-13-1110, four (4) counts of 8-13-1140, two (2) counts of 8-13-1308(A), four (4) counts of 8-13-1308(B), and four (4) counts of Section 8-13-1348.
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 one (1) year from receipt of this Order, a reduced late-filing penalty of \$800.00, a reduced civil penalty of \$160, and an administrative fee of \$400.00, for a total of \$1,360.00. The Commission further orders Respondent to pay \$62.05 to the Children's Trust Fund and to remit proof of such payment to the Commission within one (1) year from receipt of this Order.

By executing this Consent Order, Respondent understands that she is confessing to a judgment of \$1,422.05 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 \$1,422.05 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 3rd DAY OF April 2024.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR


LETWISHAY BLAIR-FRANKLIN
RESPONDENT