

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

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FOR COMMISSION USE ONLY:

CASE NUMBER

C 2023-112

COMPLAINT FORM

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

RESPONDENT: Howard K. Dyer  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Candidate - City of Rock Hill Council

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 September 25, 2019 and September 30, 2019. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by a certified letter dated April 7, 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  
14th day of September, 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 )  
IN THE MATTER OF: )  
Complaint C2023-112 )  
State Ethics Commission )  
Complainant. )  
Howard K. Dyer )  
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, 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 allegation 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 Howard K. Dyer, Candidate for Rock Hill City Council, did in Richland County, fail to file a 2019 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.).

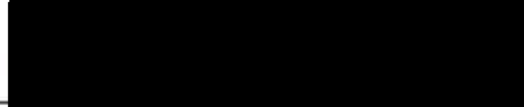
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.

  
\_\_\_\_\_  
Meghan Walker Dayson, Executive Director  
State Ethics Commission

Dated this 16<sup>th</sup> 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 Howard K. Dyer, 1539 Woodhaven Road, Rock Hill, SC 29732 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 21<sup>st</sup> 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 OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2023-112 )  
State Ethics Commission, )  
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Howard K. Dyer )  
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 6, 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 Howard K. Dyer (Respondent) was considered by the Commission, and probable cause was found to warrant an evidentiary hearing on one (1) count of violating 8-13-1308(A) for failure to file a 2019 Pre-Election Campaign Disclosure Report (CDR). Prior to a hearing, Respondent agreed to the following:

**STATEMENTS OF FACT**

1. Respondent was a candidate for Rock Hill City Council in an October 15, 2019 election.
2. Respondent failed to file a Pre-Election CDR prior to the election.
3. In an April 7, 2023 certified letter, the Commission assessed a \$100 late-filing penalty against Respondent for his failure to timely file the 2019 Pre-Election CDR. According to the letter, additional late-filing penalties would accrue if Respondent failed to file the Pre-Election CDR within ten (10) days of his receipt of the letter.
4. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on April 12, 2023 at 12:30 p.m.
5. On April 22, 2023, penalties began to accrue at \$10 per day.

6. On May 2, 2023, penalties began to accrue at \$100 per day.
7. On July 24, 2023, Commission staff telephoned Respondent regarding the unfiled 2019 Pre-Election CDR. Respondent stated he would get the report filed. Staff put in a request to update his email address in the system so that his account could be migrated.
8. On July 27, 2023, Non-Compliance staff unsuccessfully attempted to contact Respondent to inform him his email address had been updated.
9. Receiving no further response from Respondent, the Complaint was filed on September 6, 2023.
10. On October 20, 2023, following contact from a Commission Investigator, Respondent filed his 2019 Pre-Election CDR.

### **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(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.
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 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.

4. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is found in violation, or who admits to a 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 Pre-Election CDR. Through this Consent Order, Respondent admits he failed to timely file a 2019 Pre-Election CDR. In mitigation, Respondent states that he had a stroke in March 2023 and was unable to return to work until August 2023.

### **DISPOSITION**

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A).
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 reduced late-filing penalty of \$300 and an administrative fee of \$300, for a total of \$600. The Commission declines to assess the remaining \$4,700 in late-filing penalties.

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 that event, the Commission shall file a Judgment against Respondent with the County Clerk of Court in Richland, 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 9<sup>th</sup> DAY OF February 2024.

STATE ETHICS COMMISSION

  
SCOTT E. FRICK, CHAIR

  
HOWARD K. DYER  
RESPONDENT