

STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2024-011

COMPLAINT FORM

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

RESPONDENT: Ethan T. Foard
ADDRESS: [REDACTED]
TELEPHONE NUMBER:
TITLE: Councilman – Chesterfield County

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 an Initial Campaign Disclosure was due no later than March 26, 2022 and a Pre-Election Campaign Disclosure was due between October 19, 2022 and October 24, 2022. Respondent was sent an email reminder thirty days before and ten days before the Pre-Election Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by a certified letter dated November 18, 2022 as described in the attached. To date, a properly completed Initial and Pre-Election Campaign Disclosure have 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 Davson 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
18th day of March, 2024

[REDACTED]
Meghan Walker Davson, 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)
IN THE MATTER OF:)
COMPLAINT C2024-011)
State Ethics Commission,)
Complainant,)
Ethan T. Foard,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 18, 2024. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Ethan T. Foard (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 entry of the following:

STATEMENTS OF FACT

1. Respondent was a candidate for Chesterfield County Council in a November 8, 2022 election.
2. Respondent did not file a Pre-Election Campaign Disclosure Report (CDR) prior to the November 8, 2022 election.
3. In a November 18, 2022 certified letter, the Commission notified Respondent of his failure to file a 2022 Pre-Election CDR.
4. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on November 21, 2022 at 12:51 p.m.
5. On November 29, 2022, a Commission staff member spoke with Respondent's brother, who advised he would be filing Respondent's CDRs. Respondent's brother was transferred to the Commission's Disclosure Department for assistance. However, no CDRs were filed.

6. On December 1, 2022, penalties began to accrue at \$10.00 per day.
7. On December 11, 2022, penalties began to accrue at \$100.00 per day.
8. On November 2, 2023, prior to the filing of the Complaint, a Commission staff member contacted Respondent. Respondent indicated he believed his brother had filed the required CDRs on his behalf. Respondent stated he would contact his brother and have him file the CDRs.
9. The Complaint was filed on March 18, 2024.
10. Following the filing of the Complaint, the Commission's investigation revealed that Respondent spent personal funds totaling \$4,342.69 in furtherance of his election from March 16, 2022 through October 31, 2022. The Commission's investigation further revealed that Respondent failed to open a campaign bank account.
11. The Commission's investigation further revealed that Respondent did not receive any campaign contributions outside of using his own personal funds.
12. On May 3, 2024, Respondent came into compliance by filing all required CDRs.

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 and 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 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.

...

- (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 8-13-1312 provides, in relevant part:

... Except as otherwise provided under Section 8-13-1348(C), expenses paid on behalf of a candidate or committee must be drawn from the campaign account and issued on a check signed by the candidate or a fully authorized officer of a committee. All contributions received by the candidate or committee, directly or indirectly, must be deposited in the campaign account by the candidate or committee within ten days after receipt. ...

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; 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.

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(D)(1) for failing to file a 2022 Pre-Election CDR; one (1) count of violating Section 8-13-1308(B) for failing to file a 2022 Quarter 2 CDR; one (1) count of violating Section 8-13-1308(B) for failing to file a 2022 Quarter 4/Final CDR; and one (1) count of violating Section 8-13-1312 for failing to open a campaign bank account.¹ Through this Consent Order, Respondent admits he violated the Ethics Act as outlined herein. In mitigation, Respondent asserts that he relied on his brother Adam Foard to file the necessary reports with the Commission. Respondent further offers the following:

Before filing, during the campaign, and after taking office, a number of personal family events occurred that caused Ethan great distress and caused him to inadvertently misunderstand his filing responsibilities. The primary event was the terminal illness and death of his best friend and brother-in-law, Daniel Edward Simpson. Daniel and Ethan were friends in school long before Ethan married [Daniel's sister Elese]. They all lived in extremely close proximity on contiguous parcels of land . . . Daniel was only 33 years old when he was diagnosed with brain cancer in 2021. After surgery and chemo/radiation therapy multiple times, Daniel ultimately succumbed to the cancer and died in August 2023. He was only 35 years old and left a widow and a 4-year old son. Ethan and Elese's entire family have taken Daniel's death very hard. Additionally, as Daniel was the only boy in the family, and Elese is the only remaining married sibling, Ethan has unexpectedly taken on the role of surrogate father-figure for his nephew while grieving his best friend . . .

Another life changing event that has evolved during the last few years has been that Ethan's mother, Linnett Burr, became a widow in late 2020. Afterward, Ethan's mother ultimately sold her home and came to live at Ethan and Elese's homeplace in an accessory dwelling in 2021. While this change began before he filed to run in 2022, the process of helping his grieving mother transition into the new normal of widowhood and living in a new environment was long and lasted well into the time after he filed and was running for office.

¹ The Commission also found probable cause to believe Respondent violated Section 8-13-1308(F) for failing to properly disclose campaign contributions and expenditures. However, given that Respondent has since disclosed these contributions and expenditures, the Commission declines to proceed on these charges.

The final major event that was occurring in this time period was that Ethan was the victim of an incident of Burglary, Grand Larceny \$10,000 or more, and Malicious Injury to Personal Property. In this case, two defendants violently entered his property, causing thousands of dollars in damage and loss. This occurred when Ethan and his six year-old daughter were present and was traumatic for both of them. The two defendants ultimately pled guilty to some of the crimes in the Spring of 2022 . . .

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(D)(1), two (2) counts of Section 8-13-1308(B), and one (1) count of Section 8-13-1312.
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 ninety (90) days from receipt of this Order, a reduced late-filing penalty of \$1,200.00 (\$1,000.00 for the 2022 Pre-Election CDR, \$100.00 for the 2022 Quarter 2 CDR, and \$100.00 for the 2022 Quarter 4 CDR)² and an administrative fee of \$800.00, for a total of \$2,000.00. In light of the aforementioned mitigation, the Commission declines to assess a civil penalty for Respondent's violation of Section 8-13-1312.

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 \$2,000.00 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 \$2,000.00 (less any money paid) in its

² Pursuant to Section 8-13-1510(A), Respondent's late-filing penalty for the 2022 Quarter 2 and 2022 Quarter 4 CDRs is limited to \$100.00 per CDR because Respondent did not receive certified notice from the Commission of his failure to timely file these CDRs.

Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 11th DAY OF January 2024. ^{5 JEF}

STATE ETHICS COMMISSION

[Redacted Signature]

SCOTT E. FRICK, CHAIR

[Redacted Signature]

ETHAN T. FOARD
RESPONDENT

[Redacted Signature]

BRIAN M. BARNWELL
RESPONDENT'S ATTORNEY