

STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2024-018

COMPLAINT FORM

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

RESPONDENT: Andrea Clifton
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council Member – Town of Woodford

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period. Respondent failed to report income on her 2020, 2021, and 2022 Statement of Economic Interests.

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 2023 Statement of Economic Interests.

Respondent was reminded of the income requirements by a certified letter dated February 10, 2023 as described in the attached. To date, an amended 2020, 2021, or 2022 Statement of Economic Interests or 2023 Statement of Economic Interests have not been received. All in violation of Section 8-13-1120 and Section 8-13-1140, SC 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 8th day of April, 2024

[REDACTED]
Meghan Walker Dayson, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/21/26

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 C2024-018)

State Ethics Commission)
Complainant.)

Andrea Clifton)
Respondent.)

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 State Ethics Commission will, therefore, convene a formal hearing into the matters, 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, February 20, 2025 at 9:30 a.m. at the State Ethics 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 REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Andrea Clifton, Town of Woodford Councilmember, did in Richland County, fail to report Respondent's private income on her 2020, 2021, and 2022 Statements of Economic Interests (SEI), in violation of Section 8-13-1120(A)(10).

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

That Andrea Clifton, Town of Woodford Councilmember, did in Richland County, fail to

file a 2023 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 Andrea Clifton, Town of Woodford Councilmember, did in Richland County, fail to file a 2024 SEI, in violation of Section 8-13-1140.

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 22nd day,
of July 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Respondent Andrea Clifton, 302 Butternut Street, North, SC 29112 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 31st day of July 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

(803) 253-4192

Columbia, South Carolina

STATE ETHICS COMMISSION
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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2024-018)
State Ethics Commission,)
Complainant,)
Andrea Clifton)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on April 8, 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 Andrea Clifton (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 has served on the Woodford Town Council since 2019.
2. Respondent filed Statements of Economic Interests (SEI) for 2020, 2021, and 2022,¹ but failed to disclose private sources of income therein.
3. In a March 30, 2022 certified letter, the Commission notified Respondent of her failure to disclose private sources of income on her 2020 and 2021 SEIs. Notification regarding Respondent's failure to disclose income on her 2022 SEI was not included in this letter because the 2022 filing deadline had not yet passed.
4. Respondent did not file a 2023 SEI on or before March 30, 2023.
5. On November 1, 2023, a Commission staff member spoke with Respondent regarding the requirement to disclose private sources of income on her SEIs. Staff subsequently sent Respondent

to JEF

¹ These SEIs were not timely filed. However, the associated late-filing penalties are being handled through the Commission's typical noncompliance process and are not part of the present Complaint.

a follow up email with the relevant information and instructions on how to amend her SEIs.

6. On March 15, 2024, a Commission staff member emailed Respondent urging her to amend her SEIs to disclose private sources of income.
7. Respondent did not file a 2024 SEI on or before March 30, 2024.
8. On May 23, 2024, following the filing of the Complaint, Respondent amended her 2020, 2021, and 2022 SEIs to properly disclose her private sources of income. Respondent also filed her 2023 and 2024 SEIs.

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 public official pursuant to Section 8-13-100(27).
Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1120(A)(10) requires an individual filing a SEI to include:

a listing of the private source and type of any income received in the previous year by the filer or a member of his immediate family. This item does not include income received pursuant to: (a) a court order; (b) a savings, checking, or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking, or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public and without regard to status as a public official, public member, or public employee; (c) a mutual fund or similar fund in which an investment company invests its shareholders' money in a diversified selected of securities.
3. 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 . . .
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 . . .
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 two (2) counts of violating Section 8-13-1140 for failing to timely file a 2023 SEI and a 2024 SEI.² Through this Consent Order, Respondent admits she violated the Ethics Act as outlined herein. In mitigation, Respondent states that she was the primary caregiver for her father during much of her tenure on Council and that her caregiving responsibilities consumed much of her time. Respondent further states that her father died of cancer in September 2023 and that she was responsible for handling his affairs. Finally, Respondent states that she was working two (2) jobs in addition to caring for her ailing father and that all of these circumstances caused her to neglect her filing requirements.

DISPOSITION

1. The Commission finds Respondent in violation of two (2) counts of Section 8-13-1140.
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 late-filing penalty of \$200.00 (\$100.00 per report)³ and an administrative fee of \$500.00, for a total of \$700.00.

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 \$700.00 in the event she does not make payment as provided for in this Order, in which case the Commission shall file a Judgment

² The Commission also found probable cause to believe Respondent violated Section 8-13-1120(A)(10) for failing to report private sources of income on her 2020, 2021 and 2022 SEIs. However, given that Respondent has since amended her SEIs to properly disclose income, the Commission declines to proceed on these charges.

³ Respondent did not receive certified notice of her failure to file the aforementioned SEIs and, thus, accrued no additional late-filing penalties pursuant to Section 8-13-1510.

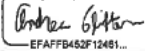
against Respondent with the County Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$700.00 (less any money paid) in its Judgment Rolls, without cost to the Commission.

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

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR

Signed by:


EFAFFB462F12481...

ANDREA CLIFTON
RESPONDENT