

RECEIVED STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

APR 10 2024

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:

CASE NUMBER

c 2024-020

COMPLAINANT: Susan Cox

RESPONDENT: Sheila Powell

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER:

TITLE: [REDACTED]

TITLE: Town Council candidate

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

Please see information attached.

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 Charleston

Personally appeared before me Susan Cox who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
4 day of April 2024

[REDACTED SIGNATURE]

Complainant Signature

Notary Public for South Carolina
My Commission expires May 13, 2024

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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Sheila Powell was a candidate for reelection to the town council of Awendaw. As a candidate, she failed to file campaign finance information on a timely basis. Ms. Powell took part in a campaign kick-off event at Buckshot's Restaurant in Awendaw on Sept. 11, 2023. Ms. Powell also held a coffee and donuts event before the election on November 1, 2023. Ms. Powell had campaign signs made and installed at many locations in the town of Awendaw. Additionally, Ms. Powell arranged for the local post office to deliver campaign flyers to certain town residents which had no postage stamp or markings indicating it came through the U.S. Postal Service, although these flyers were placed in the mailboxes by the regular postal delivery worker. Complaints to the local postmaster were ignored, but the postmaster indicated that the candidate had paid either the postmaster or the postal worker to deliver the flyers, even though they were not stamped.

Ms. Powell did not disclose the source of funds for any of these activities, whether funded through donations to her campaign, Donations in kind, loans made to her campaign or other means.

Please find attached copies of the campaign signs, the Facebook post inviting people to the dinner at Buckshot's and the mailing that was illegally put in (some) local mailboxes. Only mailboxes on a particular female mail carrier received this flyer, but the postmaster indicated that the post office had been paid for this illegal delivery.



Posts

About

Videos

More

One for helping yourself, the other for helping others"
-Audrey Hepburn

Join us for dinner tonight at [Buckshot's Restaurant / Joe's Catering Service](#)

6:30pm

Free

VOTE
STACIA M. DAWSON

A WENDAW TOWN COUNCIL

TUESDAY
NOVEMBER 7, 2023

COMMITTED TO OUR COMMUNITY

222

190 comments 68 shares

Follow

Message



Home



Video



Marketplace



Feeds



Notifications



Menu

Together for the future of our community!



Stacia Dawson



Shella Powell



Rodney Porcher

for **AWENDAW TOWN COUNCIL**

Vote!

**Tuesday
November 7th, 2023**



**WE ARE HOME GROWN; NOT
DEVELOPER OWNED!**



Flyer put in
mailboxes with
no postage or
envelopes
Only delivered to mailboxes
on that one carrier's route



Note
Front of
envelope
is blank,
no
postage

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2024-020)	
)	
Susan Cox)	NOTICE OF HEARING
Complainant.)	
)	
Sheila Powell)	
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, June 19, 2025 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 REPORT SOURCE OF INCOME
SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report private source(s) of income on her 2021 Statement of Economic Interests (SEI), in violation of Section 8-13-1120.

COUNT TWO
FAILURE TO REPORT SOURCE OF INCOME
SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail

to report private source(s) of income on her 2022 SEI, in violation of Section 8-13-1120.

COUNT THREE
FAILURE TO REPORT SOURCE OF INCOME
SECTION 8-13-1120, S.C. CODE ANN., 1976, AS AMENDED

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report private source(s) of income on her 2023 SEI, in violation of Section 8-13-1120.

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to timely file a 2023 Initial Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(A).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to timely file a 2023 Pre-Election CDR, in violation of Section 8-13-1308(D).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to timely file a 2023 Quarter 4/Final CDR, in violation of Section 8-13-1308(B).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report an in-kind campaign contribution from Lewis Porcher, in violation of Section 8-13-1308(F).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report an August 28, 2023 campaign expenditure in the amount of \$50.00, in violation of Section 8-13-1308(F).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report a \$147.13 campaign expenditure to Vista Print, in violation of Section 8-13-1308(F).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report a September 18, 2023 campaign expenditure in the amount of \$26.43 to the State Election Commission, in violation of Section 8-13-1308(F).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to report a \$99.18 campaign expenditure to Vista Print, in violation of Section 8-13-1308(F).

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

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, improperly report the amount of a campaign expenditure to Hill Printing as \$500.00 when the expenditure was \$350.00, in violation of Section 8-13-1308(F).

COUNT THIRTEEN
FAILURE TO REPORT CAMPAIGN EXPENDITURE
SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, fail to open a campaign bank account, in violation of Section 8-13-1312.


COUNT FOURTEEN
ACCEPTANCE OF CAMPAIGN CONTRIBUTION EXCEEDING LIMITATION
SECTION 8-13-1314, S.C. CODE ANN., 1976, AS AMENDED

That Sheila Powell, candidate for Awendaw Town Council, did in Richland County, accept an in-kind campaign contribution from Lewis Porcher valued at \$2,510.00, exceeding the contribution limit of \$1,000.00, in violation of Section 8-13-1314.

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 3rd day,
of ~~January~~ February 2025.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Shelia Powell, 1121 Porcher School Road, Awendaw, SC 29429 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 22nd day of February 2025, 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 OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2024-020)
)
 Susan Cox,)
 Complainant,)
)
 Sheila Powell,)
 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 10, 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 Sheila Powell (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 served on the Awendaw Town Council from 2009 until she was defeated in a November 7, 2023 election.
2. On August 28, 2023, Respondent paid a \$50.00 filing fee to the Town.
3. On September 1, 2023, Respondent paid \$500.00 in personal funds for campaign signs. Respondent did not file an Initial Campaign Disclosure Report (CDR) within ten (10) days of September 1, 2023.
4. Respondent did not file a Pre-Election CDR fifteen (15) days prior to the November 7, 2023 election.
5. Following the September 1, 2023 expenditure of personal funds, Respondent engaged in minimal campaign activity through November 1, 2023.
6. Respondent did not file a Quarter 4 2023/Final CDR on or before January 10, 2024.

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7. On January 26, 2024, prior to the filing of the Complaint, Respondent filed a 2023 Initial CDR, a 2023 Pre-Election CDR, and a Quarter 4 2023/Final CDR.
8. Following the filing of the Complaint, Commission Investigators learned that Lewis Porcher, Respondent's cousin, had produced a campaign video for Respondent and two (2) other candidates, but did not charge Respondent for her share of the production, which totaled \$1,333.33.¹ Commission Investigators also learned that Respondent did not open a campaign bank account.

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 expenditures of campaign contributions 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.
 - . . .
 - (D)(1) At least fifteen days before an election, a certified campaign report must be filed

¹ According to Lewis Porcher, the typical cost of such a production ranged from \$500.00 to \$1,000.00 per finished minute. The video at issue in this complaint was seven (7) minutes and fifty-three (53) seconds long. For the purposes of determining the fair market value of the video, the Commission relies on the lower amount quoted by Lewis Porcher, which was \$500.00 per finished minute. In addition, an open-source investigation by Commission staff confirmed that \$500.00 per finished minute was an appropriate fair market value.

Handwritten signature and number 2

showing contributions of more than one hundred dollars and expenditures to or by the candidate for the period ending twenty days before the election.

Based on a plain reading of Sections 8-13-1308(A) and 8-13-1308(D)(1), Respondent was required to file an Initial CDR within ten (10) days of spending or receiving an accumulated aggregate of \$500.00, which occurred on September 1, 2023. Respondent was also required to file a Pre-Election CDR no later than October 23, 2023 (fifteen (15) days prior to the election). Thereafter, pursuant to Section 8-13-1308(B), Respondent was required to file a Quarter 4 2023/Final CDR on or before January 10, 2024 to disclose contributions received and expenditures made from October 23, 2023 through November 1, 2023.

3. Section 8-13-1312 required Respondent to open a campaign bank account to receive contributions and make expenditures:

. . . A candidate's accounts must be established in a financial institution that conducts business within the State and in an office located within the State that conducts business with the general public. The candidate or a duly authorized officer of a committee must maintain the accounts in the name of the candidate or committee. An acronym must not be used in the case of a candidate's accounts. . . . 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 duly 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. All contributions received by an agent of a candidate or committee must be forwarded to the candidate or committee not later than five days after receipt. . . .

4. Section 8-13-1300(20) defines "in-kind contribution" as:

Goods or services which are provided to or by a person at no charge or for less than their fair market value.

5. Section 8-13-1314 prohibited Respondent from accepting the total value of the video production from Lewis Porcher because it exceeded \$1,000.00:

(A) Within an election cycle, a candidate or anyone acting on his behalf shall not solicit or accept, and a person shall not give or offer to give to a candidate or person acting on

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the candidate's behalf:

- (1) a contribution which exceeds: (a) three thousand five hundred dollars in the case of a candidate for statewide office; or (b) three thousand five hundred dollars in the aggregate for statewide candidates elected jointly . . . ; or (c) one thousand dollars in the case of a candidacy for any other office;

6. Section 8-13-1510(A) provides:

. . . 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 . . .

7. Section 8-13-320(10)(1) allows the Commission to issue a civil penalty of up to \$2,000.00 for each violation of the Ethics Act.

8. 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 Section 8-13-1308(A) failing to file a 2023 Initial CDR within ten (10) days of spending or receiving an accumulated aggregate of \$500.00, which occurred on September 1, 2023; one (1) count of Section 8-13-1308(D)(1) for failing to file a 2023 Pre-Election CDR fifteen (15) days prior to the November 7, 2023 election; one (1) count of Section 8-13-1308(B) for failing to file a Quarter 4 2023/Final CDR on or before January 10, 2024; one (1) count of Section 8-13-1312 for failing to open a campaign bank account; and one (1) count of Section 8-13-1314(A)(1)(c) for accepting an in-kind contribution valued over \$1,000.00.² Through this Consent Order, Respondent admits she

² The Commission also found probable cause to believe Respondent violated Section 8-13-1308(F) by failing to report various campaign contributions and expenditures occurring from October 23, 2023 through November 1, 2023. Respondent has since properly disclosed all campaign activity. As such, the Commission declines to proceed as to these counts. The Commission further found Respondent failed to disclose private sources of income in her 2021,

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violated the Ethics Act as outlined herein. In mitigation, Respondent states that Awendaw is a small community of approximately 1,400 residents. Respondent states that she was a public servant for approximately twenty (20) years and that this is her first complaint. Respondent asserts that the 2023 election was the first time she had received an in-kind contribution and that she was unaware of the requirement to disclose the video production. Finally, Respondent states that she accepts responsibility for her actions and is “willing to make right what [she] did wrong.”

DISPOSITION

1. The Commission finds Respondent in violation of one (1) count of Section 8-13-1308(A), one (1) count of 8-13-1308(B), one (1) count of 8-13-1308(D)(1), one (1) count of 8-13-1312, and one (1) count of 8-13-1314(A)(1)(c).
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 twelve (12) months from receipt of this Order, a late-filing penalty of \$100.00 for the 2023 Initial CDR, a late-filing penalty of \$100.00 for the 2023 Pre-Election CDR, and a late-filing penalty of \$100.00 for the Quarter 4 2023/Final CDR, for a total of \$300.00.³ Given the mitigation listed herein, the Commission declines to assess a civil penalty for the remaining violations and waives the administrative fee. However, the Commission orders Respondent to remit \$333.33, the excess amount of Lewis Porcher’s in-kind contribution, to an organization exempt from tax under Section 501(c)(3) of the Internal Revenue Code and to

2022, and 2023 Statements of Economic Interests (SEI). Respondent has since properly disclosed her private sources of income. As such, the Commission declines to proceed as to these counts.

³ Pursuant to Section 8-13-1510(A), Respondent’s late-filing penalties are limited to \$100.00 each for the CDRs because Respondent did not receive certified notice from the Commission of her failure to timely file.

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provide proof of such payment to the Commission within twelve (12) months from receipt of this Order.

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 \$633.33 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 Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$633.33 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 17th DAY OF June 2025.

STATE ETHICS COMMISSION



SHEILA POWELL
RESPONDENT