

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2024-021

COMPLAINT FORM

COMPLAINANT: Susan Cox

RESPONDENT: Rodney Porcher

ADDRESS: [REDACTED]

ADDRESS: Awendaw, SC

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER:

TITLE: 843-312-9264

TITLE: Town Councilman

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]

Complainant Signature

[REDACTED]

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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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
))
IN THE MATTER OF:))
))
Complaint C2024-021))
))
Susan Cox) **NOTICE OF HEARING**
Complainant.))
))
Rodney L. Porcher))
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 FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That Rodney L. Porcher, candidate for Awendaw Town Council, did in Richland County, fail to file a 2023 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(D).

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

That Rodney L. Porcher, candidate for Awendaw Town Council, did in Richland County,

fail to file a 2023 Quarter 4/Final CDR, in violation of Section 8-13-1308(B).

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

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

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

That Rodney L. Porcher, 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 Rodney Porcher, 1168 Porcher School Road, Awendaw, SC 29429 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 30 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 C2024-021)
)
 Susan Cox,)
 Complainant,)
)
 Rodney L. Porcher,)
 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 Rodney L. Porcher (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 an unsuccessful candidate for Awendaw Town Council in the November 7, 2023 general election.
2. Prior to the filing of the Complaint, Respondent had not filed any Campaign Disclosure Reports (CDRs) with the Commission for the 2023 election cycle.
3. From September 1, 2023 through November 1, 2023, Respondent received campaign contributions and made campaign expenditures as follows:

a. Contributions

Sept. 10, 2023	\$50.00 from Rodney Porcher
Oct. 9, 2023	\$99.18 from Delores Decosta
Oct. 17, 2023	\$177.89 from Delores Decosta

b. Expenditures

Sept. 1, 2023	\$50.00 to the Town of Awendaw
Oct. 9, 2023	\$99.18 to Vista Print
Oct. 17, 2023	\$177.89 to Crazy Cheap Signs

JX #1

4. Following the filing of the Complaint, Commission Investigators discovered that Lewis Porcher, Respondent's brother, had produced a campaign video for Respondent and two (2) other candidates, but did not charge Respondent for his share of the production, which totaled \$1,333.33.¹ Commission Investigators also discovered Respondent did not open a campaign bank account.
5. Following the filing of the Complaint, Respondent filed a 2023 Pre-Election/Initial CDR disclosing his campaign activity from September 1, 2023 through October 17, 2023 and a Quarter 4 2023/Final CDR disclosing the receipt of the video produced by Lewis Porcher.

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:
 - (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 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 Section 8-13-1308(D)(1), Respondent was required to file a Pre-Election CDR no later than October 23, 2023 (fifteen (15) days prior to the election).

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 relied 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 reasonable.

JX #2

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 the in-kind contribution received from Lewis Porcher on 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 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 . . .

JLX # 3

7. Section 8-13-320(10)(l) 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(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 value over \$1,000.00. Through this Consent Order, Respondent admits he violated the Ethics Act as outlined herein. In mitigation, Respondent states that he was born and raised in Awendaw, which is a small community. Respondent further states that the 2023 election was the first election cycle where he received an in-kind contribution and that he was unfamiliar with the related disclosure requirements. Respondent states it was not his intent to withhold information from the public or the Commission.

DISPOSITION

1. The Commission finds Respondent in violation of 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 nine (9) months from receipt of this Order, 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

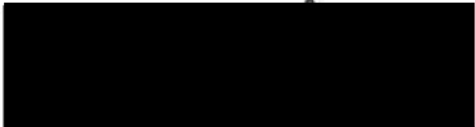
JX #4

2023/Final CDR, for a total of \$200.00.² 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 the Children's Trust Fund and to provide proof of such payment to the Commission within nine (9) months from receipt of this Order.

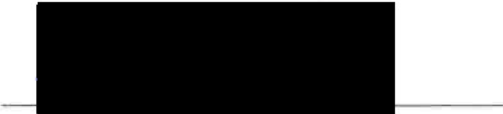
By executing this Consent Order, Respondent understands that he is not only admitting to a violation of the Ethics Act, but also confessing to a judgment of \$533.33 in the event he does not make payment as provided for in this Order, in which case the Commission shall file a Judgment against Respondent with the Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$533.33 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 12 DAY OF June 2025.

STATE ETHICS COMMISSION



RODNEY L. PORCHER
RESPONDENT



² 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 his failure to timely file.