

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2024-031

COMPLAINT FORM

COMPLAINANT: Kimberly N. Morgan
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Citizen

RESPONDENT: Eric W. Larson
ADDRESS: c/o Beaufort County
100 Ribaut Road, Beaufort, SC
TELEPHONE NUMBER: (843) 255-2708 29902
TITLE: Capital Improvements Project Director

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).

Around late March 2024 or early April 2024, Eric W. Larson directed an employee in his department (Mark Sutton, Construction manager) to go to his home located at 190 Sumter Square, Rose Hill Plantation, Bluffton, SC 29910, during normal business hours and measure/survey his home to prepare for his plans to build a Sunroom addition onto his home. Mr Sutton was on the clock, driving a County vehicle, when he completed this work. (Rose Hill Security can verify Mr. Sutton's visit to Mr. Larson's home.) Mr. Larson then directed Mr. Sutton to prepare/draft plans for the Sunroom on County computers, using County-owned software, on the clock. This work (drafting the plans) took 1-2 weeks; the plans were submitted to the County on 4-29-24 for permits (by Larson), also on the clock.

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 Beaufort

Personally appeared before me Kimberly Morgan 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 1st day of May, 2024

[REDACTED]

Notary Public for South Carolina
My Commission expires May 08, 2030

[REDACTED]



Complainant Signature

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 C2024-031)

Kimberly N. Morgan)
Complainant.)

Eric Larson)
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 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, April 17, 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 allegation will be heard:

COUNT ONE
USE OF OFFICIAL POSITION FOR FINANCIAL GAIN
SECTION 8-13-700(A), S. C. CODE ANNOTATED, 1976, AS AMENDED

That Eric Larson, former Capital Improvement Director in Beaufort County, did in Richland County, knowingly use his official position to obtain an economic interest for himself by having a subordinate complete a personal architectural plan on County time with County resources, in violation of Section 8-13-700(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 19th day,
of September 2024.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT'S ATTORNEY Nashiba Boyd, 3700 Forest Drive, Suite 400, Columbia, SC 29204 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 23rd day of September 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE MATTER OF:

Complaint C2024-031,

Complainant.

Eric Larson

Respondent.

BEFORE THE STATE ETHICS
COMMISSION

**MOTION FOR CONTINUANCE OF
HEARING**

PLEASE TAKE NOTICE THAT Respondent Eric Larson hereby moves for a continuance of the hearing currently set in this matter for April 17, 2025. In support of this Motion, Respondent asserts that, due to the recent leave of absence of Respondent's counsel and for other good cause, additional time is required to prepare for the hearing in this matter. Given Respondent's scheduled out of town travel in May and June for the graduation and wedding of his children, Respondent requests that the matter be rescheduled on or after July 15, 2025. Counsel for Respondent has conferred with Counsel for the Commission regarding this motion and the Commission consents to the continuance of this matter to be rescheduled on or after July 15, 2025.

Respectfully submitted,



Regina Hollins Lewis
LEWIS BLAIN & ROBERTS, LLC
3700 Forest Drive, Suite 400
Columbia, South Carolina 29204
(803) 790-8838 (telephone)
(803) 790-8841 (fax)

Attorneys for Respondent Eric Larson

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
)
IN THE MATTER OF:)
)
Complaint C2024-031)
)
Kimberly N. Morgan)
Complainant.)
)
Eric Larson)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

**AMENDED
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, October 16, 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 allegation will be heard:

COUNT ONE
USE OF OFFICIAL POSITION FOR FINANCIAL GAIN
SECTION 8-13-700(A), S. C. CODE ANNOTATED, 1976, AS AMENDED

That Eric Larson, former Capital Improvement Director in Beaufort County, did in Richland County, knowingly use his official position to obtain an economic interest for himself by having a subordinate complete a personal architectural plan on County time with County resources, in violation of Section 8-13-700(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 17th day,
of April 2025.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on RESPONDENT'S ATTORNEY Nashiba Boyd, 3700 Forest Drive, Suite 400, Columbia, SC 29204 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 23rd day of April 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)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2024-031)	
)	
Kimberly N Morgan)	COMPLAINANT’S MOTION TO SUPPRESS
Complainant.)	
)	
Eric Larson)	
Respondent.)	
_____)	

The Complainant, above-named, respectfully submits the following *Motion to Suppress* to suppress certain evidence for the above-named Complaint C2024-031.

MOTION TO SUPPRESS COMPLAINANT’S DEPOSITION TESTIMONY

Complainant makes this motion to suppress Complainant’s Deposition Testimony on the grounds that 1) the evidence was obtained in violation of South Carolina Code of Laws § 26-1-160 (B)(3), and thus 2) Complainant makes this motion under South Carolina Rules of Civil Procedure Rule 32 (d)(4) and Rule 45 (c)(1).

In support of the motion, Complainant shows the following:

On 28 August 2025 at 11:00am EST, Complainant appeared for a deposition commanded by Respondent’s counsel, Regina Hollins Lewis, and said deposition was conducted via Zoom video conference; also appearing at Complainant’s deposition were Courtney Laster, General Counsel for the South Carolina State Ethics Commission; Robin K Reibold, Commissioned Notary for the State of South Carolina and Certified Verbatim Reporter; and Respondent Eric Larson. ¹ Complainant had no personal knowledge of any of the

¹ *Complainant was not aware of the appearance of Respondent Eric Larson at Complainant’s Deposition, as Respondent was never identified as being present at the deposition by Respondent’s counsel. Respondent was reportedly in the same office as his counsel, but was off-camera.*

individuals who were present at the deposition, nor did any of the individuals who were present at the deposition have any personal knowledge of Complainant.

Robin K Reibold, Commissioned Notary for the State of South Carolina and Certified Verbatim Reporter (CVR), is a freelance/self-employed Notary and CVR, and Ms Reibold's services were retained by Respondent's counsel Regina Hollins Lewis for Complainant's deposition. Per an email received from Sherri Hutto-Peters, an associate or staff member of Respondent's counsel, Ms Reibold was the "Host" of the Zoom video conference, and thus in control of the various settings on the Zoom video conference, to include the ability to screen-record the deposition.

As the deposition began, Complainant kept their camera turned off as pursuant to South Rules of Civil Procedure Rule 30(h)(A), there was no order from the State Ethics Commission granting permission to Respondent's counsel for the use of videotape or to record the deposition [via Zoom screen-recording], nor had Respondent's counsel included any notice of their intent to videotape/record the deposition in the written notice required to Complainant. Ms Reibold made several remarks to Complainant regarding the fact that Complainant's camera was not turned on, and implied that Complainant would be required to turn their camera on for the duration of the deposition.

However, after a brief discussion, Ms Hollins Lewis, Ms Reibold and Complainant agreed that Complainant would turn their camera on while Ms Reibold administered the oath to Complainant, and after Complainant took the oath, Complainant could turn their camera back off. During that brief discussion, Ms Reibold confirmed that she did not know Complainant; this discussion occurred in the presence of Ms Laster and likely Mr Larson.

Ms Reibold, acting as a commissioned Notary for the State of South Carolina, then administered the oath to Complainant. Complainant was never asked by Ms Reibold and/or Ms Hollins Lewis to provide a photo ID and/or passport prior to the oath being administered. Immediately after taking the oath administered by Ms Reibold, Complainant turned their camera off and the deposition began.

The deposition ended around 11:50am EST, and Complainant was then advised that they would be receiving a transcript of the deposition via email, and Complainant could review the transcript and submit any requested changes to Ms Reibold within thirty days.

On September 9th, 2025 Complainant emailed Ms Reibold and Respondent's counsel, with Ms Laster and Meghan Walker Dayson, SC State Ethics Commission Executive Director, copied, and inquired about the status of the official transcript of the deposition and on September 10th, 2025, Complainant received the transcript via email from Ms Reibold. Complainant was asked to review the deposition and [electronically] sign the transcript.

On September 10th, 2025 Complainant also emailed Respondent's counsel, Ms Laster, Ms Walker Dayson and Ms Reibold with feedback Complainant had regarding Ms Laster's behavior the day of the deposition—behavior which the Complainant found to be unprofessional. Ms Reibold responded to Complainant's email on the same day (September 10th), and Ms Reibold's response included the following comments:

“As for your email addressing my shortcomings, the only issue I will respond to is your citing of the Rules of Civil Proceedure [sic]. Please note that I swore you in as a notary for the State of South Carolina, not as a court reporter. If you will reference page 5 of the SC Notary Public Reference Manual, you will see that instead of being unfamiliar or confused, I was remiss in performing my duties because you weren't personally known by me, nor the attorneys, and I didn't ask you for identification. Although, it can be

argued that asking you to show your face, albeit briefly, while being sworn to tell the truth, can be considered satisfactory evidence of your identity.”

Upon reading those comments , Complainant researched South Carolina’s Code of Laws, Title 26 which relate to commissioned Notaries². SC Code § 26-1-160 (2024), (B)(3) states:

(B) A notary is guilty of a misdemeanor if the notary takes: (3) an acknowledgement or administers an oath or affirmation without personal knowledge or satisfactory evidence of the identity of the principal.

Complainant also cross-referenced SC Code § 26-1-160 (2024) with the South Carolina Secretary of State’s Notary Public Reference Manual (2023), which states:

The following are **required elements of notarial acts under South Carolina law:**

3. The notary must have personal knowledge or satisfactory evidence of the identity of the principal and, if applicable, the subscribing witness [(§26-1-120(A)]. **“Satisfactory evidence” means identification of an individual based on one of the following:**

- a. A current identification document issued by a federal or state agency that includes a photographic image of the individual’s face and signature, as well as a physical description;**
- b. A current passport without a physical description;**
- c. The oath or affirmation of a credible witness personally known to the notary; or**
- d. The oaths or affirmations of two witnesses who present a current identification document as described in subsections (a) and (b) above.**

Complainant then realized that Ms Reibold had no personal knowledge of Complainant and had failed to obtain satisfactory evidence, as defined by South Carolina law, of their identity prior to Ms Reibold administering the oath to Complainant and thus, Ms Reibold had violated South Carolina Code § 26-1-160 (B)(3)(2024).

Complainant then advised Ms Reibold, Ms Hollins Lewis, Ms Laster and Ms Walker Dayson via email on September 12th, 2025 that Complainant would be refusing to sign the

² SC Code § 26-1-160 (2024)

official transcript of their deposition testimony, citing Ms Reibold's failure to abide by South Carolina Code of Laws Section 26-1-120(A). In the same email, Complainant also advised Ms Reibold, Ms Hollins Lewis, Ms Laster and Ms Walker Dayson that Complainant had contacted Beaufort County [SC] Sheriff's Office and filed a report regarding the alleged violation of the law by Ms Reibold³.

Thus, pursuant to South Carolina Rules of Civil Procedure Rule 32 (4):

As to Completion and Return of Deposition. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under Rules 30 and 31 are waived **unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.**

Complainant is submitting this Motion to Suppress accordingly, and with reasonable promptness after such defect was ascertained and after Complainant had reasonable time to prepare this motion.

And pursuant to South Carolina Rules of Civil Procedure Rule 30:

(e) Submission to Witness; Changes; Signing. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties....If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and **the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.**

as well as South Carolina Rules of Civil Procedure Rule 30:

(f) Certification and Delivery by Officer; Exhibits; Copies; Notice of Filing.

³ Beaufort County [SC] Sheriff's Office Incident #25S100732

(1) The officer transcribing a deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness.

Complainant seeks rejection of Complainant's deposition in whole by the State Ethics Commission on the grounds that 1) the Complainant was not duly sworn by the officer (Ms Reibold); 2) the officer (Ms Reibold) failed in her duties and obligations as a commissioned Notary of South Carolina; 3) the officer (Ms Reibold) violated South Carolina Code of Laws Section 26-1-120(A) by knowingly and willfully failing to obtain satisfactory evidence of Complainant's identity prior to administering the oath to Complainant; 4) that the officer (Ms Reibold) did so while in the presence of Respondent's counsel, Ms Regina Hollins Lewis⁴; 5) that Ms Regina Hollins Lewis, pursuant to South Carolina Rules of Professional Conduct Rule 5.3, failed to make a reasonable effort to ensure that Ms Reibold's conduct was compatible with Ms Hollins Lewis' professional obligations; and 6) and thus, in violation of South Carolina Rules of Civil Procedure Rule 45 (c)(1), Ms Hollins Lewis imposed an undue burden on Complainant by commanding them [via subpoena] to appear for said Deposition and by hiring an officer (Ms Reibold) who was negligent in their professional duties, resulting in Complainant losing six hours of billable time for Complainant's professional services, given the time and effort required for the deposition, review of the transcript, research of applicable state laws/rules, the filing of a police report, and composition of this motion.

⁴ *In the Matter of Fred Wallace Woods, Jr.*, 390 S.C. 446, 702 S.E.2d 562 (2010), the South Carolina Supreme Court found that attorney Fred Wallace Woods Jr violated South Carolina Rules of Professional Conduct Rule 3.3(a) and Rule 5.3 (lawyer shall make reasonable efforts to ensure that non-lawyer employee's conduct is compatible with professional obligations of lawyer; lawyer shall be responsible for conduct of non-lawyer employee if lawyer knows of conduct at time when its consequences can be avoided or mitigated and fails to take reasonable action) by allowing his staff to notarize affidavits when the reported witnesses "had not actually signed the documents". In addition to a public reprimand, Mr Woods was also required to read the South Carolina Notary Public Manual.

Respectfully submitted,



s/Kimberly N Morgan

Complainant

52 Blacksmith Circle

Beaufort, SC 29906

843-521-7815 (Phone)

kimberlynoelmorgan@gmail.com

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE MATTER OF
COMPLAINT C2024-031

Kimberly N. Morgan,
Complainant,

v.

Eric W. Larson,
Respondent.

BEFORE THE STATE ETHICS
COMMISSION

**RESPONDENT’S MEMORANDUM IN
OPPOSITION TO COMPLAINANT’S
MOTION TO SUPPRESS DEPOSITION**

Respondent Eric W. Larson (“Respondent”), by and through undersigned counsel, submits this memorandum in opposition to the motion of Complainant Kimberly N. Morgan (“Complainant”) to suppress her deposition, which was taken on August 28, 2025. As set forth below, Ms. Morgan seeks here to avoid the use of her deposition testimony by relying on the technicality that the court reporter did not seek to confirm her identity by requiring her to present identification even though she does not dispute the fact that she is Kimberly Morgan and did appear for the deposition. This alleged defect, which is at best a technical oversight, does not impact the integrity of the deposition in which Complainant admitted that she relied on an anonymous source to proceed with the subject complaint about which she had no personal knowledge. The Commission should deny Complainant’s motion.

BACKGROUND

The subject complaint was filed by Kimberly N. Morgan on May 2, 2024. Therein, Complainant set forth a number of factual allegations, about which she acknowledges she had no personal knowledge. Complainant affirmed that the allegations of her complaint were “true and correct to the best of [her] knowledge, except for those matters therein based upon information and belief, and as to those [she] believes them to be true.” *See* Complaint of Kimberly Morgan.

On or about July 1, 2025, Complainant was served with a subpoena for her deposition to be held on August 13, 2025. On July 9, 2025, Complainant called counsel for Respondent and stated, *inter alia*, that she knew nothing about the case, did not wish to be deposed and suggested she was being harassed by Commission staff and the request for deposition and that she did not want to incur the expense of an attorney, was frustrated and wanted to withdraw/dismiss her complaint. Complainant also indicated that she was unavailable on August 13, to which counsel for Respondent indicated that she would be happy to accommodate Complainant's schedule and conduct the deposition on another date. The deposition was rescheduled for August 28, 2025.

Thereafter, Ms. Morgan sent an email to the Commission requesting that her complaint be withdrawn. The matter was set for a hearing before the Commission to be held on September 18, 2025 and Commission Staff as well as Respondent submitted briefs in opposition and in support of Complainant's request to dismiss the subject complaint. Subsequently, Complainant decided that she wanted to proceed with the complaint and requested that her prior request to withdraw her complaint be dismissed. Complainant's request was granted by the Commission and the scheduled hearing was cancelled.

Complainant appeared for the deposition on August 28, 2025 and was asked by the court reporter to turn on her camera to receive the oath. Complainant indicated she did not want to turn her camera on but subsequently agreed to do so, at which time she appeared in a hooded garment in an apparent attempt to hide her face. Notably, at no time during the deposition nor in her motion did or does Complainant assert that she is not Kimberly Morgan but, rather, affirmatively confirmed her identity as Kimberly Morgan under oath in response to questioning by counsel for Respondent.

ARGUMENT

A. Complainant's motion to suppress her deposition testimony should be denied because Complainant confirmed her identity under oath at the deposition and thus, the court reporter had satisfactory evidence of the identity of Complainant, the integrity of the deposition is not in question and Complainant should not be allowed to escape the use of her sworn testimony based on an allegation that, at best, amounts to technical error.

1. South Carolina Code Section 26-1-160 (B)(3) governs the circumstances under which a notary may be found guilty of a misdemeanor and does not apply to the subject proceeding.

To avoid accountability for the filing of the subject complaint based on information obtained from an alleged anonymous source, Complainant seeks to suppress her deposition testimony based on the court reporter's omission in requiring identification from Complainant to confirm her identity. Complainant's attempt in this regard is a diversion from the facts that have been established regarding her complaint and a continuation of what amounts to a blatant misuse of the Ethics Commission process. Because there is no dispute that Complainant is Kimberly Morgan and was duly sworn at her deposition, Complainant's motion should be denied.

In support of her motion, Complainant first relies on SC Code Section 26-1-160 (B) (3), which provides that a notary is guilty of a misdemeanor if an oath is administered without satisfactory evidence of the identity of the principal. In email communications with the court reporter, on which counsel for Respondent was copied, Complainant indicated that she reported the court reporter to the Beaufort County Sheriff's Office stating, "[g]iven that a Notary administering an oath without personal knowledge or satisfactory evidence of the identity of the principal is a violation of Section 26-1-60(B)(3) and a misdemeanor crime per SC Law, I have contacted law enforcement and filed a report. (The Beaufort County Sheriff's Department may be contacting Ms Reibold.)" As the code section upon which Complainant relies governs the circumstances under which a notary may be guilty of a misdemeanor criminal offense, it does not

apply to the subject civil action and thus, does not support Complainant's motion. Even if applicable, as indicated, there was satisfactory evidence of the identity of Complainant and thus, Complainant's motion should be denied.

2. Satisfactory evidence of Complainant's identity pursuant to SC Code Section 26-1-120 (A) was established at the deposition and thus, Complainant's attempt to suppress the deposition should be rejected and her motion to suppress should be denied.

At the commencement of Complainant's deposition, after Complainant appeared on camera and was administered the oath by the court reporter, Complainant confirmed her identity as Kimberly Morgan:

BY MS. LEWIS:

19 Q. Can you state your full name for the record, please?

20 Ms. Morgan?

21 THE COURT REPORTER: You're muted.

22 MS. LEWIS: Oh, I'm sorry. I am?

23 THE WITNESS: No, I was.

24 A. It's Kimberly Morgan.

25 Q. Thank you, Ms. Morgan. My name is Regina Lewis, and

4

1 I am an attorney. I represent Mr. Larson in the

2 complaint that you filed against Mr. Larson with the

3 Ethics Commission. Have you ever given a deposition

4 before?

5 A. No, ma'am.

See Transcript, Deposition of Kimberly Morgan at pp. 3-4. Thereafter on September 9, 2025, the following certification was provided with the transcript of Complainant's deposition:

CERTIFICATE

1

2 Be it known that I, Robin K. Reibold, CVR, do hereby certify
that KIMBERLY MORGAN appeared before me via Zoom

3 Video Conference, and I took the foregoing deposition on the date
and time aforesaid by means of stenomask with backup;

4 that I was then and there a notary public in and for the State of
South Carolina and that by

virtue thereof, and by

5 order of the South Carolina Supreme Court, I was duly authorized
to administer an oath; and that the witness was

6 by me first duly sworn to testify to the truth, the whole truth, and
nothing but the truth.

7

I further certify that the foregoing transcript
8 represents a true, accurate, and complete transcript of said
deposition. This transcript may
contain quoted material;
9 said material is transcribed as read or quoted by the speaker.

10

I further certify that the witness was given an
11 opportunity to read and correct said deposition and to subscribe
the same. Should the signature of the witness not
12 be affixed to the original, sealed transcript, the witness shall not
have availed himself/herself of the opportunity to
13 sign or the signature has been waived.

14 I further certify that I am neither employed by nor related to any
of the parties in this
matter nor their
15 counsel; nor do I have any interest, financial or otherwise, in the
outcome of this action.

16

Witness my hand and seal this 9th day of September,
17 2025.

18

19

Robin K. Reibold, CVR

20 Notary Public for South Carolina My Commission Expires:
04/22/2031

Thus, the court reporter certified, *inter alia*, that she administered the oath to Complainant Kimberly Morgan and that the transcript is a true, accurate and complete transcript of the deposition. Complainant does not dispute the facts that she is Kimberly Morgan, that she was duly served a subpoena to appear for her deposition, that she did in fact appear for her deposition, and that she took the oath, and that she provided what she swore to be the truth, the whole truth and nothing but the truth. She now invites this Commission to disregard and suppress her testimony based on a technicality when there is no challenge to the substance of the deposition or her

testimony therein.¹ The Commission should decline Complainant's invitation and deny Complainant's motion to suppress her deposition testimony.

Complainant also relies upon the South Carolina Secretary of State's Notary Public Reference Manual of 2023, which defines "satisfactory evidence." *See* Complainant's Motion to Suppress at p. 4. The manual is not a South Carolina rule or statute but is merely a guide for notaries and thus, does not compel suppression of Complainant's deposition testimony. Notably, Section 26-1-120(A) provides only that "[a] notary may not make or give a notarial certificate unless the notary has either personal knowledge or satisfactory evidence of the identity of the principal and, if applicable, the subscribing witness," and does not define "satisfactory evidence." Accordingly, the plain language of the statute confirms that the legislature did not intend to specify or limit the circumstances that can constitute sufficient evidence. Here, Complainant acknowledges that she is the intended and proper deponent and thus, there is no valid basis upon which to suppress her deposition testimony and her motion should be denied.

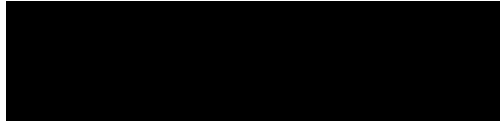
CONCLUSION

Complainant acknowledges that she is Kimberly Morgan and appeared for her deposition on August 28, 2025. At the deposition, Complainant raised no objection based on her identity (or any other reason), was duly sworn and provided testimony. The court reporter's certification in this matter is accurate and valid and Complainant has not, and cannot, present any evidence to

¹ Complainant also relies upon Rules 30 and 32(4) of the South Carolina Rules of Civil Procedure, which govern waiver of errors, reading and signing of a deposition and certification of swearing of the witness by the court reporter, with which the court reporter here complied. In short, neither of these rules compel or support suppression of Complainant's deposition testimony and her motion should be denied.

show that she is not the deponent or that satisfactory evidence of her identity was not established at the deposition. Accordingly, the Commission should deny Complainant's motion to suppress her deposition testimony.

Respectfully submitted,



Regina Hollins Lewis
LEWIS LAW AND MEDIATION
Post Office Box 6306
4840 Forest Drive, #6306
Columbia, South Carolina 29260
regina@lewislawandmediation.com

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2024-031)
Kimberly N. Morgan)
Complainant.)
Eric W. Larson)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the Commission reviewed the above-captioned Complaint against Eric W. Larson (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on October 16, 2025, were Commissioners Bryant S. Caldwell, Helen Munnerlyn, and F. Xavier Starkes, Hearing Panel Chair.¹ Respondent was represented by Regina Lewis and the Commission was represented by Courtney M. Laster. The following charge was considered: one (1) count of violating Section 8-13-700(A) for knowingly using his official position to obtain an economic interest for himself by having a subordinate create a personal architectural plan on County time with County resources.²

FINDINGS OF FACT

Respondent, a licensed engineer, was employed as the Beaufort County (County) Capital Improvements Project (CIP) Director from September of 2022 until his resignation on June 1,

¹ Commissioner Caldwell appeared virtually.

² Prior to the call of the case, the Panel considered Complainant’s Motion to Suppress, wherein Complainant asked the Panel to strike her August 28, 2025 deposition testimony, arguing the court reporter failed to obtain satisfactory evidence of her (Complainant’s) identity prior to administering the oath. The Panel denied this motion. The Panel also considered Respondent’s Motion for Summary Judgment, wherein Respondent argued (1) the Complaint should be dismissed because Complainant lacked first-hand knowledge of the facts contained therein and (2) the record was insufficient to establish a violation of Section 8-13-700(A). The Panel denied this motion.

JX #1

2024. In this position, Respondent supervised several employees, including construction manager Mark Sutton (Sutton). Sutton's duties included, but were not limited to, soliciting bids, interviewing architects and engineers, drafting estimates related to specific improvement projects throughout the County, and performing architectural work. At all relevant times, Sutton was also self-employed as an architect.³

In or around December of 2023, Respondent and Sutton discussed Respondent's desire to build a sunroom onto his home. Sutton subsequently drafted architectural plans for Respondent's proposed sunroom. The details of what transpired between Respondent and Sutton form the crux of the matter currently before the Panel and are outlined below through the testimonies of Vanessa O'Donnell (O'Donnell), Sutton, Commission Investigator William Bradley White, and Respondent.

Vanessa O'Donnell

O'Donnell testified she has worked for the County for over eighteen (18) years and that she currently serves as office manager for the County's Facilities Management Department. O'Donnell testified that, at all times relevant, Respondent was her "supervisor's supervisor" and that she worked across the hallway from him. O'Donnell further testified that Respondent was Sutton's direct supervisor and that Sutton's office was close to her office and Respondent's office. O'Donnell testified that her normal work hours were approximately 7:15 a.m. to 4:00 p.m., that Respondent typically arrived by 7:30 a.m. each day, and that Sutton typically worked from approximately 6:30 a.m. to 3:30 p.m. O'Donnell testified that Respondent and Sutton may have worked on County matters outside of normal working hours.

³ Sutton received authorization from the County to engage in this outside employment.

JWA #2

O'Donnell became aware that Sutton was performing architectural work for Respondent in December of 2023 or January of 2024. O'Donnell testified she observed the architectural plans on Sutton's desk for "many months" and that "in the mornings when [she] would come in, [they] would just kind of look over them [and] just kind of chit chat" about the plans. O'Donnell testified that she told Sutton many times that she believed Sutton's work on Respondent's architectural plans was problematic.

O'Donnell testified she personally viewed photographs of the sunroom, plans, architectural notes, and contractor notes, all of which were saved by Respondent to the County's shared drive. O'Donnell also testified that Respondent printed materials related to the sunroom on the County's plotter printer (a large printer used for printing blueprints and other architectural drawings). O'Donnell testified that Respondent spoke frequently to his co-workers about the sunroom and showed them the progress being made on his iPad. O'Donnell stated that she never personally observed Respondent and Sutton working on the plans together and that she did not know how much time Sutton spent working on Respondent's plans in the office.

O'Donnell testified that in March of 2024, she and Respondent discussed a potential restructuring to the CIP and Facilities Management Departments. Within this conversation, Respondent told O'Donnell that he was inclined to promote Sutton to County architect, but didn't "know if he should dangle it over his head or just give him the position." At the time, O'Donnell understood Respondent's comment to mean that he would use the County architect position "as motivation to make [Sutton] work harder." O'Donnell subsequently testified that Sutton was a "very valuable, good employee" and shared that there was a running office-wide joke that Sutton slept at the office because he was always there before any other employee.

JL #3

Mark Sutton

Sutton was employed by the County from April of 2016 until his retirement on January 24, 2025. Sutton testified that he served as a construction manager from 2022-2025 and that Respondent was his direct supervisor during that time. During this time, Sutton's salary was \$90,000.00 per year.

With regard to the architectural plans, Sutton testified there was no written agreement and that he did not provide a quote or receive a retainer for services. Sutton estimated that a typical fee for this type of project was \$4,000.00 to \$8,000.00. Sutton testified that after he reluctantly agreed to create the plans, he performed a field visit to Respondent's home to take measurements. Sutton testified this was done during the workday after he performed a work-related site visit nearby. Sutton further testified that he was driving a County vehicle at the time.

Sutton subsequently created the architectural plans and provided them to Respondent. Sutton testified that he thereafter made numerous edits to the architectural plans in accordance with Respondent's instructions and that there was "a lot of back and forth" as the plans were finalized. Sutton testified he initially worked on the architectural plans at home using his own computer and AutoCAD (a drafting program that costs approximately \$1,800.00 per year and is paid for per user). However, Sutton testified that he eventually began using the County's computer and AutoCAD because Respondent's requested edits occurred during the workday and Respondent wanted him to make the edits immediately. Sutton deduced that Respondent wanted the changes made immediately because Respondent would stand at his desk and wait until he made the requested edits. Sutton testified that time spent on the requested edits ranged from thirty (30) minutes to two (2) hours per edit.

During his testimony, Sutton identified several emails exchanged between he and

AA #4

Respondent using their County email addresses. Between March 11 and March 19, 2024, Sutton sent four (4) sets of plans to Respondent. Sutton testified that these emails did not represent all of the work done on Respondent's plans during the workday. Sutton also testified that Respondent used the County's plotter printer to print each set of plans, which were three (3) pages each. Sutton testified that the typical cost of this printing was \$6.00-\$8.00 per page.

During the Panel hearing, Sutton estimated he spent "probably forty (40) hours" on Respondent's plans while at work. Sutton acknowledged that during the Commission's investigation he estimated he spent approximately twenty (20) hours of County time on Respondent's architectural plans. Sutton testified it was difficult to provide an exact number of hours because of the intermittent nature of the work.

Sutton testified he was reluctant to perform the architectural work for Respondent, but that he (Sutton) wanted the job as County architect and that he had a hard time saying no to Respondent because Respondent was his supervisor. Sutton testified that he believed he would receive the promotion if he provided Respondent with the architectural plans. Sutton stated he was not directly threatened or coerced by Respondent, but that it was clear to him that Respondent was enticing him with the promotion in exchange for the architectural plans because Respondent asked him to draft the job description for the County architect position. Sutton also testified he was aware of Respondent's comments to O'Donnell about "dangling the promotion" over his head.

Sutton testified that when Respondent received the above-captioned Complaint, he encouraged Sutton to deny working on the architectural plans on County time and he asked Sutton to prepare a proposal to prove that the work was done off-duty. Sutton testified Respondent then offered to pay him twice for the architectural plans, but Sutton declined because the work was done on County time.

JL #5

Commission Investigator William Bradley White

White testified generally about his investigation into this Complaint. White testified Respondent took one half day of annual leave the day of Sutton's visit to his home. White testified Sutton did not take any leave that day. White testified he interviewed O'Donnell, Sutton, and Respondent, and that he reviewed the aforementioned emails from March of 2024. White testified the metadata within those emails established the following timeline:

March 11, 2024:

- 10:14: Sutton saved an AutoCAD file as a PDF
- 10:16: Sutton emailed the PDF to Larson via County email
- 10:29 – 10:35: Respondent made edits to PDF
- 10:38: Respondent saved changes to PDF
- 10:39: Respondent emailed edited PDF to Sutton via County email
- 10:48 – 10:59: Respondent made edits to PDF and saved the edits
- 11:01: Respondent emailed the PDF to Sutton via County email
- 14:16 – 14:31: Respondent made edits to PDF and saved the edits
- 14:32: Respondent emailed edited PDF to Sutton via County email

March 12, 2024

- 7:25: Respondent scanned drawing on County copier and emailed it to his County email
- 7:42: Respondent emailed the scanned drawing to Sutton via County email
- 9:32: Respondent scanned drawings on County copier and emailed them to County email

March 19, 2024

- 7:32: Sutton saved an AutoCad file as PDF
- 7:45: Sutton emailed the PDF to Respondent via County email

7:50: Respondent forwarded the PDF to his personal gmail account

8:03: Sutton saved an AutoCad file as PDF

8:05: Sutton emailed PDF to Respondent via County email

8:07: Respondent forwarded the PDF to his personal gmail account

White testified that neither Respondent nor Sutton were on leave from March 11 to March 19, 2024. According to White, Respondent told him “there may have been some incidental use” of County resources with regard to the architectural plans. White testified he recommended that the Commission find probable cause⁴ in this matter. White testified he did not consider Sutton’s promotion when he made his recommendation, nor did he consider Sutton’s visit to Respondent’s home. White opined that a subordinate may feel obligated to perform a task for a supervisor, but could not confirm that he relied on this factor when he recommended probable cause. White testified that the totality of the circumstances, rather than any one individual fact, formed the basis for his recommendation.

Respondent Eric W. Larson

Respondent testified that when he approached Sutton regarding the sunroom plans, Sutton offered to do the work for \$1,000.00. Respondent testified he and Sutton did not have a written agreement and that he believed he would be paying for Sutton for his work.

Respondent testified Sutton would provide him with a set of plans and that he would return them to Sutton the following day with suggested edits. Respondent denied standing over Sutton and watching him work on the architectural plans during the workday. Respondent testified any conversations he and Sutton had at the workplace regarding the sunroom were brief and occurred

⁴ “Probable cause is a finding that the allegations contained in the complaint are more likely than not to have occurred and constitute a violation of [the Ethics Act].” Section 8-13-320(10)(i).

SK #7

in between County-related tasks. Respondent testified it was common knowledge in the office that Sutton was working on Respondent's sunroom and that any time spent discussing the sunroom was "nothing compared to" the "idle chit chat" that typically occurred amongst employees. Respondent stated he used the County's plotter printer one (1) time to print a three (3) page document.

Respondent testified Sutton always arrived to work before him in the mornings, but that he (Respondent) often worked past normal working hours. Respondent testified Sutton was a "slow" employee and that he "got to work early and he left early." However, Respondent acknowledged that he helped Sutton get a pay increase the previous year and that he planned to promote Sutton to the position of County architect.

Respondent testified he offered to pay Sutton twice after he received a building permit, but that Sutton refused the payment. Respondent denied encouraging Sutton to recall facts in a specific way and testified he did not directly or indirectly offer anything to Sutton in exchange for doing the work, aside from the aforementioned \$1,000.00.

LAW

1. At all times relevant, Respondent was a public employee, as defined by Section 8-13-100(25).

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-700(A) provides:

No [public employee] may knowingly use his official [employment] to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a [public employee's] use that does not result in additional public expense.

3. Section 8-13-100(11)(a) defines "economic interest," as:

JW #8

... an interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a [public employee] may gain an economic benefit of fifty dollars or more.

4. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation of any provision of the Ethics Act.”
5. Section 8-13-320(10)(l)(i) allows the Commission to require payment of a civil penalty of up to two thousand dollars for each violation of the Ethics Act.
6. Section 8-13-320(10)(l)(ii) allows the Commission to require a “forfeiture of gifts, receipts, or profits, or the value thereof” obtained in violation of the Ethics Act.

DISCUSSION AND DECISION

Section 8-13-700(A) of the Ethics Act prohibits a public employee from knowingly using his position to obtain an economic interest for himself. “Knowledge” is defined as an “awareness or understanding of a fact or circumstance.” Black’s Law Dictionary 876 (7th ed. 1999). Knowledge “includes not only actual knowledge of a fact, but situations where a person has such information that would lead a prudent person to form a belief as to the fact, and if followed by proper inquiry, would have disclosed its character.” Save More, Inc. v. S.C. Dep’t of Revenue, Unpub. Op. No. 2000-UP-318 (Ct. App. 2000). Knowledge may be proven by circumstantial evidence and inferences drawn therefrom. State v. Gore, 318 S.C. 157, 456 S.E.2d 419 (Ct. App. 1995).

Here, the evidence establishes that Respondent knowingly used his position to obtain free architectural plans that were created, in part, during County time and using County resources. As an initial matter, the Panel finds that the value of the architectural plans clearly exceeds the \$50.00 threshold found in the definition of “economic interest.” See Section 8-13-100(11). In support

JA #9

of this finding, the Panel relies on Sutton's testimony that the typical cost for such plans ranged from \$4,000.00 to \$8,000.00. The Panel also notes that Respondent's own testimony demonstrated Respondent's belief that the plans were worth at least \$1,000.00 and that Respondent admitted he did not pay for the plans.

The Panel further finds that County time and resources were used to create the architectural plans. In support of this finding, the Panel relies on Sutton's testimony that he spent considerable time on Respondent's architectural plans while at work, which is corroborated by O'Donnell's testimony that the plans were on Sutton's desk for "many months" and that she and Sutton discussed the plans in the morning during this time. The Panel further relies on the emails introduced at the hearing, which prove definitively that Respondent and Sutton communicated about the plans during the workday. The Panel also relies on Sutton's testimony that he performed additional work on County time aside from that which is documented in the emails. The Panel finds that although Sutton's estimation of the number of hours worked on County time varied, this uncertainty is reasonable given the intermittent nature of the work he performed. Relying on the lowest estimate provided by Sutton, the Panel finds that Sutton spent at least twenty (20) hours of County time working on Respondent's architectural plans.

Moreover, the Panel finds that aside from the activity associated directly with Sutton, Respondent personally used County resources in furtherance of his sunroom. By Respondent's own admission, he used the County's plotter printer to print at least three (3) pages. To the contrary, Sutton testified that Respondent printed each set of plans he received, for a total of twelve (12) pages. Sutton also testified that the approximate cost per page was \$6.00 to \$8.00. Thus, in plotter printing alone, Respondent has used anywhere from \$18.00 to \$72.00 in physical County resources for his own benefit.

JW #10

Finally, the Panel finds that Respondent knew or should have known that Sutton was working on the architectural plans on County time and using County resources. In support of this finding, the Panel relies on the aforementioned emails, which definitively prove that Respondent knew Sutton was working on the architectural plans during the workday. The Panel further relies on Sutton's testimony that Respondent stood over him as he made edits and finds this statement credible. The Panel finds Respondent's comment to O'Donnell that he was "dangling a promotion over [Sutton's] head" is additional evidence of Respondent's knowledge. In addition, the Panel finds Respondent's testimony that this comment was made with regard to Sutton's performance as an employee is unbelievable given that Respondent recommended Sutton for a raise the previous year and was allegedly planning to recommend him for a promotion. The Panel recognizes that there is no evidence of an overt statement from Respondent to Sutton regarding the use of County resources and the architectural plans. However, the Panel finds that overt statements under such circumstances are unlikely, particularly in light of the power imbalance that often exists in supervisory relationships, where pressure may often be indirect and subtle.⁵

NOW, THEREFORE, based on the foregoing, the Panel has determined, based on a preponderance of the evidence, that Respondent Eric W. Larson is in violation of one (1) count of violating Section 8-13-700(A) of the Ethics Act for knowingly using his official position to obtain an economic benefit for himself by having a subordinate create personal architectural plans for a sunroom addition to his residence on County time with County resources.

⁵ Throughout these proceedings, Respondent has argued that any use of County time and resources was "incidental" under Section 8-13-700(A). The Panel finds this argument unpersuasive because the plain language of Section 8-13-700(A) clearly refers to items intrinsic to a particular public position, i.e., use of government copiers, cell phones, cars, etc. Sutton's skills and services were not "subject to or available for [Respondent's] use" as a result of Respondent's public employment and therefore cannot be considered "incidental" to his position.

JW #11

THEREFORE, pursuant to Section 8-13-320(1)(i) of the Ethics Act, the Panel hereby issues a Public Reprimand and orders Respondent to pay a civil penalty of \$2,000.00;

AND, pursuant to Section 8-13-130 of the Ethics Act, and in addition to the civil penalty, the Panel hereby orders Respondent to pay an administrative fee of \$1,500.00, making Respondent's total amount owed to the Commission \$3,500.00;

AND, pursuant to Section 8-13-320(10)(1)(ii) of the Ethics Act, the Panel orders Respondent to reimburse the County in the amount of \$1,937.50 (\$1,000.00 for the architectural plans and \$937.50 for twenty (20) hours of Sutton's time);

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$5,437.50 is not paid to the Commission and restitution is not made to the County within sixty (60) days from Respondent's receipt of this Order, a judgment in the amount of \$5,437.50 shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$5,437.50 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Eric W. Larson has ten (10) days from receipt of this Order to appeal to the full Commission.

AND IT IS SO ORDERED THIS 11th DAY OF December 2025.

STATE ETHICS COMMISSION


F. XAVIER STARKES, HEARING
CHAIR

Columbia, South Carolina