

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:

CASE NUMBER

C 2024-061

COMPLAINT FORM

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

RESPONDENT: Mitchell Gause
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Marion County Council

Section 8-13-1308, S.C. Code Ann., 1976, as amended, requires candidates to file Campaign Disclosures within ten (10) days of receiving or expending an accumulated aggregate of \$500.00 or more; fifteen (15) days prior to each election; within ten (10) days of the end of each quarter; and a final report when the campaign account is closed. In addition, certified campaign reports detailing campaign contributions and expenditures must contain the total of contributions accepted, the name and address of each person making a contribution, the total expenditures made by or on behalf of the candidate or committee, and the name and address of each person to whom an expenditure is made from campaign funds. Pursuant to Section 8-13-1362 and Regulation 52-504 (C), the Pre-Election and quarterly report are required even when there have been no contributions or expenditures. Records of the State Ethics Commission indicate that an Initial Campaign Disclosure was due no later than March 26, 2022 after paying the \$458.11 filing fee on March 16, 2022, and a Pre-Election Campaign Disclosure was due between May 25, 2022 and May 30, 2022 for the June 14, 2022 election.

Section 8-13-1356 (A), SC Code Ann., 1976, as amended, requires a candidate, who files a statement of intention of candidacy seeking nomination by a political party primary or political party convention, must electronically file a Statement of Economic Interests for the preceding calendar year prior to the close of filing for the particular office. Respondent was required to file a 2022 Statement of Economic Interests as a candidate by March 30, 2022.

Respondent was reminded of the filing requirements by a certified letter dated March 24, 2023 as described in the attached. To date, a properly completed Initial Campaign Disclosure, Pre-Election Campaign Disclosure, or 2022 Statement of Economic Interests has not been received. All in violation of Section 8-13-1308(A), Section 8-13-1308(D)(1), Section 8-13-1308 (F), and Section 8-13-1356 S.C. Code Ann., 1976, as amended.

If there is a finding of probable cause, the following documents become public record: the complaint, the response (if any) by respondent, and the notice of hearing. If a hearing is to be held, the final order and all exhibits become public record. If no hearing is held following a finding of probable cause, the final disposition of the matter becomes public record.

STATE OF SOUTH CAROLINA
COUNTY OF Richland

Personally appeared before me Meghan Walker Dayson who, first being duly sworn, says that she has read and knows the contents of the above complaint and that the allegations contained therein, are true and correct to the best of her own knowledge, except for those matters therein based upon information and belief, and as to those she believes them to be true.

Sworn to and subscribed before me this
23rd day of August, 2024

[REDACTED]
Meghan Walker Dayson, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 01/22/26

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
ELECTRONIC COPIES WILL NOT BE ACCEPTED

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2024-061)
State Ethics Commission)
Complainant.)
Mitchell Gause)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

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 allegations will be heard:

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file a 2022 Initial Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(A).

COUNT TWO
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file a 2022 Pre-Election CDR, in violation of Section 8-13-1308(D)(1).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file a 2022 Quarter 1 CDR, in violation of Section 8-13-1308(B).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file a 2022 Quarter 2 CDR, in violation of Section 8-13-1308(B).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file a 2022 Quarter 3 CDR, in violation of Section 8-13-1308(B).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file a 2022 Quarter 4/Final CDR, in violation of Section 8-13-1308(B).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to disclose his March 16, 2022 personal contribution of \$458.11 for the filing fee, in violation of Section 8-13-1308(F).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to disclose contributions of \$100 or less in the aggregate on his 2022 Pre-Election CDR, in violation of Section 8-13-1308(F).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to disclose contributions of \$100 or less in the aggregate on his 2022 Quarter 3 CDR, in violation of Section 8-13-1308(F).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to disclose a \$458.11 expenditure to Marion County Voter Registration and Elections for the filing fee, in violation of Section 8-13-1308(F).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to disclose a May 26, 2022 phone transfer of \$25.97 from Respondent's campaign account to Respondent's personal account, in violation of Section 8-13-1308(F).

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

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to disclose an August 3, 2022 phone transfer of \$25.97 from Respondent's campaign account to

Respondent's personal account, in violation of Section 8-13-1308(F).

COUNT THIRTEEN
FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS REPORT
SECTION 8-13-1356, S.C. CODE ANN., 1976, AS AMENDED

That Mitchell Gause, candidate for Marion County Council, did in Richland County, fail to file 2022 Statement of Economic Interests as a partisan candidate, in violation of Section 8-13-1356.

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.

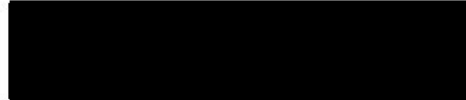


Meghan Walker Dayson, Executive Director
State Ethics Commission

Dated this 31st day,
of March 2025.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT Mitchell Gause, 7764 Bay Road, Gresham, SC 29546 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd 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

Columbia, South Carolina

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2024-061)
State Ethics Commission,)
Complainant,)
Mitchell Gause,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 23, 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 Mitchell Gause (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 Marion County Council in a June 14, 2022 primary election.
2. On March 16, 2022, Respondent paid a \$458.11 filing fee and submitted a Statement of Intention of Candidacy and Party Pledge to the Marion County Board of Voter Registration and Elections.
3. Respondent did not file an Initial Campaign Disclosure Report (CDR) within ten (10) days of paying the filing fee, which was March 26, 2022.
4. Respondent did not file a 2022 Statement of Economic Interest (SEI) prior to the close of filing for the office, which was March 30, 2022.
5. On April 7, 2022, Respondent opened a campaign bank account with a \$50.00 deposit of

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personal funds.

6. Respondent did not file a Pre-Election CDR prior to the June 14, 2022 primary election.
7. Respondent's campaign bank account closed on November 1, 2022 due to inactivity.
8. In a March 24, 2023 certified letter, the Commission notified Respondent of his failure to file a 2022 Initial CDR, a 2022 Pre-Election CDR, and a 2022 SEI.
9. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on March 29, 2023 at 12:50 p.m.
10. On April 9, 2023, late-filing penalties began to accrue at \$30.00 per day (\$10.00 per report).
11. On April 19, 2023, late-filing penalties began to accrue at \$300 per day (\$100.00 per report).
12. Between March 31, 2023 through April 26, 2023, Respondent and Commission staff spoke several times in an attempt to bring Respondent into compliance. During this time, Respondent created a profile in the Commission's electronic filing portal, but did not file his CDRs or SEI.
13. Following the filing of the Complaint, Respondent filed all requisite reports and is now in compliance.

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. Pursuant to Section 8-13-1308(A), Respondent was required to file an Initial CDR within ten (10) days of paying the \$458.11 filing fee on March 16, 2022:

Upon receipt or expenditure of campaign contributions or the making of independent expenditures 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 . . .

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3. Pursuant to Sections 8-13-1308(A) and 1308(D)(1), Respondent was required to file a Pre-Election CDR fifteen (15) days prior to the June 14, 2022 primary election:

. . . a candidate who does not receive or expend an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

. . .

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.

4. Because his campaign bank account maintained a balance until November 1, 2022, Respondent was required to file quarterly CDRs from Quarter 1 2022 through Quarter 4 2022 pursuant to Section 8-13-1308(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.

5. Pursuant to Section 8-13-1356(A), Respondent was required to file a SEI prior the close of filing for the office, which was on March 30, 2022:

A person who becomes a candidate by filing a statement of intention of candidacy seeking nomination by political party primary or political party convention must electronically file a statement of economic interests for the preceding calendar year pursuant to Section 8-13-365 prior to the close of filing for the particular office.

6. Section 8-13-1510(A) provides, in relevant part:

. . . a person required to file a report or statement under this chapter who files a late statement or report . . . must be assessed a civil penalty as follows: (1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and (2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the

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required statement or report is not filed, not exceeding five thousand dollars.

7. 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) for failing to file an Initial CDR by March 26, 2022; one (1) count of Section 8-13-1308(D)(1) for failing to file a Pre-Election CDR prior to the June 14, 2022 primary election; four (4) counts of Section 8-13-1308(B) for failing to file quarterly CDRs in Quarter 1 2022, Quarter 2 2022, Quarter 3 2022, and Quarter 4 2022; and one (1) count of Section 8-13-1356 for failing to file a 2022 SEI prior to the close of filing for the office.¹ Through this Consent Order, Respondent admits he violated the Ethics Act as described herein. As mitigation, Respondent states that 2022 was his first run for public office and that he was unaware of the filing requirements. Respondent states he deposited \$50.00 into a campaign bank account because an employee of the elections office advised him to do so, regardless of whether he planned to raise or spend money. Respondent states that the campaign bank account contained less than \$50.00 at all times. Respondent further states that he believed he was in compliance when he created a profile in the Commission’s electronic filing system and did not realize that there were additional steps he needed to complete.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-

¹ The Commission also found probable cause to charge Respondent with violations of Section 8-13-1308(F) for failing to disclose the \$458.11 filing fee, the \$50.00 deposit of personal funds, and three (3) transfers of \$25.97 between his campaign bank account and personal bank account. The Commission believes the transfers were inadvertent based on the fact that the same amount was transferred in and out of Respondent’s campaign bank account in each instance. In addition, Respondent has now made all necessary disclosures. The Commission therefore declines to proceed as to these counts.

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1308(A), one (1) count of Section 8-13-1308(D)(1), four (4) counts of Section 8-13-1308(B), and one (1) count of Section 8-13-1356.

2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues a written warning and orders the Respondent to pay the Commission, within nine (9) months from receipt of this Order, a reduced late-filing penalty of \$150.00 and an administrative fee of \$300.00, for a total of \$450.00. The Commission declines to assess any additional late-filing penalties given that Respondent's campaign bank account maintained less than \$50.00 at all times.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$450.00 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$450.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 20TH DAY OF OCTOBER 2025.

STATE ETHICS COMMISSION



Signed by:

C0089F5CC019478

MITCHELL GAUSE
RESPONDENT