

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:

CASE NUMBER

c 2024-087

COMPLAINT FORM

COMPLAINANT: Helen McFalls

RESPONDENT: Bernice Canupp

ADDRESS: [REDACTED]

ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TITLE: Town Clerk

TITLE: Council member

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).

On 24-Sept-24, Bernice Canupp did vote in the monthly Town Council meeting for "Contributing to the potential damage at 207 N 3rd St Lockhart." This is the personal residence of Council member Bernice Canupp. She failed to recuse herself in this voting. This was an economic profit to herself. The vote was not approved as it was a 3-1 vote.

\* Video available \*

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 Union

Personally appeared before me Helen McFalls 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 7 day of October, 2024

[REDACTED SIGNATURE] Complainant Signature

[REDACTED] Notary Public for South Carolina

My Commission expires July 10, 2030

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 C2024-082 )  
)  
Helen McFalls )  
Complainant. )  
)  
Bernice Canupp )  
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 State Ethics Commission will, therefore, convene a formal hearing into the matters, in accordance with Section 8-13-320(10)(i) & (j), Code of Laws, South Carolina, 1976, as amended, and State Ethics Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.) on Thursday, October 16, 2025 at 9:30 a.m. at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegations will be heard:

**COUNT ONE**  
**ATTEMPT TO INFLUENCE A GOVERNMENTAL DECISION IN WHICH**  
**RESPONDENT HAD AN ECONOMIC INTERESTS**  
**SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED**

That Bernice Canupp, Town of Lockhart Councilmember, did in Richland County, vote during the September 24, 2024 Town Council meeting to approve the use of Town funds to repair water damage to her residence, in violation of Section 8-13-700(B).


**[This space intentionally left blank]**

**COUNT TWO**  
**FAILURE TO RECUSE FROM A GOVERNMENTAL DECISION IN WHICH  
RESPONDENT HAD AN ECONOMIC INTERESTS  
SECTION 8-13-700(B), S.C. CODE ANN., 1976, AS AMENDED**

That Bernice Canupp, Town of Lockhart Councilmember, did in Richland County, fail to provide a written recusal statement during the September 24, 2024 Town Council Meeting regarding the use of Town funds to repair water damage to her residence, in violation of Section 8-13-700(B).

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 20<sup>th</sup> 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 Bernice Canupp, P.O. Box 437, Lockhart, SC 29364 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 26<sup>th</sup> day of March 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 C2024-082 )  
 )  
 Helen McFalls, )  
 Complainant, )  
 )  
 Bernice Canupp, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**CONSENT ORDER**

This matter comes before the South Carolina State Ethics Commission (Commission) by way of a complaint filed on October 11, 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 Bernice Canupp (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 elected to Lockhart Town (Town) Council in a January 2, 2024 general election.
2. Prior to her election, Respondent sustained water damage to her private residence, which is located within the Town limits. Respondent ultimately concluded the Town was responsible for the damage and filed an insurance claim against the Town, which was subsequently denied.
3. At the September 24, 2024 Town Council meeting, Council considered a “vote on the Town contributing to the potential damage at [Respondent’s residence].” The motion failed 1-3 and Respondent was the only affirmative vote. Respondent did not have any role in this item being placed on the agenda and she was unaware that it was being considered by Council until the

JX #1

day of the meeting.<sup>1</sup>

- 4. The Complaint alleged the aforementioned vote violated Section 8-13-700.

**CONCLUSIONS OF LAW**

Based upon the Statements of Facts, the Commission concludes, as a matter of law:

- 1. At all times relevant, Respondent was a public official, as defined by Section 8-13-100(27).

The Commission has personal and subject matter jurisdiction.

- 2. Section 8-13-700 states, in part:

(A) No [public official] may knowingly use his official [office] 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 official's] use that does not result in additional public expense.

(B) No [public official] may make, participate in making, or in any way attempt to use his [office] to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A [public official] who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:

- (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

...

- (4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and

<sup>1</sup> The Commission's investigation revealed two (2) sets of meeting minutes wherein Respondent's private residence was mentioned – September 24, 2024 and October 22, 2024. Although it initially appeared that the matter was considered by Council on both dates, the Clerk to Council confirmed to Commission Investigators that it was only considered during the September 24, 2024 meeting. The reference to Respondent's residence in the October 22, 2024 minutes occurred as a recitation of what transpired during the September 24, 2024 meeting.

JH #2

other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes.

3. Section 8-13-100(11)(a) defines “economic interest,” in relevant part, as:  
  
... 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 official] 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.

#### **DISCUSSION**

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-700(B) for failing to recuse herself from the aforementioned vote and one (1) count of violating Section 8-13-700(B) for failing to submit a written recusal statement. Through this Consent Order, Respondent acknowledges that she violated the Ethics Act as described herein. In mitigation, Respondent states that 2024 was her first election and that she had only attended a handful of meetings by September of 2024. Respondent states that Lockhart is a small Town with less than four hundred (400) residents. Respondent further states that she was unaware of the recusal rules. Respondent emphasizes that she had no role in placing the item on the agenda and that she was unaware that it was being considered by Council until the day of the September 24, 2024 meeting. Respondent states it was not her intention to violate the Ethics Act and that she will strive to comply with the provisions of the Ethics Act moving forward.

#### **DISPOSITION**

1. The Commission hereby finds Respondent in violation of the Ethics Act as described herein.

JA #3

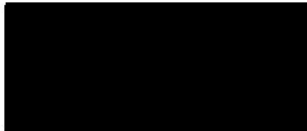
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the Commission hereby issues this Public Reprimand to Respondent for violations of the Ethics Act and orders Respondent to pay an administrative fee of \$500.00 within six (6) months from her receipt of this Order.

By executing this Consent Order, Respondent understands that she is confessing to a judgment of \$500.00 (less any money paid to the Commission) in the event she does not make full and timely payment as provided in this Order. In that event, the Commission shall file a Judgment against Respondent in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$500.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS ORDERED THIS 27<sup>th</sup> DAY OF May, 2025.

STATE ETHICS COMMISSION



BERNICE CANUPP  
RESPONDENT

