

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION  
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FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2022-122

COMPLAINT FORM

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

**RESPONDENT:** Herbert S. Fielding  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Candidate – Charleston County Coroner  
and Charleston County School District 9

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 \$500; 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.

As a candidate for Charleston County School District 9, records of the State Ethics Commission indicate that an Initial Campaign Disclosure was due no later than October 7, 2018, a Quarter 3 2018/Pre-Election Campaign Disclosure was due between October 17, 2018 and October 22, 2018, and quarterly Campaign Disclosures were due no later than January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, January 10, 2021, April 10, 2021, July 10, 2021, October 10, 2021, January 10, 2022, April 10, 2022, and July 10, 2022. Respondent was sent an email reminder thirty days before the Pre-Election and Quarterly Campaign Disclosure deadlines.

As a candidate for Charleston County Coroner, records of the State Ethics Commission indicate that a quarterly Campaign Disclosure was due no later than January 10, 2021, April 10, 2021, July 10, 2021, October 10, 2021, January 10, 2022, April 10, 2022, and July 10, 2022. Respondent was sent an email reminder thirty days before the Quarterly Campaign Disclosure deadlines.

Respondent was reminded of the filing requirements by letters dated July 5, 2022 and August 29, 2022 as described in the attached. To date, properly completed Initial, Quarter 3 2018/Pre-Election Campaign Disclosure, Quarter 4 2018, Quarter 1 2019, Quarter 2 2019, Quarter 3 2019, Quarter 4 2019, Quarter 1 2020, Quarter 2 2020, Quarter 3 2020, Quarter 4 2020, Quarter 1 2021, Quarter 2 2021, Quarter 3 2021, Quarter 4 2021, Quarter 1 2022, or Quarter 2 2022 Campaign Disclosures have not been received as a candidate for School Board. In addition, properly completed Quarter 4 2020, Quarter 1 2021, Quarter 2 2021, Quarter 3 2021, Quarter 4 2021, Quarter 1 2022, or Quarter 2 2022 Campaign Disclosures have not been received as a candidate for Coroner. All in violation of Section 8-13-1308(A), Section 8-13-1308(B), Section 8-13-1308(D)(1), and Section 8-13-1308 (F), 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 L. Walker 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  
6th day of October, 2025



Meghan L. Walker, Executive Director



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 C2022-122 )  
State Ethics Commission )  
Complainant. )  
Herbert S. Fielding )  
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, February 20, 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 Herbert S. Fielding, candidate for Charleston County School Board District 9, did in Richland County, fail to file a 2018 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 Herbert S. Fielding, candidate for Charleston County School Board District 9, did in

Richland County, fail to file a 2018 Quarter 3/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 Herbert S. Fielding, candidate for Charleston County School Board District 9, did in Richland County, fail to file a 2018 Quarter 4/Final CDR, in violation of Section 8-13-1308(B).

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

That Herbert S. Fielding, candidate for Charleston County School Board District 9, did in Richland County, fail to disclose two (2) contributions on his 2018 Quarter 3/Pre-Election CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County School Board District 9, did in Richland County, fail to disclose five (5) contributions his 2018 Quarter 4/Final CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County School Board District 9, did in Richland County, fail to disclose twelve (12) expenditures on his 2018 Quarter 4/Final CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to file a 2020 Quarter 4 CDR, in violation of Section 8-13-1308(B).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to file a 2021 Quarter 1 CDR, in violation of Section 8-13-1308(B).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to file a 2021 Quarter 2/Final CDR, in violation of Section 8-13-1308(B).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose eight (8) contributions on his 2020 primary Pre-Election CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose fifteen (15) contributions on his 2020 Quarter 2 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose fifty- nine (59) contributions on his 2020 Quarter 3/Pre-Election CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose four (4) contributions on his 2020 Quarter 4 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose one (1) contribution on his 2021 Quarter 1 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose eleven (11) expenditures on his 2020 primary Pre-Election CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose thirteen (13) expenditures on his 2020 Quarter 2 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose fifty-eight (58) expenditures on his 2020 Pre-Election/Quarter 3 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose seventeen (17) expenditures on his 2020 Quarter 4 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose six (6) expenditures on his 2021 Quarter 1 CDR, in violation of Section 8-13-1308(F).

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

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to disclose two (2) expenditures on his 2021 Quarter 2/Final CDR, in violation of Section 8-13-1308(F).

**TWENTY-ONE**  
**FAILURE TO USE CAMPAIGN ACCOUNT TO MAKE EXPENDITURE**  
**SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED**

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County,

fail to deposit two (2) campaign contributions into his campaign bank account within ten (10) days of receipt, in violation of Section 8-13-1312.

**COUNT TWENTY-TWO**  
**FAILURE TO MAKE EXPENDITURE FROM CAMPAIGN BANK ACCOUNT**  
**SECTION 8-13-1312, S.C. CODE ANN., 1976, AS AMENDED**

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, fail to make two (2) expenditures through his campaign bank account: (1) to Bobbie Rose in the amount of \$100.00 and (2) to Kenny Faulkner in the amount of \$50.00, in violation of Section 8-13-1312.

**COUNT TWENTY-THREE**  
**ACCEPTANCE OF CASH EXCEEDING CASH CONTRIBUTION LIMIT**  
**SECTION 8-13-1314(A)(2), S.C. CODE ANN., 1976, AS AMENDED**

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, accept \$100.00 in cash contribution(s), in violation of Section 8-13-1314(A)(2).

**COUNT TWENTY-FOUR**  
**EXCESSIVE CASH WITHDRAWAL**  
**SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED**

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, withdrawal \$300.00 from his campaign bank account on September 14, 2020, in violation of Section 8-13-1348.

**COUNT TWENTY-FIVE**  
**EXCESSIVE CASH WITHDRAWAL**  
**SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED**

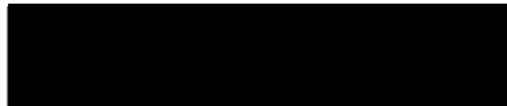
That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, write a check made out to "cash" on October 13, 2020 in the amount of \$359.70, in violation of Section 8-13-1348.

**COUNT TWENTY-SIX**  
**EXCESSIVE CASH WITHDRAWAL**  
**SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED**

That Herbert S. Fielding, candidate for Charleston County Corner, did in Richland County, write a check made out to “cash” on November 2, 2020 in the amount of \$230.00, in violation of Section 8-13-1348.

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.

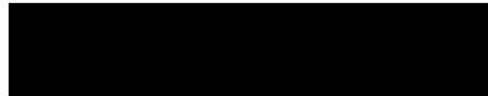


Meghan Walker Dayson, Executive Director  
State Ethics Commission

Dated this 4<sup>th</sup> day,  
of November 2024.

*Certificate of Service by Certified Mail*

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on RESPONDENT Herbert S. Fielding, 3 Marble Arch Court, Charleston, SC 29401 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 4th day of November 2024, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

**Rachael O'Bryan, Administrative Assistant**  
State Ethics Commission (803) 253-4192

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2022-122 )  
 )  
 State Ethics Commission, )  
 Complainant, )  
 )  
 Herbert S. Fielding, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**CONSENT ORDER**

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on October 6, 2022. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Herbert S. Fielding (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 entry of the following:

**STATEMENTS OF FACT**

1. Respondent was an unsuccessful candidate for Charleston County School Board (School Board) District 9 in a November 6, 2018 election.
2. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) prior to the election.
3. Respondent was also a candidate for Charleston County Coroner (Coroner) in a June 9, 2020 primary election and a November 3, 2020 general election. He was unsuccessful in both races.<sup>1</sup>
4. Prior to the filing of the Complaint, Respondent's most recently filed CDR related to his Coroner election was a Quarter 2 2020 CDR filed on July 12, 2020 showing a positive on-hand balance of contributions. Respondent thereafter failed to file any additional quarterly CDRs.
5. In a July 5, 2022 certified letter, the Commission notified Respondent of his failure to file a 2018

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<sup>1</sup> Respondent was a petition candidate in the November 3, 2020 general election.

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- Initial CDR<sup>2</sup>, a Quarter 3 2018/Pre-Election CDR, and CDRs for Quarter 1 2019 through Quarter 1 2022 for his candidacy for School Board. The certified letter also notified Respondent of his failure to file CDRs for Quarter 4 2020 through Quarter 1 2022 for his candidacy for Coroner.
6. According to the United States Postal Service (USPS), the certified letter was delivered to Respondent's address of record on July 7, 2022 at 10:16 a.m.
  7. On July 21, 2022 Respondent appealed the late filing penalties assessed in the Commission's July 5, 2022 penalty letter.
  8. In an August 29, 2022 first-class letter, the Commission acknowledged Respondent's appeal and directed Respondent to provide his bank records and file the required CDRs within thirty (30) days.
  9. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed by a Commission Investigator. Records revealed that the Respondent's campaign account for his School Board election was opened on August 10, 2018 and closed on November 14, 2018 and that Respondent's campaign account for his Coroner election was opened on April 17, 2020 and closed on June 18, 2021.
  10. Respondent's Coroner campaign records also revealed that Respondent failed to deposit a May 15, 2020 campaign contribution in the amount of \$50.00 from Kenny Faulkner and a May 18, 2020 campaign contribution in the amount of \$100.00 from Bobbie Rose; failed to make a May 15, 2020 campaign expenditure in the amount of \$2,000.00 to Call Center LLC and a May 17, 2020 campaign expenditures in the amount of \$277.67 to Strategic Hub through his campaign bank account; accepted a cash contribution of \$100.00; and withdrew cash exceeding the amount allowed to replenish petty cash on three (3) occasions for a total of \$889.70.

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<sup>2</sup> In the Commission's legacy system, Respondent had a CDR that was "saved, not filed," disclosing a positive balance of on-hand campaign contributions which gave the Commission cause to believe Respondent was required to file additional CDRs.

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11. As of February 24, 2025, Respondent has filed all required CDRs with assistance from Commission staff 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.
1. Section 8-13-1308 provides, in relevant part:

(A) 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. However, a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.

(B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

...

(D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate for the period ending twenty days before the election.

2. Section 8-13-1348(E) provides, in relevant part:

A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty-five dollars for each expenditure.

3. Section 8-13-1312 provides, in relevant part:

. . . 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

JHG #3

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 . . .

4. Section 8-13-1314 provides, in relevant part:

(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:

...

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty-five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

5. 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; . . .

6. Section 8-13-320 allows the Commission to require a civil penalty of up to \$2,000.00 for each violation of the Ethics Act.

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 the following violations related to Respondent's candidacy for School Board: one (1) count of violating Section 8-13-1308(A) for failing to file a 2018 Initial CDR; one (1) count of violating Section 8-13-1308(D)(1) for failing to file a 2018 Quarter 3/Pre-Election CDR; and one (1) count of violating Section 8-13-1308(B) for failing to file a 2018 Quarter 4/Final CDR. Further, the Commission found probable cause to charge Respondent with the following violations related to Respondent's candidacy for Coroner: three (3) counts of violating Section 8-13-1308(B) for failing to file CDRs for 2020 Quarter 4 through 2021

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Quarter 2/Final; one (1) count of violating Section 8-13-1312 for failing to deposit two (2) campaign contributions into his campaign bank account within ten (10) days; one (1) count of violating Section 8-13-1312 for failing to make two (2) expenditures totaling \$150.00 through his campaign bank account; one (1) count of violating Section 8-13-1314(A)(2) for accepting \$100.00 in cash contributions; and three (3) counts of violating Section 8-13-1348 for withdrawing cash exceeding the petty cash limitation from his campaign bank account, totaling \$889.70.<sup>3</sup>

Through this Consent Order, Respondent acknowledges he violated the Ethics Act as described herein. In mitigation, Respondent states he hired a campaign manager, Brandon Upson, to file his reports and learned through the Commission communications that Upson was not filing the reports. Additionally, Respondent asserts he was dealing with pending criminal charges, which were subsequently dismissed, that complicated his ability to navigate both his campaign and his day-to-day life. Respondent acknowledges that the campaign filings were his ultimate responsibility.

#### DISPOSITION

1. The Commission hereby finds Respondent in violation of the Ethics Act as set forth herein.
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 Public Reprimand and orders the Respondent to pay the Commission, within fifteen (15) months from receipt of this Order: a reduced late-filing penalty of \$600.00 (\$100.00 per CDR); a reduced civil penalty of \$500.00 (\$200.00 for each violation of Section 8-13-1312 and \$100.00 for his violation of Section 8-13-1314(A)(2)); and an administrative fee of \$500.00, for a total of \$1,600.00. The Commission declines to assess additional civil penalties

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<sup>3</sup> Respondent was also charged with failing to disclose multiple contributions and expenditures related to his elections, in violation of Section 8-13-1308(F). However, because Respondent has since disclosed all contributions and expenditures, the Commission declines to proceed as to these counts.

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in consideration of Respondent entering into this Consent Order.

The Commission further orders Respondent to pay \$889.70 to the Children’s Trust Fund and to remit proof of such payment to the Commission with fifteen (15) months from the receipt of this Order. Should the Respondent fail to timely remit proof of payment, the Commission shall assess an additional reduced civil penalty of \$2,700.00 (\$900.00 for each violation of Section 8-13-1348), making the total owed to the Commission \$4,300.00.

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 \$4,300.00 (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 \$4,300.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.<sup>4</sup>

AND IT IS SO ORDERED THIS 26<sup>th</sup> DAY OF March 2025.

STATE ETHICS COMMISSION



F. XAVIER STARKES, CHAIR

Signed by:  
*Herbert S. Fielding*

HERBERT S. FIELDING  
RESPONDENT

<sup>4</sup> Other instances of noncompliance not discussed herein are not impacted by this Consent Order.