

RECEIVED

2020 JAN -9 PH 3:19

STATE ETHICS COMMISSION

# STATE OF SOUTH CAROLINA STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2020-003

## COMPLAINT FORM

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

**RESPONDENT:** Michael D. Blankenship  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Councilman – Town of Branchville

Section 8-13-1140, SC Code Ann., 1976, as amended, requires the filing of an updated Statement of Economic Interests for the previous calendar year annually thereafter prior to March 30. Records in the State Ethics Commission indicate that the Respondent was required to file the 2017 Statement of Economic Interests. Respondent was sent an email reminder thirty days before the deadline.

Section 8-13-1120, SC Code Ann., 1976, as amended, required full and complete information concerning income from both government and private sources received by the filer or a member of the filer's immediate family during the reporting period.

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. Records of the State Ethics Commission indicate that a Pre-Election Campaign Disclosure was due between October 18, 2017 and October 23, 2017. Respondent was sent an email reminder thirty days before the Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by letters dated August 7, 2018, September 17, 2018, November 27, 2018, July 3, 2019, and October 28, 2019 as described in the attached. To date, no properly completed 2017 Statement of Economic Interests or Pre-Election Campaign Disclosure have been received. All in violation of Section 8-13-1120, Section 8-13-1140, and Section 8-13-1308 (D)(1), SC Code Ann., 1976, as amended.

All investigations, inquiries, hearings, and accompanying documents must remain confidential unless respondent waives the right to confidentiality. 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. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year. Section 8-13-320(10)(g).

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 9th day of January, 2020

Meghan L. Walker, Executive Director

Notary Public for South Carolina  
My Commission expires March 25, 2025

SEC-7 (Revised 8/2019)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192

FAXED COPIES WILL NOT BE ACCEPTED

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )

Complaint C2020-003 )

Michael D. Blankenship )  
Respondent. )

State Ethics Commission )  
Complainant. )

**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, to support the allegations made in the above-captioned complaint. The State Ethics Commission will, therefore, 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, December 17<sup>th</sup>, 2020 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**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

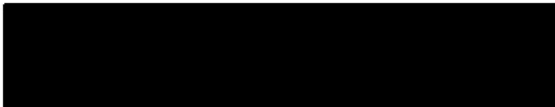
That Michael D. Blankenship, Branchville Town Councilmember, did in Richland County, fail to file a pre-election campaign disclosure report for the November 7, 2017 Branchville Town Council general election, in violation of Section 8-13-1308(D).

**COUNT TWO**  
**FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That Michael D. Blankenship, Branchville Town Councilmember, did in Richland County, fail to timely file a 2017 annual Statement of Economic Interests form that was due no later than March 30, 2017, all in violation of Section 8-13-1140.

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.).

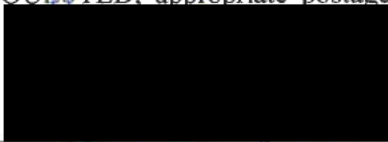
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.

  
Meghan L. Walker, Executive Director  
State Ethics Commission

Dated this 15<sup>th</sup> day,  
of October 2020.

**Certificate of Service by Certified Mail**

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Michael D. Blankenship, 120 Orange St, Branchville, SC 29432 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 1st day of October 2020, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.

  
**Richard A. Provencher, Administrative Assistant**  
State Ethics Commission (803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2020-003 )  
State Ethics Commission, )  
Complainant, )  
Michael Blankenship, )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

**CONSENT ORDER**

RECEIVED  
2020 DEC 16 AM 11:05  
STATE ETHICS  
COMMISSION

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on January 9, 2020. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Michael Blankenship (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1308 for failure to file a 2017 Pre-Election Campaign Disclosure (CDR) and one (1) count of violating Section 8-13-1140 for failure to timely file a 2017 Statement of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to entry of the following:

**STATEMENTS OF FACT**

1. At all times relevant, Respondent was a public official serving on the Branchville Town Council.<sup>1</sup> Respondent was also a candidate for Branchville Town Council in a December 7, 2017 election.
2. Respondent failed to file a 2017 SEI on or before March 30, 2017.
3. Respondent failed to file a Pre-Election CDR fifteen (15) days prior to the December 7, 2017 election.

<sup>1</sup> According to the Commission's public filings, Respondent has served on Branchville Town Council since at least 2013.

4. Following multiple attempts to notify Respondent via certified mail, Respondent requested notification via email. Respondent was subsequently notified of his failure to file a 2017 SEI and a 2017 Pre-Election CDR via email on April 30, 2019.
5. Respondent thereafter attempted to file a Pre-Election CDR, but incorrectly listed his election date as November 6, 2018.
6. On July 2, 2019, Commission staff emailed Respondent updated penalty amounts and also sent this notification via first class mail with a tracking number. According to the U.S. Postal Service, this letter was delivered at 11:34 a.m. on October 31, 2019.
7. The Complaint was filed on January 9, 2020. Respondent was not in compliance as of the filing of the Complaint.
8. Respondent came into compliance on March 5, 2020, following contact from a Commission Investigator.

#### 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 public official and a candidate for public office pursuant to Section 8-13-100(28) and Section 8-13-100(4). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308(A) provides, in relevant part:
  - ... 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.
3. Section 8-13-1140 provides, in relevant part:

A person required to file a [SEI] under this chapter annually shall file . . . an updated statement for the previous calendar year, no later than noon on March 30 of each

calendar year.

4. Section 8-13-1510(A) provides:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required 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 required statement or report is not filed, not exceeding five thousand dollars.

5. Sections 8-13-130 and 8-13-320(10)(1)(i) allow the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act and to impose a civil penalty of up to \$2,000 for each violation of the Ethics Act.

**DISCUSSION**

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308 for failing to file a Pre-Election CDR fifteen (15) days before his December 7, 2017 election and one (1) count of violating Section 8-13-1140 for failure to timely file a 2017 SEI. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to file a Pre-Election CDR fifteen (15) days before the December 7, 2017 election and when he failed to timely file a 2017 SEI. In mitigation, Respondent asserts he attempted to file the reports multiple times but was unsuccessful. Respondent also asserts he attempted to come into compliance when he incorrectly filed a 2018 Pre-Election CDR.

**DISPOSITION**

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308 and one (1) count of Section 8-13-1140.

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 one hundred-eighty (180) days from receipt of this Order, a reduced civil penalty of \$200 for each count and a \$300 administrative fee, for a total of \$700.

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 \$14,000 (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 Orangeburg County Clerk of Court's Office. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$14,000 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 14 DAY OF December 2020.

STATE ETHICS COMMISSION

  
CHILDS CANTEY THRASHER, CHAIR

  
MICHAEL BLANKENSHIP  
RESPONDENT