

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER

c 2020-009

COMPLAINT FORM

COMPLAINANT: Charlotte Bian-Lingle
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE:

RESPONDENT: Dylan Gunnels
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE:

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).

Dylan Gunnels for Columbia City Council failed to report his post election campaign disclosure that was due on January 10, 2020.

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STATE ETHICS COMMISSION

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 Charlotte N. Bian-Lingle 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 11th day of March 2020

[REDACTED SIGNATURE]

Complainant Signature

Notary Public for South Carolina
My Commission expires May 17, 2022

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)
IN THE MATTER OF:)
Complaint C2020-009)
Dylan Gunnels)
Respondent.)
State Ethics Commission)
Complainant.)

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, to support the allegations made 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, December 16, 2021 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 A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308, S.C. CODE ANN., 1976, AS AMENDED

That Dylan Gunnels, candidate for Columbia City Council, did in Richland County, fail to file a final campaign disclosure report, in violation of Section 8-13-1308(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 L. Walker, Executive Director
State Ethics Commission

Dated this 27th day,
of July 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Dylan Gunnels, 904 Muller Ave, Columbia, SC 29203 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 27th day of July 2021, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

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

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STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2020-009)
Charlotte Bian-Lingle,)
Complainant,)
Dylan Gunnels,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 11, 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 Dylan Gunnels (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(B) for failing to file a January 10, 2020/Final Campaign Disclosure Report (CDR). Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. Respondent was a candidate for Columbia City Council in a November 5, 2019 election.
2. Respondent filed CDRs on June 27, 2019, July 10, 2019, and October 21, 2019.
3. Respondent's October 21, 2019 CDR showed that Respondent maintained \$529.91 in on-hand contributions.
4. Respondent failed to file any additional CDRs.
5. Following the filing of the complaint, Commission Investigator Kevin Hinson contacted Respondent. Respondent informed Investigator Hinson that he would do whatever was necessary to rectify the situation. Respondent stated the November 5, 2019 election was his first run for office and he was not familiar with the filing requirements.
6. A review of Respondent's campaign bank account records revealed Respondent's campaign bank

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account reached a zero balance and was closed on December 6, 2019.

7. Respondent subsequently received assistance from Commission staff and came into compliance by filing a January 10, 2019/Final CDR.

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. Section 8-13-1308(B) provides, in relevant part:

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.

3. 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.

4. 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 violating Section 8-13-1308(B) for failing to timely file a January 10, 2019/Final CDR. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file this CDR.

In mitigation, Respondent states the 2019 election was his first time running for public office and that he was not familiar with the filing requirements. Respondent states that he will be strictly adhere to the filing requirements and will contact the Commission for guidance should he run for office in the future.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308(B).
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 sixty (60) days from receipt of this Order, a late-filing penalty of \$100 and an administrative fee of \$275, for a total of \$375.

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 \$375 (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 \$375 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 28 DAY OF September 2021.

STATE ETHICS COMMISSION


CHILDS CANTEY THRASHER, CHAIR



DYLAN GUNNELS
RESPONDENT