

RECEIVED
2020 MAR 19 PM 4:46
STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-013

COMPLAINT FORM

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

RESPONDENT: Shelley N. Williams
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Richland County School
District Two

Section 8-13-1302 of the South Carolina Code Ann., requires that all candidates maintain a record of campaign contributions, expenditures, all receipted bills, canceled checks, or other proof of payment for each expenditure and the occupation of each person making a contribution for a period of four years. The Respondent failed to provide the occupation of six contributors.

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. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline. Records of the State Ethics Commission indicate that a Campaign Disclosure was due no later than April 10, 2017, July 10, 2017, October 10, 2017, January 10, 2018, April 10, 2018, July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, and January 10, 2020. In addition, Respondent has failed to disclose addresses for eleven expenditures.

Section 8-13-1348 of the South Carolina Code of laws, 1976, as amended, prohibits a candidate from using campaign funds to defray personal expenses which are unrelated to the campaign. According to the Initial/October 10, 2016/Pre-Election Campaign Disclosure, the Respondent made expenditures that appear personal to Geofree Brown on October 11, 2016 for "gas for sign placement" in the amount of \$20.00 and to Sonic Food for "Food/Beverage for canvass" on October 17, 2016 in the amount of \$8.02.

Respondent was reminded of the filing requirements by letters dated June 27, 2019, August 14, 2019, August 15, 2019, and January 7, 2020 as described in the attached. To date, no properly completed April 10, 2017, July 10, 2017, October 10, 2017, January 10, 2018, April 10, 2018, July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, or January 10, 2020 Campaign Disclosure has been received. In addition, Respondent has not provided the six occupations or reimbursed her campaign account from personal funds for the personal expenditures. All in violation of Section 8-13-1302, Section 8-13-1308(B), Section 8-13-1308 (F), and Section 8-13-1348, S.C. 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
19th day of March, 2020

[REDACTED]

[REDACTED]
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 C2020-013)	
)	
Shelley N. Williams)	NOTICE OF HEARING
Respondent.)	
)	
State Ethics Commission)	
Complainant.)	
)	

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(B), S.C. CODE ANN., 1976, AS AMENDED

That Shelley N. Williams, candidate for Richland County School Board District 2, did in Richland County, fail to file a Final Campaign Disclosure Report, in violation of Section 8-13-1308(B).


COUNT TWO
USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSE
SECTION 8-13-1348, S.C. CODE ANN., 1976, AS AMENDED

That Shelley N. Williams, candidate for Richland County School Board District 2, did in

Richland County, use campaign funds to purchase food/beverage at Sonic in the amount of \$8.02, a personal expense, 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 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 Shelley N. Williams, 218 Sterling Hills Circle, Columbia, SC 29229 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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
)
IN THE MATTER OF:)
COMPLAINT C2020-013)
)
State Ethics Commission,)
Complainant,)
)
Shelley N. Williams,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

STATE ETHICS
COMMISSION

2021 DEC 16 PM 2:15

RECEIVED

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on March 19, 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 Shelley N. Williams (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on Respondent's failure to timely file a April 10, 2017/Final Campaign Disclosure (CDR) in violation of Section 8-13-1308(B) of the Ethics Act.¹ Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. Respondent was a candidate in a November 8, 2016 election for Richland County School District Two.
2. Respondent filed an Initial CDR on October 28, 2016 and a January 10, 2017 CDR on January 23, 2017.² Respondent's January 10, 2017 CDR disclosed \$126.83 in on-hand contributions.

¹ Respondent was also charged with failing to properly maintain records regarding occupations of six (6) contributors in violation of Section 8-13-1302(A) and with failing to report the addresses of twelve (12) vendors to whom an expenditure of campaign funds was made in violation of Section 8-13-1308(F). Pursuant to S.C. Code Ann. Regs. 52-708, Respondent has since obtained the required occupations and addresses. The Commission therefore declines to proceed on these charges. Finally, Respondent was initially charged with violating Section 8-13-1348(A) for using \$8.02 in campaign funds for personal use by purchasing a meal. Subsequent to the finding of probable cause, Respondent provided information indicating the meal was not for personal use, but rather for a campaign worker who was assisting her with sign posting during the campaign. The Commission therefore declines to proceed on this charge.

3. Respondent failed to file any additional CDRs.
4. In a June 27, 2019, first-class letter, the Commission notified Respondent of her failure to file any additional CDRs.
5. On August 15, 2019, the Commission remailed the first-class letter via certified mail. This letter was returned as "Return to Sender-Unclaimed" on September 11, 2019.
6. On January 7, 2020, the Commission remailed the letter via first class mail with a United States Postal Service (USPS) tracking number. According to the USPS, this letter was delivered to Respondent's address of record on January 8, 2020 at 12:48 p.m.
7. On January 18, 2020, late-filing penalties began to accrue at \$10.00 per day.
8. On January 28, 2020, late-filing penalties began to accrue at \$100.00 per day.
9. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed and reviewed. According to the campaign bank account records, Respondent's last required filing should have been April 10, 2017.
10. After working with Commission staff, Respondent came into compliance by filing her Final CDR on November 24, 2021.³ At the time she came into compliance, Respondent had accrued \$5,000.00 in late-filing penalties.

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).

² Respondent was penalized \$200.00 for failing to timely file these two (2) CDRs (\$100 for each report pursuant to Section 8-13-1510), but these filings are not a part of this Complaint.

³ Beginning in mid-2018, Respondent had multiple interactions with Commission staff in an attempt to reconcile her bank records to her public filings. November 24, 2021 is the date Respondent finally resolved all issues within her campaign bank account and public filings.

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1308(B) provides:

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 Final CDR. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file a Final CDR. In mitigation, Respondent states that 2016 was her first run for public office. Respondent states that after she closed her campaign account in 2017, she believed she had submitted her Final CDR. Respondent acknowledges receiving email notifications advising her that she had outstanding filing deficiencies, but states that she believed these emails were an oversight on behalf of the Commission. Respondent asserts she attempted multiple times since 2018 to correct her filings, but states that she has been battling health issues over the last several years which has resulted in her inability to make

her Commission filings a priority.

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 six (6) months from receipt of this Order, a reduced late-filing penalty of \$300.00 and an administrative fee of \$250.00, for a total of \$550.00. The remaining \$4,700.00 in accrued late-filing penalties are hereby waived.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$550.00 (less any money paid to the Commission) in the event she 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 \$550.00 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 13 DAY OF December 2021.

STATE ETHICS COMMISSION

CHILD'S CANTEY THRASHER, CHAIR

SHELLEY N. WILLIAMS
RESPONDENT