

STATE OF SOUTH CAROLINA
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FOR COMMISSION USE ONLY:
CASE NUMBER
C2020-022

STATE ETHICS
COMMISSION

COMPLAINT FORM

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: Roberts Vaux, Jr.
ADDRESS: [REDACTED]
TELEPHONE NUMBER: (843) 757-8289 or
(843) 757-2888

TELEPHONE NUMBER: (803) 253-4192

TITLE: Former Councilman - Beaufort County

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 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, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, and April 10, 2020. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by letters dated September 7, 2018, November 2, 2018, February 6, 2019, and April 28, 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, January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, or April 10, 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B) and Section 8-13-1308 (F), 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
8th day of May 2020

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires August 11, 2025

SEC-7 (Revised 8/2019)

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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2020-022)
)
 State Ethics Commission,)
 Complainant,)
)
 Roberts Vaux, Jr.,)
 Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on May 8, 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 Roberts Vaux, Jr. (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 served on Beaufort County Council from 2013-2018.
2. In a January 10, 2017 Campaign Disclosure Report (CDR), Respondent disclosed \$1,859.92 in on-hand contributions.¹
3. Respondent failed to file any additional CDRs.
4. In a September 7, 2018 letter mailed to Respondent's address of record, the Commission notified Respondent of his failure to file the following six (6) CDRs: April 10, 2017; July 10, 2017; October 10, 2017; January 10, 2018; April 10, 2018; and July 10, 2018. The Commission assessed a \$600 late-filing penalty pursuant to Section 8-13-1510 and advised Respondent to file the missing CDRs.
5. On September 27, 2018, Respondent telephoned the Commission and spoke with Assistant Director Ami Franklin, who advised Respondent to follow the instructions in the September 7,

¹ Based on subsequent amendments to Respondent's filings and a review of Respondent's campaign bank account records, it appears that the amount of on-hand contributions in Respondent's January 10, 2017 CDR should have been \$190.28.

2018 letter and to file the missing CDRs.

6. In a November 2, 2018 certified letter mailed to Respondent's address of record, the Commission notified Respondent of his failure to file the aforementioned six (6) CDRs and advised that late-filing penalties would begin to accrue if Respondent did not file the missing CDRs. According to the U.S. Postal Service, this letter was delivered on November 19, 2018 at 11:32 a.m.
7. Late-filing penalties associated with these six (6) CDRs began to accrue at \$60 per day (\$10 per CDR) on November 29, 2018 and at \$600 per day (\$100 per CDR) on December 9, 2018.
8. On December 19, 2018, Respondent filed an October 10, 2018 CDR disclosing the same balance in on-hand contributions. Respondent did not file the six (6) CDRs referenced in the Commission's November 2, 2018 certified letter, which resulted in the accrual of an additional \$29,400 in late-filing penalties.
9. Respondent subsequently failed to file a January 10, 2019 CDR.
10. On February 21, 2019, Respondent submitted a check in the amount of \$1,200, but still failed to file the missing CDRs.
11. On March 7, 2019, Respondent's associate John Acker contacted the Commission and informed staff that he would be filing the necessary CDRs, but failed to do so.
12. In an April 28, 2020, certified letter, the Commission notified Respondent of his failure to file the following five (5) CDRs: April 10, 2019; July 10, 2019; October 10, 2019; January 10, 2020; and April 10, 2020.² According to the U.S. Postal Service, this letter was delivered to Respondent's address of record on May 4, 2020 at 2:11 p.m.
13. Receiving no response from Respondent, the Complaint was filed on May 8, 2020.

² The Commission did not provide Respondent with certified notice regarding the January 10, 2019 CDR or, subsequently, the October 10, 2020/Final CDR. Accordingly, the maximum late-filing penalty for these CDRs is limited to \$100 for each CDR pursuant to Section 8-13-1510.

14. On May 14, 2020, late-filing penalties began to accrue on the April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, and April 10, 2020 CDRs at \$50 per day (\$10 per CDR).
15. On May 18, 2020, Respondent filed the following five (5) CDRs: April 10, 2019; July 10, 2019; October 10, 2019; January 10, 2020; and April 10, 2020. Respondent's April 10, 2020 CDR reflected on-hand contributions totaling \$190.28. As of May 18, 2020, Respondent had accrued \$140 on each of these five (5) CDRs, for a total of \$700.
16. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed and reviewed. These records revealed Respondent had no campaign activity from April 2017 until August 3, 2020, when the account reached a zero balance. Based on the date of account closure, Respondent was required to file an October 10, 2020/Final CDR.
17. On September 3, 2021, Respondent came into compliance by filing an October 10, 2020/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 fourteen (14) counts of violating Section 8-13-1308(B) for failing to quarterly CDRs from April 2017 through October 10, 2020. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file these CDRs. Respondent asserts that he asked Mr. Acker to assist him with filing his CDRs in October 2018. Respondent was aware that Mr. Acker filed his October 10, 2018 CDR, but mistakenly assumed that Mr. Acker was preparing the remaining required CDRs and closing out Respondent’s campaign bank account. Respondent further states that he has suffered from multiple family tragedies impacting his ability to prioritize his Commission filings. Specifically, as set forth in Respondent’s response to the Commission’s complaint, he experienced several personal family tragedies including the death of a close relative in January of 2020 followed by a close family member who suffered a serious medical emergency in April of 2020. Later that same month two of Respondent’s other close family members were involved in a motor vehicle accident that required Respondent to assist in providing care to one of the family members in his home for a period of time.

In late April 2020, Respondent's firm learned that the office had been exposed to COVID-19 and sent most employees home to work remotely. Consequently, during this time, Respondent had issues receiving mail, including the certified mail that was sent by the Commission on April 28, 2020 directing him that he had ten days to file campaign disclosures from 2019 and 2020. On May 5, Respondent received the April 28 letter and forwarded it to Mr. Acker, who told Respondent that he would file the reports immediately. In the midst of all of the unfortunate circumstances that Respondent was facing in his personal life, he did not follow-up as he should have, the reports were not filed, and Respondent missed the deadline to comply with the April 28, 2020 letter. Respondent admits that, in the midst of these personal circumstances, it remained his sole responsibility to ensure that his filings were timely and not that of any third party. He further acknowledges that he did not follow up with the Commission as he should have. Respondent asks the Commission for leniency given these extenuating circumstances and the lack of campaign activity from April 2017 through October 2020.

DISPOSITION

1. The Commission hereby finds Respondent in violation of fourteen (14) counts 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 orders the Respondent to pay the Commission, within six (6) months from receipt of this Order, a total reduced late-filing penalty of \$1,600 and an administrative fee of \$300, for a total of \$1,900. The Commission hereby waives the remaining

\$29,800 in late-filing penalties.³

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 \$1,900 (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 \$1,900 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS

25 DAY OF January ~~2021~~ 2022

STATE ETHICS COMMISSION


CHILDS CANTEY THRASHER, CHAIR


ROBERTS VAUX, JR., RESPONDENT


REGINA LEWIS, RESPONDENT'S ATTORNEY

³ Respondent's total maximum late-filing penalty in this matter is \$31,000 minus the \$1,200 payment made on February 18, 2019.