

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-043

COMPLAINT FORM

RECEIVED
2020 JUL 27 AM 10:26
STATE ETHICS COMMISSION
COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210
TELEPHONE NUMBER: (803) 253-4192

RESPONDENT: Robert A. Scott
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council – Dillon 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 Pre-Election Campaign Disclosure was due between October 19, 2016 and October 24, 2016. In addition, Campaign Disclosures were due no later than January 10, 2017, 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, January 10, 2020, April 10, 2020, and July 10, 2020. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by letters dated May 24, 2019 and May 29, 2020 as described in the attached. To date, no properly completed Pre-Election, January 10, 2017, 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, January 10, 2020, April 10, 2020, or July 10, 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B), Section 8-13-1308(D)(1), 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
27th day of July, 2020

[REDACTED]
Meghan L. Walker, Executive Director

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

SEC-7 (Revised 8/2019)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2020-043)

Robert A. Scott)
Respondent.)

NOTICE OF HEARING

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 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, February 18th, 2021 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 Robert A. Adams, Candidate for Dillon County Council, did in Richland County, fail to file a pre-election campaign disclosure report at least fifteen days prior to the November 8, 2016 Dillon County Council general election, in violation of Section 8-13-1308(D).

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 6th day,
of January 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Robert A. Scott, 2020 Smitty Road, Dillon, SC 29536 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 8th day of January 2021, 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2020-043)
State Ethics Commission,)
Complainant,)
Robert A. Scott,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the South Carolina State Ethics Commission (Commission) by way of a Complaint filed on July 27, 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 Robert A. Scott (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. 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 candidate in a November 8, 2016 election for Dillon County Council.
2. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) fifteen (15) to twenty (20) days prior to the election.¹
3. Respondent was notified of this failure via certified letter dated May 29, 2020. According to the U.S. Postal Service, this letter was delivered on June 1, 2020 at 4:26 p.m.
4. On June 11, 2020, penalties began to accrue at \$10 per day. On June 21, 2020, penalties began to accrue at \$100 per day.

¹ The complaint in this matter initially alleged Respondent filed an April 10, 2016 CDR with the Commission, but thereafter failed to file sixteen (16) additional CDRs. During the investigation, it was discovered that Respondent had no campaign activity after March 16, 2016. Respondent properly amended his April 10, 2016 CDR to reflect this activity and the Commission pursued no further action based on the four-year statute of limitations found in Section 8-13-320(9)(d).

5. On July 30, 2020, a Commission Investigator contacted Respondent about the complaint. Respondent acknowledged receiving the complaint the previous day, but denied having received the Commission's May 29, 2020 penalty letter. According to Respondent, he was employed as a trucker and was not frequently at his residence. The Commission Investigator directed Respondent to the Disclosure Division for assistance in filing his Pre-Election CDR.
6. On July 30, 2020, Respondent came into compliance by filing his Pre-Election CDR reflecting no campaign activity. As of that date, Respondent had accrued \$3,200 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). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308 provides, in relevant part:
 - (A) . . . 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.

. . .
 - (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 or committee for the period ending twenty days before the election . . .
3. Section 8-13-1510(A) provides, in relevant part:

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. Sections 8-13-130 and 8-13-320(10)(l)(i) allow the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Act and to require payment of a civil penalty of up to \$2,000 for each violation of the 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 2016 Pre-Election CDR. Through this Consent Order, Respondent acknowledges that he violated Section 8-13-1308.

DISPOSITION

1. The Commission hereby finds Respondent Robert A. Scott in violation of one (1) count of Section 8-13-1308 for failing to file a Pre-Election CDR fifteen (15) to twenty (20) days prior to his November 8, 2016 election for Dillon County Council.
2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

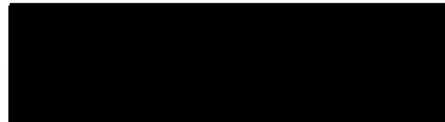
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THEREFORE, the Commission hereby issues this public reprimand to Respondent, and orders Respondent to pay the Commission, within sixty (60) days from receipt of this Order, a reduced civil penalty of \$300 and an administrative fee of \$300, for a total of \$600.

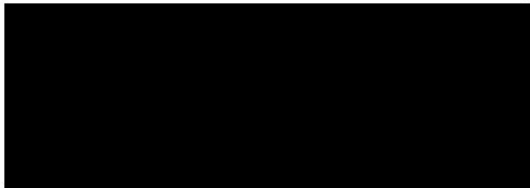
By executing this Consent Order, Respondent understands that he is not only admitting to a violation of the Act, but also confessing to a judgment of \$3,200 in the event he does not make payment as provided for in this Order, in which case the Commission shall file a Judgment against Respondent with the County Clerk of Court in Respondent's last known County of residence, who shall enter this Order in the amount of \$3,200 (less any money paid) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 16 DAY OF February 2021.

STATE ETHICS COMMISSION



CHILDS CANTEY THRASHER, CHAIR



ROBERT A. SCOTT
RESPONDENT

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