

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2020-050

COMPLAINT FORM

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

RESPONDENT: Phil H. Yarborough  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Former Councilmember – Lexington County

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 prior to March 30. Records in the State Ethics Commission indicate that the Respondent was required to file the 2018 Statement of Economic Interests.

Respondent was reminded of the filing requirement by a letter May 13, 2020 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2018 Statement of Economic Interests has been received. All in violation of Section 8-13-1140, 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  
21st day of August, 2020

[REDACTED]

[REDACTED]  
Meghan L. Walker, Executive Director

Notary Public for South Carolina  
My Commission expires August 11, 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

C102form

STATE OF SOUTH CAROLINA	)	
COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
	)	
Complaint C2020-050	)	
	)	
Phil H. Yarborough	)	<b>NOTICE OF HEARING</b>
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, August 19, 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 STATEMENT OF ECONOMIC INTERESTS**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That Phil H. Yarborough., former Lexington County Council Member, did in Richland County, fail to file a 2018 Statement of Economic Interests, 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 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 Phil H. Yarborough, 188 Palm Point Drive, Columbia, SC 29212 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 15<sup>th</sup> day of July 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 (803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF: )  
COMPLAINT C2020-050 )

State Ethics Commission, )  
Complainant, )

**CONSENT ORDER**

Phil H. Yarborough, )  
Respondent. )

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 21, 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 Phil H. Yarborough (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1140 for failure to timely file a 2018 Statement of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to entry of the following:

**STATEMENTS OF FACT**

1. In 2014, Respondent was elected to Lexington County Council for a term that expired in 2018.
2. Respondent failed to file a 2018 SEI on or before March 30, 2018. An email reminder was sent to Respondent thirty (30) days prior to the deadline.
3. In a May 13, 2020 certified letter, the Commission notified Respondent of his failure to file a 2018 SEI. According to the U.S. Postal Service, the letter was delivered to Respondent's address of record on May 26, 2020 at 1:27 p.m.
4. On May 26, 2020, late-filing penalties began accruing at \$10 per day.
5. On June 5, 2020, late-filing penalties began accruing at \$100 per day.

6. A Commission Investigator telephoned Respondent on September 1, 2020 after the complaint was filed. Respondent informed the Investigator that he did not file a 2018 SEI because his term expired that year and he was not running for another term.
7. Respondent came into compliance on September 29, 2020 by filing his 2018 SEI.
8. At the time he came into compliance, Respondent had accrued the statutory maximum of \$5,000 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 “public official” pursuant to Section 8-13-100(28). Therefore, the Commission has personal and subject matter jurisdiction.
2. 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.
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 8-13-1140 for failing to timely file a 2018 SEI. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file a 2018 SEI. In mitigation, Respondent believed he was no longer required to file a SEI if he was not running for reelection in 2018. In addition, Respondent has informed the Commission that he sustained a life-threatening injury shortly after the 2018 SEI was due, that he incurred substantial medical bills in relation to this injury, and that he underwent a months-long journey of hospital stays and recovery as a result of his injury. Respondent has provided the Commission with documentation to support these assertions and seeks financial leniency regarding the \$5,000 late-filing penalty.

### **DISPOSITION**

1. The Commission hereby finds Respondent in violation of 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 sixty (60) days from receipt of this Order, a late-filing penalty of \$500 and a \$200 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 \$700 (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 \$700 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 3 DAY OF August 2021.

STATE ETHICS COMMISSION

  
CHILD S CANTEY THRASHER, CHAIR

  
PHIL H. YARBOROUGH  
RESPONDENT  
7/23/21