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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:

CASE NUMBER

C 2020-071

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

RESPONDENT: Garrett McDaniel
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council – Laurens 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 thereafter 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 dated July 14, 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
24th day of September, 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

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaint C2020-071)

Garrett McDaniel)
Respondent.)

State Ethics Commission)
Complainant.)

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 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, April 15, 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Garrett McDaniel, Laurens County Councilmember, did in Richland County, fail to timely file a 2018 Statement of Economic Interests prior to March 30, 2018, 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 31 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 Garrett McDaniel, 131 Honeysuckle Ave, Laurens, SC 29360 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 5th day of February 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 C2020-071)

State Ethics Commission,)
Complainant,)

CONSENT ORDER

Garrett McDaniel,)
Respondent.)

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on September 24, 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 Garrett McDaniel (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. Respondent was elected to the Laurens County Council in 2016.
2. Respondent timely filed a 2016 SEI and a 2017 SEI.
3. Respondent failed to file a 2018 SEI on or before March 30, 2018.
4. Respondent timely filed a 2019 SEI and a 2020 SEI.
5. On July 14, 2020, the Commission notified Respondent of his failure to file a 2018 SEI by way of a certified letter to Respondent's address of record. According to the U.S. Postal Service, the letter was delivered on July 16, 2020 at 12:28 p.m.
6. On July 26, 2020, penalties began accruing at \$10 per day. On August 5, 2020, penalties began accruing at \$100 per day.

7. When Respondent failed to come into compliance, this complaint was filed.
8. On November 16, 2020, a Commission Investigator contacted Respondent about the complaint. Respondent came into compliance by filing his 2018 SEI the same day, having accrued the maximum late-filing penalty of \$5,000.

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. Sections 8-13-130 and 8-13-320(10)(1)(i) allow the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act and to impose a civil penalty of up to \$2,000 for each 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 file a 2018 SEI on or before March 30, 2018. In mitigation, Respondent asserts that he mistakenly believed that wages being garnished from his paycheck by the Department of Revenue were related to his failure to timely file his 2018 SEI and, therefore, that the matter was concluded.¹ Respondent maintains that he will file the requisite forms moving forward and will contact Commission staff if he needs assistance.

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 ninety (90) days from receipt of this Order, a late-filing penalty of \$300 and a \$200 administrative fee, for a total of \$500.

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 \$5,000 (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 Laurens

¹ This garnishment was actually related to two 2016 Pre-Election CDRs Respondent had failed to timely file that are not a part of this complaint.

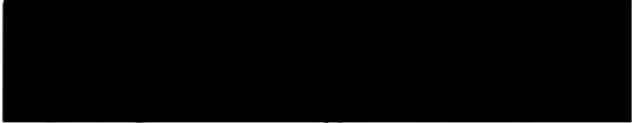
County Clerk of Court's Office. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$5,000 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 22 DAY OF April 2021.

STATE ETHICS COMMISSION



CHILDS CANTEY THRASHER, CHAIR



GARRETT MCDANIEL
RESPONDENT