

STATE OF SOUTH CAROLINA
RECEIVED STATE ETHICS COMMISSION

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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-074

STATE ETHICS
COMMISSION

COMPLAINT FORM

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

RESPONDENT: Betty J. McMorris
ADDRESS: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: (803) 253-4192

TITLE: Trustee – Union County Schools

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. Respondent was sent an email reminder thirty days before the Pre-Election Campaign Disclosure deadline.

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 and 2020 Statement of Economic Interests.

Respondent was reminded of the filing requirement by a letter dated July 31, 2020 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure, 2018 Statement of Economic Interests, or 2020 Statement of Economic Interests have been received. All in violation of Section 8-13-1140, Section 8-13-1308(D)(1), 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 1st day of October, 2020

[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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2020-074)
Betty J. McMorris)
Respondent.)
State Ethics Commission)
Complainant.)

BEFORE THE STATE ETHICS COMMISSION

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

That Betty J. McMorris, Union County School District Three Trustee, did in Richland County, fail to file a 2018 Statement of Economic Interests, in violation of Section 8-13-1140.

COUNT TWO

**FAILURE TO FILE A STATEMENT OF STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**


That Betty J. McMorris, Union County School District Three Trustee, did in Richland County, fail to file a 2020 Statement of Economic Interests, in violation of Section 8-13-1140.

COUNT THREE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That Betty J. McMorris, Union County School District Three Trustee, did in Richland County, fail to file a 2016 Pre-Election Campaign Disclosure Report, 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 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 Betty J. McMorris, 118 Edna Drive, Carlisle, SC 29031 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.



Richard A. Provencher, Administrative Assistant
State Ethics Commission

(803) 253-4192

Columbia, South Carolina

RECEIVED

JAN 07 2022

STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2020-074)

State Ethics Commission,)
Complainant,)

CONSENT ORDER

Betty J. McMorris,)
Respondent.)

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on October 1, 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 Betty J. McMorris (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on two (2) counts of violating Section 8-13-1140 for failure to timely file Statements of Economic Interests (SEI) in 2018 and 2020 and one (1) count of violating Section 8-13-1308(A) for failure to timely file a 2016 Pre-Election Campaign Disclosure Report (CDR). Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent has served on the Union County School District Board of Trustees.
2. Respondent failed to file a Pre-Election CDR between October 19, 2016 and October 24, 2016.
3. Respondent failed to file a SEI on or before March 30, 2018.
4. Respondent failed to file a SEI on or before March 30, 2020.¹
5. In a certified letter dated July 31, 2020, the Commission notified Respondent of her failure to file a 2016 Pre-Election CDR and a 2018 SEI. This letter was delivered to Respondent's address of

¹ Respondent also failed to timely file a 2019 SEI. However, following the July 31, 2020 certified letter mentioned herein, Respondent filed her 2019 SEI. Therefore, the 2019 SEI is not a part of this Complaint.

record on August 4, 2020 at 12:41 p.m.

6. On August 13, 2020, Respondent contacted the Commission and informed staff that she was working on having her computer fixed so that she could file.
7. On August 14, 2020, late-filing penalties began accruing at \$20 per day (\$10 for the CDR and \$10 for the 2018 SEI).
8. On August 24, 2020, late-filing penalties began accruing at \$200 per day (\$100 for the CDR and \$100 for the 2018 SEI).
9. As of September 25, 2020, Respondent had a "Saved, Not Filed" 2018 SEI in the Commission's electronic filing system.²
10. The Complaint was filed on October 1, 2020 and it included the aforementioned failures to file as well as Respondent's failure to timely file a 2020 SEI.
11. On October 21, 2020, Respondent contacted Commission Investigator James Bagnall regarding the Complaint. Respondent told Investigator Bagnall that she had already filed her 2018 and 2020 SEIs. Investigator Bagnall explained that she had a "Saved, Not Filed" 2018 SEI pending in the Commission's system, but no activity related to a 2020 SEI. Investigator Bagnall further advised Respondent to file the 2016 Pre-Election CDR. Respondent stated that she had limited computer skills and that she needed assistance with filing her reports. On December 29, 2020, with the assistance of Commission staff, Respondent came into compliance by filing the requisite reports. Respondent's Pre-Election CDR revealed no contributions or expenditures.
12. At the time Respondent came into compliance, she had accrued \$5,000 in late-filing penalties on the 2016 Pre-Election CDR, \$5,000 in late-filing penalties on the 2018 SEI, and \$100 in late-filing

² "Saved, Not Filed" status is an internal designation that indicates Respondent began the filing process but did not finalize the filing or submit it for public viewing.

penalties on the 2020 SEI.³

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(27).

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1110(A)(10) requires all public officials to file a SEI before entering upon her official responsibilities.

3. 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.

4. Section 8-13-1308(A) provides, in relevant part:

. . . 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.

5. 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.

6. 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.

³ Respondent's late-filing penalty related to the 2020 SEI is limited to \$100 because Respondent did not receive certified notice of her failure to file this SEI pursuant to Section 8-13-1510.

DISCUSSION

The Commission found probable cause to charge Respondent with two (2) counts of violating Section 8-13-1140 for failing to timely file a 2018 SEI and a 2020 SEI and one (1) count of violating Section 8-13-1308(A) for failing to timely file a 2016 Pre-Election CDR. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file a 2016 Pre-Election CDR, a 2018 SEI, and a 2020 SEI. In mitigation, Respondent states she believed she filed all required SEIs following receipt of the Commission's certified letter. Respondent asserts she was unaware the SEIs were not filed until she spoke to the Commission Investigator after the Complaint was filed. As to the 2016 Pre-Election CDR, Respondent states she believed this report was only required if money was raised or spent. Respondent is currently in compliance.

DISPOSITION

1. The Commission hereby finds Respondent in violation of two (2) counts of Section 8-13-1140 and one (1) count of Section 8-13-1308(A).
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 ninety (90) days from receipt of this Order, a reduced late-filing penalty of \$400 for the 2016 Pre-Election CDR; a reduced late-filing penalty of \$200 for the 2018 SEI; a late-filing penalty of \$100 for the 2020 SEI; and an administrative fee of \$250, for a total of \$950. The remaining \$9,400 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 \$950 (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 \$950 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 1 DAY OF January 2021. 2022

STATE ETHICS COMMISSION


CHILDS CANTEY THRASHER, CHAIR


BETTY J. MCMORRIS
RESPONDENT