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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 2020-082

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

**RESPONDENT:** Susan M. McManus  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Trustee – Charleston County School  
District 3

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. Pursuant to Section 8-13-1362 and Regulation 52-504 (C), the Pre-Election and quarterly report are required even when there have been no contributions or expenditures.

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.

Respondent was reminded of the filing requirement by letters dated November 15, 2019, December 10, 2019, January 31, 2020, and May 11, 2020 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure has been received. All in violation of 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  
23rd day of October, 2020

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

Notary Public for South Carolina  
My Commission expires 8-11-2025

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 C2020-082 )

Susan M. McManus )  
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 PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED**

That Susan M. McManus, Charleston County School District Three Trustee, did in Richland County, fail to timely file a 2016 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D)(1).

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.).

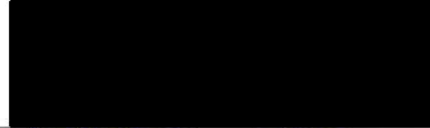
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above 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 Susan M. McManus, 752 Sprague St, Charleston, SC 29412 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.



Columbia, South Carolina

**Richard A. Provencher, Administrative Assistant**  
State Ethics Commission (803) 253-4192

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
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IN THE MATTER OF: )  
COMPLAINT C2020-082 )  
 )  
State Ethics Commission, )  
Complainant, )  
 )  
Susan M. McManus, )  
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 October 23, 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 Susan M. McManus (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. At all times relevant, Respondent served on the Charleston County School District Board of Constituents for District Three.
2. Respondent failed to file a Pre-Election Campaign Disclosure Report (CDR) fifteen (15) days before her November 8, 2016 election.<sup>1</sup>
3. On November 15, 2019, the Commission notified Respondent of her failure to file the 2016 Pre-Election CDR via first-class mail and assessed a \$100 late-filing penalty.
4. On December 10, 2019, the Commission re-mailed the penalty letter via certified mail.
5. On January 8, 2020, the certified letter was returned as "Return to Sender-Unclaimed."
6. On January 31, 2020, the Commission re-mailed the penalty letter via first-class mail with a

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<sup>1</sup> This letter and the Commission's subsequent correspondence also reference Respondent's failure to timely file a 2017 SEI. However, Respondent came into compliance by filing her 2017 SEI prior to the filing of this complaint. Therefore, this filing is not included in the current complaint.

tracking number.

7. On February 10, 2020, penalties began to accrue at \$10 per day for the first ten days.
8. In a letter dated February 11, 2020, Respondent appealed the late-filing penalty as follows:

I am writing this letter to file an appeal for the late filing penalty . . . I have struggled every year with filing my Statement of Economic Interest. It has not been user friendly. I then proceeded to call your department for help and do not get an answer and will leave a message. I am a teacher and time to be on the phone is very limited.

In reference to the 2017 Statement of Economic Interest I reached out to your department because I was having difficulty. I received an email from Karen Wiggins on April 6<sup>th</sup> and she proceeded to help me. The reason I am on the District 3 Constituent School Board is not for the pay. I am on the Board to help the children. I understand there is a process and I must follow it. Its just hard to look back and really figure out what I was struggling with while I am doing the filing. I do remember Ms. Wiggins saying she saw I was a filing [sic] but did not do something correct [sic]? I am not hiding anything or trying to break any laws.

In reference to the Pre-Election Campaign Disclosure, I am honestly not sure if I did that. I went to the office to fill out the Statement of Intention of Candidacy. I did all the paperwork I was given at that time. I honestly did not get any money from anyone. I paid for my own postcards and that's all I ever did. I did not ask anyone for any money. I'm not sure about any of this.

I am disturbed and upset that you all are trying to fine me. This position is more a volunteer position. You make me feel that holding this position is not worth it if I get these penalties.

9. On February 20, 2020, Respondent's penalties began to accrue at \$100 per day because she had still not filed her 2016 Pre-Election CDR.<sup>2</sup>
10. In a letter dated May 11, 2020, Respondent's appeal was denied because she had not come into compliance by filing her 2016 Pre-Election CDR.
11. On October 23, 2020, the complaint was filed and a Commission investigation was ordered.
12. Following contact from a Commission investigator, Respondent filed her 2016 Pre-Election CDR

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<sup>2</sup> The Commission's January 31, 2020 letter was sent via first-class mail with a tracking number. However, the United States Postal Service has no record of its delivery. Because Respondent appealed the contents of the January 31 letter in a document dated February 11, 2020, the Commission considers February 10, 2020 as the date of delivery for the January 31, 2020 letter.

on November 25, 2020, having accrued \$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 candidate pursuant to Section 8-13-1300(4). Therefore, the Commission has personal and subject matter jurisdiction.

2. 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.

3. 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.

4. Section 8-13-1510(A) provides, in relevant part:

. . . a person required to file a report or statement under this chapter who files a late 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.

### **DISCUSSION**

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1308(A) for failing to file a Pre-Election CDR fifteen (15) days before her November 8, 2016 election. Through this Consent Order, Respondent admits she inadvertently violated the Ethics Act by failing to timely file her 2016 Pre-Election CDR. In mitigation, Respondent asserts she has continuously struggled with the Commission’s filing requirements. Respondent states she had no intention to violate the law and ask the Commission for financial leniency.

**DISPOSITION**

1. The Commission hereby finds Respondent Susan McManus in violation 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 this written warning to Respondent, and orders Respondent to pay the Commission, within one hundred and twenty (120) days from receipt of this Order, a late-filing penalty of \$100 and an administrative fee of \$200, for a total of \$300.

By executing this Consent Order, Respondent understands that she is not only admitting to a violation of the Act, but also confessing to a judgment of \$300 in the event she 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 \$300 (less any money paid) in its Judgment Rolls, without cost to the Commission

AND IT IS SO ORDERED THIS 29 DAY OF April, 2021.

STATE ETHICS COMMISSION

  
CHILDs CANTEY THRASHER, CHAIR

  
SUSAN McMANUS  
RESPONDENT