

STATE OF SOUTH CAROLINA
RECEIVED STATE ETHICS COMMISSION

2020 NOV 16 PM 1:41

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-086

STATE ETHICS
COMMISSION

COMPLAINT FORM

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

RESPONDENT: Richard C. Thain
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Lexington County Council
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 Campaign Disclosure was 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, July 10, 2020, and October 10, 2020. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by a letter dated October 9, 2020 as described in the attached. To date, no properly completed 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, July 10, 2020, or October 10, 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B) 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 16th day of November, 2020

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

Notary Public for South Carolina
My Commission expires 8-16-2025

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 C2020-086)
Richard C. Thain)
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, 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County, fail to file a quarterly campaign disclosure report due January 10, 2017, in violation of Section 8-13-1308(B).

COUNT TWO
FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County,

fail to file a final campaign disclosure report, in violation of Section 8-13-1308(B).

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.).

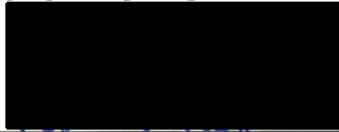
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.


Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 24th day,
of March 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Richard C. Thain, 132 Jarah Drive, Lexington, SC 29072 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24th day of March 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 |) | BEFORE THE STATE ETHICS COMMISSION |
| |) | |
| IN THE MATTER OF: |) | |
| |) | |
| Complaint C2020-086 |) | |
| |) | |
| Richard C. Thain |) | SECOND AMENDED |
| 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 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, April 21, 2022 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County, fail to file a quarterly campaign disclosure report due January 10, 2017, in violation of Section 8-13-1308(B).

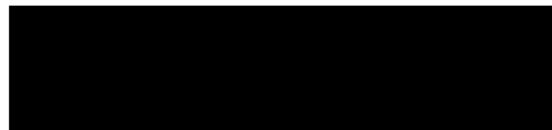
COUNT TWO
FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County,

fail to file a final campaign disclosure report, in violation of Section 8-13-1308(B).

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 17th day,
of February 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on the RESPONDENT Richard C. Thain, 433 Burton Rd, Lexington, SC 29072 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24th of February 2022, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope



Rachael O'Bryan, Administrative Assistant

State Ethics Commission

(803) 253-4192

Columbia, South Carolina

DECEIVED

MAR 20 2022

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)
COMPLAINT C2020-086)

State Ethics Commission,)
Complainant.)

DECISION AND ORDER

Richard C. Thain,)
Respondent.)

LOGGED

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on November 16, 2020. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the Commission reviewed the above-captioned complaint against Richard C. Thain (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on April 21, 2022, were Commissioners Brandolyn Thomas Pinkston, AJ Holloway, and Scott Frick, Hearing Chair. Respondent was duly notified of the hearing, but did not appear. Complainant was represented by Courtney M. Laster. The following charges were considered:

COUNT ONE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County, fail to file a quarterly campaign disclosure report due January 10, 2017, in violation of Section 8-13-1308(B).

COUNT TWO
FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County, fail to file a final campaign disclosure report, in violation of Section 8-13-1308(B).

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. Respondent was a candidate in a 2016 election for Lexington County Council.
2. Prior to his election, Respondent filed an Initial Campaign Disclosure Report (CDR), an April 10, 2016 CDR, and a Pre-Election CDR.
3. Respondent's Pre-Election CDR, filed on May 12, 2016, disclosed \$236.77 in on-hand contributions.
4. Respondent thereafter failed to file any additional CDRs.
5. In an October 9, 2020 certified letter, the Commission notified Respondent of his failure to file any additional CDRs. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on October 16, 2020 at 3:54 p.m.
6. On October 26, 2020, late-filing penalties began to accrue at \$10 per day, per CDR.
7. On November 5, 2020, late-filing penalties began to accrue at \$100 per day, per CDR.
8. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed and reviewed. According to the bank records, Respondent maintained a \$5.00 balance in his campaign bank account until February 17, 2017 when the account was closed.
9. As of the date of the hearing, Respondent had not filed a January 10, 2017 CDR or a Final CDR.

CONCLUSIONS OF LAW

Based upon the Findings 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) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308(B) of the Ethics Act provides, in relevant part:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

3. Section 8-13-1510(A) of the Ethics Act provides, in relevant part:

. . . 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 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 administrative fee on any person who is found in violation of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of evidence, that Respondent Richard C. Thain is in violation of two (2) counts of Section 8-13-1308(B) for failing to timely file a January 10, 2017 CDR and a Final CDR.

THEREFORE, Respondent is hereby assessed a late-filing penalty of \$5,000 for his failure to timely file a January 10, 2017 CDR and a reduced late-filing penalty of \$3,500 for his failure to timely file a Final CDR, and an administrative fee of \$701.40, for a total of \$9,201.40. The Panel declines to assess a civil penalty of \$4,000 (\$2,000 for each CDR) if the Respondent pays the \$9,201.40 within ninety (90) days from Respondent's receipt of this Order;

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$9,201.40 is not paid within ninety (90) days from Respondent's receipt of this Order, the reduced late-filing penalty of \$3,500 assessed for Respondent's failure to file a Final CDR shall revert to the maximum late-filing penalty of \$5,000 and the full amount of the civil penalty (\$4,000) shall be owed, for a total of \$14,701.40. A judgment in the amount of \$14,701.40 shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court's Office in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$14,701.40 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Richard C. Thain, has ten (10) days from receipt of this Order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 27th DAY OF April 2022.

STATE ETHICS COMMISSION


SCOTT FRICK, HEARING CHAIR

Columbia, South Carolina



STATE OF SOUTH CAROLINA
RECEIVED STATE ETHICS COMMISSION

2020 NOV 16 PM 1:41

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-086

STATE ETHICS
COMMISSION

COMPLAINT FORM

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

RESPONDENT: Richard C. Thain
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – Lexington County Council
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 Campaign Disclosure was 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, July 10, 2020, and October 10, 2020. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirements by a letter dated October 9, 2020 as described in the attached. To date, no properly completed 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, July 10, 2020, or October 10, 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B) and Section 8-13-1308 (F), S.C. Code Ann., 1976, as amended.

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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
16th day of November, 2020

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

Notary Public for South Carolina
My Commission expires 8-16-2025

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

Richard C. Thain

October 9, 2020: \$1,600.00 penalty letter is sent certified for failure to file an October 10, 2016, 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 Campaign Disclosure

October 16, 2020: According to the United States Postal Service, the certified letter is delivered and left with an individual on October 16, 2020 at 3:54 p.m.

October 26, 2020: Penalties begin accruing at \$10 per day per quarterly Campaign Disclosure for a total of \$160 per day

November 5, 2020: Penalties begin accruing at \$100 per day per quarterly Campaign Disclosure for a total of \$1,600 per day

November 10, 2020: At no point did Mr. Thain have any "Saved Not Filed" Campaign Disclosures. After no response, complaint is filed.

Previous or Current Non-Compliance

October 10, 2016 Campaign Disclosure

GEAR



October 29, 2020

Dear ami franklin:

The following is in response to your request for proof of delivery on your item with the tracking number: 9214 8969 0099 9790 1418 3080 06.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: October 16, 2020, 3:54 pm
Location: LEXINGTON, SC 29072
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: Richard Thain

Shipment Details

Weight: 0.0oz

Recipient Signature

| | |
|-------------------------|-----------|
| Signature of Recipient: | TW CIA |
| Address of Recipient: | 99 |

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

10-26-20: \$160/day / GEAR
11-5-20: \$1600/day

State of South Carolina
State Ethics Commission

10-19

CHILDS C. THRASHER, CHAIR
DONALD GIST, VICE CHAIR
BRIAN M. BARNWELL



AJ HOLLOWAY
DON JACKSON
BRANDOLYN THOMAS PINKSTON

201 EXECUTIVE CENTER DRIVE, SUITE 150
COLUMBIA, S.C. 29210

MEGHAN L. WALKER
EXECUTIVE DIRECTOR

October 9, 2020

Delivered 10 16 2020

CERTIFIED MAIL NO.:92148969009997901418308006



Dear Mr. Thain:

As a candidate for Lexington County Council District Three, the Ethics Reform Act requires you to file certain reports with the State Ethics Commission. An audit of your account indicates the following:

The October 10, 2016, 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 Campaign Disclosures have not been filed.

In accordance with Section 8-13-1510, South Carolina Code Ann., 1976, as amended, a late filing penalty of \$1600.00 is hereby levied. If the required Campaign Disclosures are not filed electronically within ten calendar days of receipt of this letter, additional penalties will be levied at \$10 per day per report for the first ten days and \$100 per day per report for each additional day until the penalty reaches \$5,000 per report, and a complaint will be filed against you.

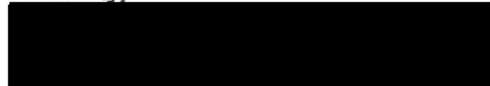
If extenuating circumstances prevented you from filing the reports as required, you may file a written appeal of this late filing penalty. To file an appeal, you must do the following within ten (10) days of the date you receive this letter:

File all missing reports online at <http://ethics.sc.gov>

Provide a written statement describing any extenuating circumstances. If you have closed your campaign account, please provide a copy of your last bank statement to consider a reduction in the late filing penalty.

Please be advised that all appeals must be in writing and must follow the above directions. NO phone or e-mail appeals will be accepted. Failure to file is a misdemeanor. After the maximum civil penalty has been levied, this matter will be referred to Magistrate's Court for criminal prosecution. This matter will also be referred to the South Carolina Department of Revenue for collection, and the penalty amount and your name, address (city) and position will be posted on the State Ethics Commission's website. Please contact this office if we can provide further information.

Sincerely,



Ami R. Franklin
Assistant Director

ARF:sb

com100

U.S. Postal Service
REGISTERED MAIL RECEIPT
 9214 8969 0099 9790 1418 3080 06

| | |
|----------------|---|
| \$3.55 | Electronic Return Receipt Not Requested |
| \$1.70 | |
| 50.00 | |
| \$0.500 | |
| \$5.750 | |

Registered Mail Recipient: **Richard Thain**
 Registered Mail Address: [REDACTED]

Electronic Filing

Statement of Economic Interests Profile

Please complete the form below. Fields marked by an asterisk (*) are required.

Personal Information

First Name Richard

Middle Initial c

Last Name Thain

Suffix

Mailing Address

City

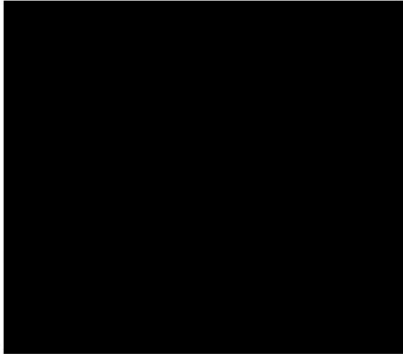
State

County

Zip Code

Phone Number

Email



Save

Filing Fee Receipt

Checks for filing fees must be made payable to the appropriate political party. Checks received by election commissions will be delivered to the appropriate political party. The candidate must sign the receipt. If the candidate is not present at the time the filing fee is submitted, the receipt may be delivered to the candidate electronically, the receipt signed by the candidate, and a copy of the signed receipt returned electronically to the appropriate election commission.

| | | | |
|---|---|-----------------|---------|
| Candidate Name | Richard C Thain | | |
| Party | Republican | | |
| Office | County Council District, 03 | District | 03 |
| Election | 11/8/2016, Statewide General Election (20026) | | |
| Amount of Filing Fee | \$721.60 | | |
| Date Received | 03/16/2016 | | |
| Time Received | 12:25 PM | | |
| Check Number | 3078 | | |
| | | | |
| Receiving Official | Dean Crapes | | |
| Election Commission (County/State) | LEXINGTON | | |
| Signature | [REDACTED] | Date | 3-16-16 |
| Candidate Signature | [REDACTED] | Date | 3-16-16 |

The Candidate Filing Receipt is issued pursuant to S.C. Code of Laws 7-11-15(E)

Candidate Listing

SCVotes.gov

6/14/2016 Statewide Primary

For a list of all candidates, click search without selecting any search options. You can narrow your search by making selections below. If you have questions concerning your search results, please contact your County Voter Registration office.

Office: **Party:**

Candidates by County: **Location of Filing:**

Candidate Status:

Candidate Last Name:

Candidate First Name:

Results Found: 1

Results Shown: 1-1

| Office | Associated Counties | Name on Ballot | Party | Location of Filing | Candidate Status |
|-----------------------------|---------------------|-----------------------------|------------|--------------------|---------------------|
| County Council District, 03 | LEXINGTON | Colin Thain | Republican | LEXINGTON | Defeated In Primary |

SC.GOV - SC State Ethics Commission: Public Disclosure and Accountability Reporting
Electronic Filing
Candidate Campaign Disclosure: Review

NR of 2016 July 10th + Oct 10th reports
NR of 2017 quarterly reports
NR of 2018 quarterly reports
NR of 2019 quarterly reports

2016, Pre-Election Report

Candidate: Thain, Richard c
Position Sought: County Council
Election Type: Primary
Election Date: 06/14/2016
Filing Type: Amendment 1, Filed

Directions

To review information you have entered, click each tab below.

- Summary** | Contributions | Expenditures | Loans | Loan Payments | More »

Demographic Information

Thain, Richard c
 132 Jarrah Drive
 Lexington, SC 29072
 803.513.2252
 Lexington County

Report Type

2016, Pre-Election

| Contributions | This Period | Election Cycle |
|---|--------------------|-----------------------|
| A. Candidates: Personal Funds | \$0.00 | \$3,144.44 |
| B1. Individual Contributions or other (+) | \$2,525.00 | \$2,775.00 |
| B2. Loans (+) | \$0.00 | \$0.00 |
| C. In-Kind Contributions (+) | \$0.00 | \$0.00 |
| D. Total Contributions (=) | \$2,525.00 | \$5,919.44 |

| Expenditures | This Period | Election Cycle |
|----------------------------------|--------------------|-----------------------|
| A. In-Kind Expenditures | \$0.00 | \$0.00 |
| B. Expenditures (+) | \$2,538.23 | \$5,682.67 |
| C. Total Expenditures (=) | \$2,538.23 | \$5,682.67 |

| Balance of Contributions | This Period |
|--|--------------------|
| A. Contributions on Hand (Beginning this Period) | \$250.00 |
| B. Total Contributions (This Period) (+) | \$2,525.00 |
| C. Total Expenditures (This Period) (-) | \$2,538.23 |
| D. Contributions On Hand (Period End) (=) | \$236.77 |

State of South Carolina
State Ethics Commission



CHILDS C. THRASHER, CHAIR
DONALD GIST, VICE CHAIR
BRIAN M. BARNWELL
SCOTT E. FRICK



AJ HOLLOWAY
DON JACKSON
BRANDOLYN THOMAS PINKSTON

201 EXECUTIVE CENTER DRIVE, SUITE 150
COLUMBIA, S.C. 29210

MEGHAN L. WALKER
EXECUTIVE DIRECTOR

February 24, 2022



Certified Mail: 92148969009997901421118241

RE: COMPLAINT C2020-086

In the Matter of Richard C. Thain

Dear Mr. Thain:

The State Ethics Commission has considered the above captioned complaint and has determined that probable cause exists to support the alleged violation. As a result of the Commission's determination, you are hereby provided with the Notice of Hearing. In accordance with 8-13-320 (10)(g), South Carolina Code of Laws, 1976, as amended, all complaint matters are now public upon the issuance of the Notice of Hearing.


Please be aware that under recent General Assembly amendments to the Ethics Reform Act in 2016 Act. No. 282, effective April 1, 2017, this and all other Ethics Commission hearings are now open to the public. The Ethics Commission will provide timely notice of Commission hearings to the public pursuant to the requirement of the South Carolina Freedom of Information Act.

In accordance with S.C. Code Ann. Section 1-23-320(F), in lieu of a hearing, the Commission may be agreeable to resolve this matter through an informal disposition by Consent Order. Please contact Courtney M. Laster, Esq., General Counsel, at 803-253-4192 or claster@ethics.sc.gov as soon as possible to:

- Confirm receipt of this Notice of Hearing and notify the Commission whether you will or will not attend the scheduled hearing at 9:30am, Thursday, April 21, 2022 at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive, Suite 150 Columbia, SC 29210.
- Confirm address, telephone number and email address
- Notify the Commission if an attorney will be representing you
- Discuss the option of a Consent Order

If you do not attend the hearing, a judgment by default will be rendered.

Sincerely,



Meghan L. Walker
Executive Director

MLW:ro
Enclosure: Notice of Hearing

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2020-086)
Richard C. Thain)
Respondent.)
State Ethics Commission)
Complainant.)

BEFORE THE STATE ETHICS COMMISSION

**SECOND AMENDED
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, April 21, 2022 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 QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County, fail to file a quarterly campaign disclosure report due January 10, 2017, in violation of Section 8-13-1308(B).

COUNT TWO
FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, did in Richland County,

fail to file a final campaign disclosure report, in violation of Section 8-13-1308(B).

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 E. Walker, Executive Director
State Ethics Commission

Dated this 17th day,
of February 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on the RESPONDENT Richard C. Thain, 433 Burton Rd, Lexington, SC 29072 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24th of February 2022, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Rachael O'Bryan, Administrative Assistant

Columbia, South Carolina

State Ethics Commission

(803) 253-4192



March 9, 2022

Dear Rachael Obryan:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8969 0099 9790 1421 1182 41.

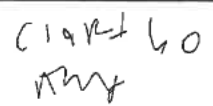
Item Details

Status: Delivered, Left with Individual
Status Date / Time: March 7, 2022, 4:16 pm
Location: LEXINGTON, SC 29072
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: Mr Richard C Thain

Shipment Details

Weight: 0.0oz

Recipient Signature

| | |
|-------------------------|--|
| Signature of Recipient: |  |
| Address of Recipient: | 732 Jann |

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

RECEIVED
MAY 12 2022
8:49A
STATE ETHICS
COMMISSION

South Carolina State Ethics Commission

5/12/2022

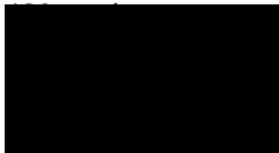
Attn: Courtney Laster

Hello Courtney,

Thank you for taking the time to talk with me. I know this has been a pain for you as well. This letter is regarding complaint C2020-086. I'm asking to appeal the decision and order that I received on May 9th 2022. The reason for my appeal is because I did not receive a notice in the mail for the hearing on April 21st 2022. I have got letters from your office before regarding this matter and we have been in contact over the last year. I know the hearing in August 2021 was cancelled because of someone on commission having covid. The hearing in February 2022 was cancelled because of myself having covid. I do have a text from Meghan Walker on February 16th that told me the hearing would be rescheduled for April 21st and I will be mailed a notice. I did not receive that notice. Also talking with you on the phone yesterday. I explained that I got this decision and order notice on the 9th out of my mailbox. According to your records the notice was delivered and signed for on the 6th. That is not possible because no one signed for it on my behalf unless it was the mailman. I am asking the commission for this appeal and hoping that we can resolve this issue. I have already paid \$5,000 and that is more than I raised in my campaign. I don't have the means to continue piling on unnecessary fines and penalties. Please let me know what the next steps are in the process and I'll do anything I can to make this happen. I greatly appreciate your help. I promise this is not the way I like to do things in life. Let's get this resolved for both of us.

Thank you very much,

Richard Colin Thain



STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2020-086)
Richard C. Thain,)
APPELLANT.)
State Ethics Commission,)
APPELLATE.)

BEFORE THE STATE ETHICS COMMISSION

NOTICE OF APPELLATE HEARING

Richard C. Thain, served a Motion for an Appeal on the State Ethics Commission on May 12, 2022. The State Ethics Commission will, therefore, convene a formal appellate hearing into the matter, in accordance with State Ethics Commission Regulations, 52 S.C. Code Ann. Regs. 802 (2013 Cum. Supp.) on November 17, 2022 at 9:30 a.m. at the State Ethics Commission Hearing Room located at: 201 Executive Center Drive Suite 150, Columbia, South Carolina 29210.

Pursuant to 52 S.C. Code Ann. Regs. 803, the Appellant shall file any additional briefs within ten (10) days of the date of service of this notice. In the event the Appellant fails to appear, he will have waived his hearing and judgment will stand.



Meghan L. Walker
Executive Director

Dated this 23rd day,
of August 2022.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2020-086)
Richard C. Thain,)
Appellant.)
State Ethics Commission,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

APPEAL ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Request for Appeal filed by Richard C. Thain (Appellant) to appeal the Decision and Order (Decision) of the Commission Hearing Panel (Hearing Panel) issued April 27, 2022. Present at the Appeal Hearing on November 17, 2022 were Commissioners Matthew N. Tyler, Neal B. Truslow, Mary Hunter B. Tomlinson, Bryant S. Caldwell, and F. Xavier Starks, Appellate Panel Chair. Appellant attended the hearing virtually and appeared *pro se*. The Commission was represented by Courtney M. Laster, Esq.

FACTS

Appellant was a candidate in a 2016 election for Lexington County Council. Prior to his election, Appellant filed an Initial Campaign Disclosure Report (CDR), an April 10, 2016 CDR, and a Pre-Election CDR. Appellant's Pre-Election CDR, filed on May 12, 2016, disclosed \$236.77 in on-hand contributions. Appellant thereafter failed to file any additional CDRs.

In an October 9, 2020 certified letter, the Commission notified Appellant of his failure to file any additional CDRs. According to the United States Postal Service (USPS), the certified letter was delivered to Appellant's address of record on October 16, 2020. Receiving no response, the Commission filed a Complaint on November 16, 2020. The Commission subsequently found probable cause and a Notice of Hearing was issued on March 24, 2021. According to the Notice of Hearing, the hearing was scheduled to occur on August 19, 2021.

On August 19, 2021, the hearing was continued by Commission staff due to Covid-19. On

September 2, 2021, the hearing was re-noticed for February 17, 2022 and the Notice of Hearing was mailed via certified letter to Appellant's address of record. Prior to the February 17, 2022 hearing, Appellant contacted the Commission and advised that he had contracted Covid-19 and would be unable to appear. At the call of the case on February 17, 2022, Commission staff requested a continuance on Appellant's behalf, which was granted by the Hearing Panel.

On February 24, 2022, the Commission re-noticed the hearing for April 21, 2022 and the Notice of Hearing was mailed via certified letter to Appellant's address of record. The Commission received a signature card from the USPS indicating that the Notice of Hearing was delivered on March 7, 2022. The hearing was subsequently held on April 21, 2022. Appellant was not present.

Following the presentation of the evidence by Commission staff, the Hearing Panel found Appellant in violation of the Ethics Act for (1) failing to file a January 10, 2017 CDR and (2) failing to file a Final CDR, both in violation of Section 8-13-1308. The Hearing Panel assessed a late-filing penalty of \$5,000 for the January 10, 2017 CDR and a reduced late-filing penalty of \$3,500 for the Final CDR, as well as an administrative fee of \$701.40, for a total of \$9,201.40. The Hearing Panel declined to assess a civil penalty provided Appellant paid the \$9,201.40 within ninety (90) days from his receipt of the Order.

The Hearing Panel's Decision and Order was mailed to Appellant's address of record via certified letter dated May 2, 2022. On May 12, 2022, Appellant submitted a timely appeal to the Commission, arguing he did not receive the Notice of Hearing for the April 21, 2022 hearing. Appellant now asks the Appellate Panel to set aside the Hearing Panel's Decision and Order. In support of this request, Appellant testified at the November 17, 2022 Appeal Hearing that the signature on the signature card did not match his own. Appellant also referenced other signature cards containing his signature, which he argued did not match the signature card related to the April 21, 2022 hearing.

DECISION

I. Appellant did not receive certified notice of the April 21, 2022 hearing.

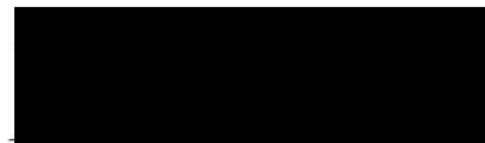
“The Commission serves hearing notices, Commission decisions and order, and penalty assessment letters for late filing by certified mail, return receipt requested. Service is complete upon receipt as shown by the return receipt.” S.C. Code Ann. Reg. 52-206(A). “The Commission shall review the three-member hearing panel’s decision and order and reconsider the evidence, receive further evidence, rehear the parties or their representatives, and enter an order amending, affirming, or modifying the panel’s decision.” S.C. Code Ann. Regs. 52-806(A).

Here, Commission staff properly mailed the Notice of Hearing via certified mail to Appellant’s address of record. However, the Commission hereby finds that Appellant did not receive the Notice of Hearing for the April 21, 2022 hearing. In making this finding, the Commission relies on Appellant’s testimony during the Appellate Hearing and its own comparison of the signature cards in question.

NOW, based on the information presented by the Appellant, the Appellate Panel vacates the underlying Decision and Order. The Appellate Panel orders that the hearing in this matter be re-noticed for April 20, 2023. The Appellate Panel further orders that Appellant come into compliance by filing his January 10, 2017 and Final CDRs within thirty (30) days from his receipt of this Order.

AND IT IS SO ORDERED THIS 20th DAY OF December 2022.

STATE ETHICS COMMISSION



F. XAVIER STARKES
APPELLATE PANEL CHAIR

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2020-086)
State Ethics Commission,)
Complainant.)
Richard C. Thain,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

CERTIFIED
STATE
ETHICS
COMMISSION
COPY

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on November 16, 2020. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act), the Commission reviewed the above-captioned complaint against Richard C. Thain (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on April 20, 2023, were Commissioners Brandolyn Thomas Pinkston, Mary Hunter B. Tomlinson, and Neal Truslow, Hearing Chair.¹ Respondent was duly notified of the hearing, but did not appear. Complainant was represented by Courtney M. Laster. The following charges were considered:

COUNT ONE
FAILURE TO FILE A QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, failed to file a quarterly campaign disclosure report due January 10, 2017, in violation of Section 8-13-1308(B).

¹ The first hearing in this matter was held on April 22, 2022. Respondent was not present and was tried in his absence. A Decision and Order (Decision) was subsequently issued finding Respondent in violation of the Ethics Act. Respondent appealed the Decision to the full Commission, arguing he had not received notice of the April 22, 2022 hearing. The Commission granted Respondent's appeal and the case was remanded for a new hearing.

COUNT TWO
FAILURE TO FILE A FINAL CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

That Richard C. Thain, a candidate for Lexington County Council, failed to file a final campaign disclosure report, in violation of Section 8-13-1308(B).

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. Respondent was a candidate in a 2016 election for Lexington County Council.
2. Prior to his election, Respondent filed an Initial Campaign Disclosure Report (CDR), an April 10, 2016 CDR, and a Pre-Election CDR.
3. Respondent's Pre-Election CDR, filed on May 12, 2016, disclosed \$236.77 in on-hand contributions.
4. Respondent thereafter failed to file any additional CDRs.
5. In an October 9, 2020 certified letter, the Commission notified Respondent of his failure to file any additional CDRs. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on October 16, 2020 at 3:54 p.m.
6. On October 26, 2020, late-filing penalties began to accrue at \$10 per day, per CDR.
7. On November 5, 2020, late-filing penalties began to accrue at \$100 per day, per CDR.
8. Following the filing of the Complaint, Respondent's campaign bank account records were subpoenaed and reviewed. According to the bank records, Respondent maintained a \$5.00 balance in his campaign bank account until February 17, 2017 when the account was closed.
9. As of the hearing, Respondent had not filed a January 10, 2017 CDR or a Final CDR.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes, as a matter of law:

1. At all times relevant, Respondent was a candidate pursuant to Section 8-13-1300(4) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1308(B) of the Ethics Act provides, in relevant part:

Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.

3. Section 8-13-1510(A) of the Ethics Act provides, in relevant part:

. . . 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 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 administrative fee on any person who is found in violation of the Ethics Act.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Panel has determined, based on a preponderance of evidence, that Respondent Richard C. Thain is in violation of two (2) counts of Section 8-13-1308(B) for failing to timely file a January 10, 2017 CDR and a Final CDR.

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a late-filing penalty of \$5,000.00 for his failure to timely file a January 10, 2017 CDR, a late-filing penalty of \$5,000.00 for his failure to timely file a Final CDR, and an administrative fee of \$701.40, for a total of \$10,701.40.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$10,701.40 is not paid within sixty (60) days from Respondent's receipt of this Order, a judgment in the amount of \$10,701.40, less any money received, shall be entered against Respondent. In the event of a failure to pay, upon the Commission's filing of said Judgment with the Clerk of Court's Office in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$10,701.40, less any money received, in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Richard C. Thain, has ten (10) days from receipt of this Order to appeal this Decision and Order to the full Commission.

AND IT IS SO ORDERED THIS 5TH DAY OF JUNE 2023.

STATE ETHICS COMMISSION


NEAL D. TRUSLOW, HEARING CHAIR

Columbia, South Carolina