

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2020-093

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

RESPONDENT: Bobby J. Donaldson
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Commissioner – Department of Archives
and History

Section 8-13-1120, SC Code Ann., 1976, as amended, requires certain officials to file a Statement of Economic Interests prior to assuming the duties of the office, and 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 2016 Statement of Economic Interests prior to entering his official responsibilities, the 2017 Statement of Economic Interests, 2018 Statement of Economic Interests, 2019 Statement of Economic Interests, and 2020 Statement of Economic Interests.

Respondent was reminded of the filing requirement by a letter dated August 11, 2020 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2016, 2017, 2018, 2019, or 2020 Statement of Economic Interests has been received. All in violation of Section 8-13-1120 and 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
1st day of December, 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

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2020-093)
Bobby J. Donaldson)
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, October 21, 2021 at 9:30 a.m. at the Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegations will be heard:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That Bobby J. Donaldson, South Carolina Department of Archives and History Commissioner, did in Richland County, fail to file a Statement of Economic Interests upon assuming the office of Commissioner, in violation of Section 8-13-1110

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

That Bobby J. Donaldson, South Carolina Department of Archives and History

Commissioner, did in Richland County, fail to file a 2017 Statement of Economic Interests, in violation of Section 8-13-1140.

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

That Bobby J. Donaldson, South Carolina Department of Archives and History Commissioner, did in Richland County, fail to file a 2018 Statement of Economic Interests, in violation of Section 8-13-1140.

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

That Bobby J. Donaldson, South Carolina Department of Archives and History Commissioner, did in Richland County, fail to file a 2019 Statement of Economic Interests, in violation of Section 8-13-1140.


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

That Bobby J. Donaldson, South Carolina Department of Archives and History Commissioner, did in Richland County, fail to file a 2020 Statement of Economic Interests, in violation of Section 8-13-1140.

You have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. This hearing will be open to the public as required by Section 8-13-320(10)(j), Code of Laws, South Carolina, 1976, as amended. The procedures to be followed are set forth in the Administrative Procedures Act, Section 1-23-10, et seq., Code of Laws, South Carolina, 1976 as amended the State Ethics Act, Section 8-13-100, et seq., Code of Laws, South Carolina, 1976, as amended, and State Ethics

Commission Regulations, S.C. Code Ann. Regs. 52-707 (1997 Cum. Supp.).

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

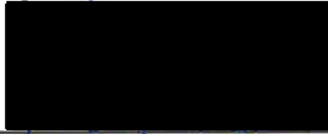


Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 21st 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 Bobby J. Donaldson, 215 Glenbrooke Cir, Columbia, SC 29204 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24th 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

Columbia, South Carolina

(803) 253-4192

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2020-093)
Bobby J. Donaldson)
Respondent.)
State Ethics Commission)
Complainant.)

BEFORE THE STATE ETHICS COMMISSION

**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, February 17, 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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That Bobby J. Donaldson, South Carolina Department of Archives and History Commissioner, did in Richland County, fail to file a Statement of Economic Interests upon assuming the office of Commissioner, in violation of Section 8-13-1110

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

That Bobby J. Donaldson, South Carolina Department of Archives and History

Commissioner, did in Richland County, fail to file a 2017 Statement of Economic Interests, in violation of Section 8-13-1140.

COUNT THREE
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SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Bobby J. Donaldson, South Carolina Department of Archives and History Commissioner, did in Richland County, fail to file a 2018 Statement of Economic Interests, in violation of Section 8-13-1140.

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

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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 28th day,
of September 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **AMENDED NOTICE OF HEARING** was duly served on the **RESPONDENT** Bobby J. Donaldson, 215 Glenbrooke Cir, Columbia, SC 29204 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 25th day of September 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)
IN THE MATTER OF:)
COMPLAINT C2020-093)
State Ethics Commission,)
Complainant,)
Bobby J. Donaldson,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

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COMMISSION

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on December 2, 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 Bobby J. Donaldson (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1110 for failure to timely file a Statement of Economic Interests (SEI) upon assuming his position in 2016 and four (4) counts of violating Section 8-13-1140 for failure to timely file 2017, 2018, 2019, and 2020 SEIs. Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. At all times relevant, the Respondent was a Commissioner of the South Carolina Department of Archives and History (Department).
2. Respondent failed to file a SEI before assuming the duties of his position on December 2, 2016.
3. Respondent failed to timely file a SEI on or before March 30 in 2017, 2018, 2019, and 2020.
4. Respondent resigned from his position on August 3, 2020.
5. In a certified letter dated August 11, 2020, the Commission notified Respondent of his failure to timely file SEIs in 2016, 2017, 2018, and 2019. The Commission assessed a \$400 late-filing penalty (\$100 for each SEI pursuant to Section 8-13-1510(A)(1)) and informed Respondent

- that additional late-filing penalties would accrue if Respondent failed to come into compliance.
6. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on August 21, 2020 at 1:38 p.m.
 7. On August 31, 2020, late-filing penalties began to accrue at \$40 per day (\$10 per SEI).
 8. On September 10, 2020, late-filing penalties began to accrue at \$400 per day (\$100 per SEI).
 9. On February 8, 2022, Respondent filed his 2017 and 2018 SEIs.
 10. On February 9, 2022, Respondent filed his 2016, 2019, and 2020 SEIs.
 11. At the time Respondent came into compliance, he had accrued \$20,100 in late-filing penalties on the 2016, 2017, 2018, 2019, and 2020 SEIs.¹

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 member" pursuant to Section 8-13-100(24).

Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1110 provides, in relevant part:

No [public member] . . . may take the oath of office or enter upon his official responsibilities unless he has filed a [SEI] in accordance with the provisions of this chapter

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 . . .

4. 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)

¹ Additional late-filing penalties did not accrue on the 2020 SEI because Respondent did not receive certified notice of his failure to file this SEI pursuant to Section 8-13-1510(A)(2) of the Act.

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.

5. Section 8-13-130 allows the Commission to “levy an enforcement or administrative fee on a person who is in violation” of the Ethics Act.

DISCUSSION

The Commission found probable cause to charge Respondent with one (1) count of violating Section 8-13-1110 for failure to timely file a SEI upon assuming his official responsibilities on December 2, 2016 and four (4) counts of violating Section 8-13-1140 for failing to timely file his 2017, 2018, 2019, and 2020 SEIs. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required SEIs. Respondent states that he replaced a sudden vacancy on the Department Board and that there was no onboarding process at the Department to advise him of the filing requirements.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1110 and four (4) counts 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 written warning and orders the Respondent to pay the Commission, within sixty (60) days from receipt of this Order, a reduced late-filing penalty of \$1,000 and an administrative fee of \$400, for a total of \$1,400. The remaining \$19,100 in accrued late-filing penalties is hereby waived.

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 \$1,400 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$1,400 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 17 DAY OF February 2022.

STATE ETHICS COMMISSION

CHILDS CANTEY THRASHER, CHAIR

BOBBY J. DONALDSON
RESPONDENT