

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2020-100

COMPLAINT FORM

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

RESPONDENT: Thomas S. Legare  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Candidate – Charleston County Council

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 requirement by a certified letter dated July 14, 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  
18th day of December, 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  
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STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND ) BEFORE THE STATE ETHICS COMMISSION  
) )  
IN THE MATTER OF: )  
COMPLAINT C2020-100 )  
) )  
State Ethics Commission, ) **DECISION AND ORDER**  
Complainant. )  
) )  
Thomas S. Legare, )  
Respondent. )  
\_\_\_\_\_ )

This matter came before the South Carolina Ethics Commission (Commission) by way of a Complaint filed on December 18, 2020. On July 15, 2021, the Commission reviewed the Complaint and investigative findings to determine whether probable cause existed to charge Thomas S. Legare (Respondent) with violating the South Carolina Ethics, Government Accountability and Campaign Reform Act (Ethics Act). For the reasons stated herein, the Commission finds probable causes exists, but waives further proceedings on the matter.

**STATEMENT OF FACTS**

Respondent was a candidate in a June 10, 2014 primary election for Charleston County Council. According to Respondent’s last quarterly Campaign Disclosure Report (CDR) filed on July 10, 2014, he maintained \$170 in on-hand contributions. Respondent failed to file any additional quarterly CDRs. The complaint alleged that the Respondent failed to file quarterly CDRs until his campaign underwent final disbursement.

During the investigation, Respondent’s campaign bank account records were subpoenaed. These records revealed Respondent’s campaign bank account remained dormant from October 3, 2016 until August 28, 2020. On August 28, 2020, Respondent closed out the account and submitted the remaining balance of \$107.95 to Saint John’s High School Scholarship Fund. Respondent informed investigators that this was his third complaint stemming from the 2014

election cycle and that the first two had resulted in judgments being filed against him. Respondent believed when those judgments were issued, that was the end of the matter. Respondent also informed investigators that he is a farmer and had recently gone through difficult times with his crops. Respondent stated he was unable to pay the two (2) judgments that were currently filed against him, which totaled \$32,637.09. Respondent informed investigators that he did not possess the computer skills to properly file his CDRs. On June 8, 2021, Commission staff assisted Respondent with filing all necessary CDRs.

### **LAW**

Pursuant to Section 8-13-320, the Commission is empowered to receive complaints and conduct investigations related to violations of the Ethics Act. Following the receipt of a complaint and completion of a corresponding investigation, the Commission must determine whether there is probable cause to believe a violation of the Ethics Act occurred. Section 8-13-320(10)(i). If the Commission determines probable cause exists, it may order a hearing on the merits or, if the respondent has taken action to remedy or correct the alleged violation, it may waive further proceedings. Section 8-13-320(10)(i). The decision to waive further proceedings lies within the sound discretion of the Commission.

Section 8-13-1308 requires candidates to continue filing quarterly CDRs until their campaign bank account is closed. If a candidate makes no contributions or expenditures during a specified reporting period, Section 8-13-1362 requires them to file a Statement of Inactivity.

### **DISCUSSION**

It is clear that Respondent was required to continue filing quarterly CDRs until his campaign bank account underwent final disbursement, which occurred on August 28, 2020.

However, Respondent's election occurred in 2014 and he has already been penalized for failing to file CDRs related to this election cycle.

**DECISION**

Based on evidence presented, the Commission hereby determines there is probable cause to believe that Respondent violated Section 8-13-1362 of the Ethics Act when he failed to file quarterly CDRs until his campaign bank account underwent final disbursement. However, in light of the above-discussion, and based on the totality of the circumstances, the Commission hereby waives further proceedings pursuant to Section 8-13-320(10)(i).

THEREFORE, pursuant to Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the Commission hereby waives further proceedings.

AND IT IS SO ORDERED THIS 2 DAY OF August, 2021.

SOUTH CAROLINA ETHICS COMMISSION



CHILDS CANTEY THRASHER, CHAIR

Columbia, South Carolina