

**STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION**

**FOR COMMISSION USE ONLY:**  
**CASE NUMBER**  
c 2021-002

**COMPLAINT FORM**

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

**RESPONDENT:** Michael A. Rowe  
**ADDRESS:** [REDACTED]  
**TELEPHONE NUMBER:** [REDACTED]  
**TITLE:** Mayor – Town of Ninety-Six

Section 8-13-1120, SC Code Ann., 1976, as amended, requires disclosure of the source, type, and amount of income from a governmental entity and a listing of the private source and type of any income received by the filer or a member of the filer's immediate family during the reporting period.

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 2019 and 2020 Statement of Economic Interests.

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, 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.

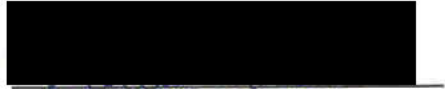
Respondent was reminded of the filing requirement by a certified letter dated August 21, 2020 as described in the attached. To date, no properly completed 2019 Statement of Economic Interests, 2020 Statement of Economic Interests, January 10, 2017, April 10, 2017, July 10, 2017, October 10, 2017, January 10, 2018, April 10, 2018, July 10, 2018, October 10, 2018, January 10, 2019, April 10, 2019, July 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, or October 10, 2020 Campaign Disclosure has been received. All in violation of Section 8-13-1120, Section 8-13-1140, 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  
8th day of January, 2011



Meghan L. Walker, Executive Director

Notary Public for South Carolina  
My Commission expires 8-11-2015

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 C2021-002 )  
Michael A. Rowe )  
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, June 16, 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 STATEMENT OF ECONOMIC INTERESTS**  
**SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED**

That Michael A. Rowe, Mayor of the Town of Ninety-Six, did in Richland County, fail to file a 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1140.

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

That Michael A. Rowe, Mayor of the Town of Ninety-Six, did in Richland County, fail to file a 2020 Statement of Economic Interests (SEI), 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.

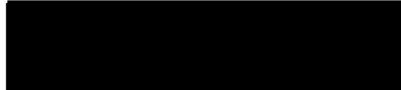


Meghan L. Walker, Executive Director  
State Ethics Commission

Dated this 23<sup>rd</sup> day,  
of March 2022.

*Certificate of Service by Certified Mail*

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the Michael A. Rowe, 113 Parkman Circle, Ninety-Six, SC 29666 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29<sup>th</sup> day of March 2022, by **CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED**, appropriate postage affixed, and a return address clearly indicated on said envelope.



Columbia, South Carolina

**Rachael O'Bryan, Administrative Assistant**

State Ethics Commission

(803) 253-4192

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
IN THE MATTER OF: )  
COMPLAINT C2021-002 )  
State Ethics Commission, )  
Complainant, )  
Michael A. Rowe, )  
Respondent. )

BEFORE THE STATE ETHICS COMMISSION

RECEIVED

MAY 18 2022

CONSENT ORDER

STATE ETHICS  
COMMISSION

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on January 8, 2021. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against Michael A. Rowe (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 2019 and 2020 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to the following:

**STATEMENTS OF FACT**

1. At all times relevant, the Respondent was Mayor of the Town of Ninety-Six.
2. Respondent failed to timely file a SEI on or before March 30, 2019 and March 30, 2020.
3. In an August 21, 2020, certified letter, the Commission notified Respondent of his failure to timely file a 2019 SEI.<sup>1</sup>
4. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on August 24, 2020 at 1:51 p.m.
5. On September 4, 2020, late-filing penalties began to accrue at \$10 per day.
6. On September 14, 2020, late-filing penalties began accruing at \$100 per day.

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<sup>1</sup> The certified letter also contained references to Respondent's failure to file additional SEIs and Campaign Disclosures. Aside from the 2019 and 2020 SEIs referenced herein, Respondent has already been penalized for the remainder of the filings.

7. On January 15, 2021, a Commission Investigator contacted Respondent regarding the Complaint and advised Respondent to file his 2019 and 2020 SEIs.
8. On January 18, 2021, Respondent came into compliance by filing his 2019 and 2020 SEIs. At the time Respondent came into compliance, he had accrued \$5,100 in late-filing penalties.<sup>2</sup>

### 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 8-13-1140 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 . . .

3. 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.

4. 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 two (2) counts of violating Section 8-13-1140 for failing to timely file his 2019 and 2020 SEIs. Through this Consent Order,

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<sup>2</sup> Section 8-13-1510 of the Ethics Act allows for late-filing penalty accrual following certified notice to the filer. Because the Commission’s August 24, 2020 certified letter did not notify Respondent of his failure to file a 2020 SEI, the maximum penalty for the 2020 SEI is limited to \$100.

Respondent acknowledges he violated the Ethics Act when he failed to timely file the required SEIs. As mitigation, Respondent states that the email address he registered with the Commission is one that he does not regularly use and, therefore, he did not receive any email notifications prior to the above-referenced filing deadlines. Respondent agrees that he will update his email address within the Commission's electronic filing system. Respondent further states that he contracted Covid-19 in or around the time of the Commission's certified correspondence and that he subsequently neglected to follow up. Respondent states the pandemic has caused stress within his family, particularly for his child, who is special needs. Respondent emphasizes that he came into compliance by filing the requisite reports promptly when contacted by the Commission's Investigator and the Commission acknowledges that Respondent has no prior instances of non-compliance enforcement actions.

**DISPOSITION**

1. The Commission hereby finds Respondent in violation of two (2) 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 this public reprimand. The Commission declines to assess a monetary penalty.<sup>3</sup>

AND IT IS SO ORDERED THIS 16 DAY OF May 2022.

STATE ETHICS COMMISSION

  
AJ HOLLOWAY, CHAIR

  
MICHAEL A. ROWE  
RESPONDENT

<sup>3</sup> The Commission's decision to decline to assess a monetary penalty in this matter is based, in part, on an error by Commission staff with regard to Respondent's Campaign Disclosures related to his 2015 election, which resulted in Respondent being improperly penalized for a filing in October 2016.