

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-011

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

RESPONDENT: Ashley N. Banks
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Councilmember – City of Govan

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 Statement of Economic Interests.

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.

Respondent was reminded of the filing requirement by a certified letter dated November 3, 2020 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2019 Statement of Economic Interests has been received. All in violation of Section 8-13-1140 and Section 8-13-1120, 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
17th day of February, 2021

[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 C2021-011)	
)	
Ashley N. Banks)	NOTICE OF HEARING
Respondent.)	
)	
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, 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 REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Ashley N. Banks, former Town of Govan councilmember, did in Richland County, fail to file a 2019 Statement of Economic Interests report, 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 7th day,
of October 2021.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Ashley N. Banks, PO Box 712, Denmark, SC 29042 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 7th day of October 2021, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.

A black rectangular redaction box covers the signature of the sender.

Richard A. Provencher, Administrative Assistant
State Ethics Commission

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
)	
Complaint C2021-011)	
)	
Ashley N. Banks)	AMENDED NOTICE OF HEARING
Respondent.)	
)	
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, 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 A STATEMENT OF ECONOMIC INTERESTS REPORT
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Ashley N. Banks, former Town of Govan councilmember, did in Richland County, fail to file a 2019 Statement of Economic Interests report, 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

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Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 11th day,
of January 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 Ashley N. Banks, PO Box 712, Denmark, SC 29042 by depositing said **AMENDED NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 13th day of January 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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2021-011)
State Ethics Commission,)
Complainant,)
Ashley N. Banks,)
Respondent.)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on February 17, 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 Ashley N. Banks (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1140 for failing to timely file a 2019 Statement of Economic Interests (SEI). Prior to the hearing, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent served on the Govan Town Council from 2017 until her resignation in October of 2019.
2. Respondent filed a 2017 and 2018 SEI on January 10, 2018.¹
3. Respondent failed to timely file a SEI on or before March 30 in 2019.
4. In a November 3, 2020 certified letter mailed to Respondent’s address of record, the Commission notified Respondent of her failure to timely file a 2019 SEI.
5. According to the United States Postal Service, the certified letter was delivered to Respondent’s address of record on November 7, 2020 at 11:14 a.m.
6. Following contact from a Commission Investigator, Respondent came into compliance by filing her 2019 SEI on June 30, 2021.

¹ Respondent was penalized for her late-filed 2017 SEI outside of this Complaint.

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(28).

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 one (1) count of violating Section 8-13-1140 for failing to timely file her 2019 SEI. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to timely file her 2019 SEI. In mitigation, Respondent states that she did not receive the November 30, 2020 letter from the Commission regarding her failure to file a 2019 SEI. The Commission acknowledges that the return receipt for the November 30, 2020 certified letter is illegible and contains the notation “C19.” Respondent further states that she filed promptly after being contacted by a Commission Investigator and receiving assistance from Commission staff.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count 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 \$100 and an administrative fee of \$300, for a total of \$400.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$400 (less any money paid to the Commission) in the event she 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 \$400 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 13 DAY OF May 2022.

STATE ETHICS COMMISSION

SCOTT E. FRICK, INTERIM CHAIR

ASHLEY N. BANKS, RESPONDENT

STATE ETHICS COMMISSION
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