

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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FOR COMMISSION USE ONLY:
CASE NUMBER

C 2021-022

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: Diondra J. Love
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Candidate – York County Probate Judge

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 Pre-Election Campaign Disclosure was due between October 17, 2018 and October 22, 2018 and quarterly Campaign Disclosures were due no later than January 10, 2019, April 10, 2019, July 10, 2019, October 10, 2019, January 10, 2020, April 10, 2020, July 10, 2020, October 10, 2020, and January 10, 2021. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Section 8-13-1348 of the South Carolina Code of laws, 1976, as amended, prohibits a candidate from using campaign funds to defray personal expenses which are unrelated to the campaign. It allows payment of food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event. Meals, other than at a political event/function, are not allowable. According to the April 10, 2018 Campaign Disclosure, the Respondent made three expenditures for "Gas" and "Campaign Travel Expense" totaling \$95.99 and an expenditure to Famous Toastery of Rock Hill for "Business lunch with campaign manager" in the amount of \$33.41.

The Respondent was notified on July 24, 2020 to provide a mileage log and explain the expenditure to Famous Toastery. If this could not be provided, she was instructed to reimburse her campaign account from personal funds as described in the attached. In addition, the Respondent was notified of the filing requirements by letters dated July 24, 2020. To date, the Respondent has not filed the required Campaign Disclosures, provided a mileage log, or reimbursed her campaign account for these expenditures, all in violation of Section 8-13-1308 (B), Section 8-13-1308 (D)(1), Section 8-13-1308 (F), and Section 8-13-1348, 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 April, 2021



Meghan L. Walker, Executive Director

Notary Public for South Carolina

My Commission expires August 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)
IN THE MATTER OF:)
Complaint C2021-022)
Diondra J. Love)
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, 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 PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, fail to file a 2018 pre-election campaign disclosure report, in violation of Section 8-13-1308(D)(1).

COUNT TWO
EXPENDITURE OF CAMPAIGN FUNDS TO PURCHASE NON-CAMPAIGN
RELATED MEALS
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase non-campaign related meals at Charanda Mexican Grill on

July 10, 2018, in violation of Section 8-13-1348(B).

COUNT THREE
**EXPENDITURE OF CAMPAIGN FUNDS TO PURCHASE NON-CAMPAIGN
RELATED MEALS**
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase non-campaign related meals at Hobo's Restaurant on September 14, 2018, in violation of Section 8-13-1348(B).

COUNT FOUR
**EXPENDITURE OF CAMPAIGN FUNDS TO PURCHASE NON-CAMPAIGN
RELATED MEALS**
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase non-campaign related meals at Jimmy Johns on September 26, 2018, in violation of Section 8-13-1348(B).

COUNT FIVE
**EXPENDITURE OF CAMPAIGN FUNDS TO PURCHASE NON-CAMPAIGN
RELATED MEALS**
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase non-campaign related meals at Pearlz Restaurant on October 5, 2018, in violation of Section 8-13-1348(B).

COUNT SIX
**EXPENDITURE OF CAMPAIGN FUNDS TO PURCHASE NON-CAMPAIGN
RELATED MEALS**
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase non-campaign related meals at Five and Dine on October 5, 2018, in violation of Section 8-13-1348(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 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 Diondra J. Love, 2751 Legends Parkway, Suite 121, Prattville, AL 36066 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 24 day of October 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 C2021-022)

State Ethics Commission,)
Complainant,)

DECISION AND ORDER

Diondra J. Love,)
Respondent.)

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on April 1, 2021. 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 Diondra Love (Respondent) and probable cause was found to warrant an evidentiary hearing. Present at the hearing on June 16, 2022, were Commissioners Brandolyn Thomas Pinkston, Mary Hunter B. Tomlinson, and F. Xavier Starkes, Hearing Chair. Respondent was duly notified, but did not appear. Complainant was represented by Courtney M. Laster. The following charges were considered:

COUNT ONE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D)(1), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, fail to file a 2018 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(D)(1).

COUNT TWO
EXPENDITURE OF CAMPAIGN FUNDS FOR NON-CAMPAIGN RELATED MEALS
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase a non-campaign related meal at Charanda Mexican Grill on July 10, 2018, in violation of Section 8-13-1348(B).

COUNT THREE
EXPENDITURE OF CAMPAIGN FUNDS FOR NON-CAMPAIGN RELATED MEALS
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase a non-campaign related meal at Hobo's Restaurant on September 14, 2018, in violation of Section 8-13-1348(B).

COUNT FOUR
EXPENDITURE OF CAMPAIGN FUNDS FOR NON-CAMPAIGN RELATED MEALS
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase a non-campaign related meal at Jimmy Johns on September 26, 2018, in violation of Section 8-13-1348(B).

COUNT FIVE
EXPENDITURE OF CAMPAIGN FUNDS FOR NON-CAMPAIGN RELATED MEALS
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase a non-campaign related meal at Pearlz Restaurant on October 5, 2018, in violation of Section 8-13-1348(B).

COUNT SIX
EXPENDITURE OF CAMPAIGN FUNDS FOR NON-CAMPAIGN RELATED MEALS
SECTION 8-13-1348(B), S.C. CODE ANN., 1976, AS AMENDED

That Diondra J. Love, candidate for York County Probate Judge, did in Richland County, expend campaign funds to purchase a non-campaign related meal at Five and Dine on October 5, 2018, in violation of Section 8-13-1348(B).

STATEMENTS OF FACT

1. At all times relevant, Respondent was a candidate in a November 6, 2018 election for York County Probate Judge.
2. In a July 10, 2018 CDR, Respondent disclosed \$351.23 in on-hand contributions.

3. Respondent failed to file a Pre-Election/October 10, 2018¹ CDR prior to her election.
4. In an October 17, 2019 first class letter, the Commission notified Respondent of her failure to file the Pre-Election/October 10, 2018 CDR. This letter was mailed to Respondent's address of record at 118 Pheasant Ridge Circle in York, South Carolina. This letter was returned to the Commission on October 21, 2019 with a forwarding address of 1017 Raleigh Ridge Road, Apartment 203, Fort Mill, South Carolina.
5. On October 22, 2019, the penalty letter was remailed to 1017 Raleigh Ridge Road via first-class mail.
6. On December 5, 2019, the penalty letter was remailed to 1017 Raleigh Ridge Road via certified mail. On January 2, 2020, the certified letter was returned to the Commission as "Return to Sender-Unclaimed."
7. On January 31, 2020 and February 20, 2020, the letter was remailed via first-class mail with a tracking number to 1017 Raleigh Ridge Road. Both letters were returned to the Commission.
8. On July 22, 2020, a Commission Investigator successfully contacted Respondent and obtained her current address, which was 2751 Legends Parkway, Suite 121, Prattville, Alabama.
9. On July 24, 2020, the penalty letter was mailed via certified mail to Respondent's address in Prattville.
10. On July 31, 2020, the certified letter was delivered to Respondent's address in Prattville.
11. On August 11, 2020, late-filing penalties began to accrue at \$10.00 per day.
12. On August 21, 2020, late-filing penalties began to accrue at \$100.00 per day.
13. Between August 4, 2020 and August 26, 2020, Respondent spoke with multiple staff members

¹ Pursuant to Section 8-13-1308(E) of the Ethics Act, if a Pre-Election CDR is due within thirty days of the end of the prior quarter, a candidate must combine the quarterly CDR and the Pre-Election CDR and file the combined report no later than fifteen days before the election.

about her filings.

14. As of March 23, 2021, Respondent had a “Saved, Not Filed” July 10, 2018 CDR in the Commission’s electronic filing system, but had taken no further action.
15. Following the filing of the Complaint, Commission staff subpoenaed Respondent’s campaign bank account records, which revealed the following expenditures for food: (a) \$35.79 to Charanda Mexican Grill on July 10, 2018; (b) \$34.16 to Hobo’s Restaurant on September 14, 2018; (c) \$16.00 to Jimmy John’s on September 26, 2018; (d) \$33.85 to Pearlz Restaurant on October 5, 2018; and (e) \$14.05 to Five and Dine on October 5, 2018.
16. On June 15, 2022, Respondent came into compliance by filing her Pre-Election/October 10, 2018 CDR.

CONCLUSIONS OF LAW

Based upon the Statements 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). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308 of the Ethics Act provides, in relevant part:
 - (A) . . . a candidate who does not receive or expend campaign contributions totaling an accumulated aggregate of five hundred dollars or more must file an initial certified campaign report fifteen days before an election.
 - (B) 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 bank account undergoes final disbursement pursuant to the provisions of Section 8-13-1370.
 - ...
 - (D)(1) At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election

commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars and expenditures. The list must be open to public inspection upon request.

3. Section 8-13-1348 of the Ethics Act provides, in relevant part:

(A) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

(B) The payment of reasonable and necessary travel expenses or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted.

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) 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 of the Ethics Act allows the Commission to "levy an enforcement or administrative fee on a person who is in violation" of the Ethics Act.

6. Section 8-13-320(10) of the Ethics Act allows the Commission to assess a civil penalty up to \$2,000 for each 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 Diondra J. Love is in violation one (1) count of Section 8-13-1308(D)(1) for failing to timely file a Pre-Election/October 10, 2018 CDR and five (5) counts of Section 8-13-1348(B) for using campaign funds for personal use when she made the purchases outlined in Paragraph Fifteen (15) of the Statement of Facts. See also

SEC AO2016-004 (prohibiting the use of campaign funds for normal daily meals while traveling on campaign related business).

THEREFORE, Respondent is hereby Publicly Reprimanded and assessed a late-filing penalty of \$5,000.00, a civil penalty of \$10,000.00 (\$2,000.00 for each violation of Section 8-13-1348), and an administrative fee of \$750.00, for a total of \$15,750.00. The Panel further orders the Respondent to pay \$133.89 (the total amount of the purchases made in violation of Section 8-13-1348) to the Children's Trust Fund within thirty (30) days from her receipt of this Order and to provide proof of payment to the Commission immediately thereafter.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$15,750.00 is not paid to the Commission and the \$133.89 is not paid to the Children's Trust Fund within thirty (30) days from Respondent's receipt of this Order, a judgment in the amount of \$15,883.89 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 in the County of Respondent's last known residence, the Clerk of Court shall enter this Order in the amount of \$15,883.89 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Diondra J. Love 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 24th DAY OF June 2022.

STATE ETHICS COMMISSION


F. XAVIER STARKES, HEARING CHAIR

Columbia, South Carolina