

STATE OF SOUTH CAROLINA
RECEIVED STATE ETHICS COMMISSION

2021 APR 29 AM 8:56

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-029

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

RESPONDENT: Juanita M. Middleton
ADDRESS: [REDACTED]
TELEPHONE NUMBER: (843) 209-7857
TITLE: Former Trustee – Charleston County
Constituent Board District 1

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 failed to report income on her 2018 and 2019 Statement of Economic Interests and was sent a letter requesting that she amend her Statement of Economic Interests.

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 2020 Statement of Economic Interests.

Respondent was reminded of the filing requirement by letters dated October 16, 2020 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2020 Statement of Economic Interest or amendments to her 2018 or 2019 Statement of Economic Interests have 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
29th day of April, 2021

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

Notary Public for South Carolina
My Commission expires 5-11-2025

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

C102form

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2021-029)	
)	
State Ethics Commission,)	DECISION AND ORDER
Complainant.)	
)	
Juanita Middleton,)	
Respondent.)	
_____)	

This matter came before the South Carolina Ethics Commission (Commission) by way of a Complaint filed on April 29, 2021. On July 15, 2021, the Commission reviewed the Complaint and investigative findings to determine whether probable cause existed to charge Juanita Middleton (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

At all times relevant, Respondent served on the Charleston County School District One Board of Constituents. The complaint alleged that Respondent failed to file a 2020 Statement of Economic Interests (SEI) on or before March 30, 2020. The complaint also alleged Respondent failed to properly disclose her government income on her 2018 and 2019 SEIs.

During the investigation, Respondent informed investigators that she is eighty (80) years old and that she suffered from serious health issues in 2020. Respondent stated these health issues caused her to neglect both her 2020 SEI and prior communications from the Commission. Respondent also informed investigators that she received less than \$500 in government income from 2018 - 2020. On May 25, 2021, Commission investigators contacted Respondent and advised her of the complaint. The following day, Respondent filed her 2020 SEI.

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 8-13-1140 requires public officials to file SEIs annually on or before March 30. Section 8-13-1120(A)(2) requires filers to disclose, among other items, “the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer . . .” Pursuant to Section 8-13-100(29), “substantial monetary value” is defined as “a monetary value of five hundred dollars or more.”

DISCUSSION

It is clear that Respondent was not required to report the income received from her governmental entity in her 2018, 2019, or 2020 SEIs because she received less than \$500 each year. It is equally clear that Respondent failed to timely file her 2020 SEI. However, Respondent underwent serious health issues in 2020 that prevented her from timely filing and responding to Commission correspondence.

DECISION

Based on evidence presented, the Commission hereby determines there is probable cause

to believe that Respondent violated Section 8-13-1140 of the Ethics Act when she failed to timely file her 2020 SEI. 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