

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-033

COMPLAINT FORM

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

RESPONDENT: Christopher R. Bowers
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Councilman – Pickens County

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 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, January 10, 2021, and April 10, 2021. In addition, a Pre-Election Campaign Disclosure was due between October 14, 2020 and October 19, 2020. Respondent was sent an email reminder thirty days before each Campaign Disclosure deadline.

Respondent was reminded of the filing requirement by letters dated January 5, 2021, February 11, 2021, and April 8, 2021 as described in the attached. To date, no properly completed 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, Pre-Election, January 10, 2021, and April 10, 2021 Campaign Disclosure has been received. All in violation of Section 8-13-1308(B), Section 8-13-1308 (D)(1), 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 May, 2021

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
Notary Public for South Carolina
My Commission expires 3-25-25

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2021-033)
Christopher R. Bowers)
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, 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 PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That Christopher R. Bowers, candidate for Pickens County Council, did in Richland County, fail to file a 2020 pre-election campaign disclosure report, in violation of Section 8-13-1308(D)

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 Christopher R. Bowers, 221 McDaniel Ave, B-1, Pickens, SC 29671 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.



Richard A. Provencher, Administrative Assistant
State Ethics Commission (803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2021-033)
)
 State Ethics Commission,)
 Complainant,)
)
 Christopher R. Bowers,)
 Respondent.)
 _____)

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 COMMISSION

CONSENT ORDER

LOGGED

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on May 18, 2021. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Act), the Complaint against Christopher R. Bowers (Respondent) was considered and probable cause was found to warrant an evidentiary hearing on one (1) violation of Section 8-13-1308 for failing to timely file a 2020 Pre-Election Campaign Disclosure Report (CDR). Prior to the call of the case, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent was a candidate in a November 3, 2020 election for Pickens County (County) Council (Council).
2. Respondent did not file a Pre-Election CDR fifteen (15) days prior to the election.
3. In an April 8, 2021 certified letter¹ addressed to 222 McDaniel Avenue B-1, the Commission notified Respondent of his failure to file a 2020 Pre-Election CDR. According to the United States Postal Service, this letter was delivered on April 12, 2021 at 4:24 p.m.
4. On July 27, 2021, Respondent filed his 2020 Pre-Election CDR disclosing no contributions or expenditures.

¹ In a Pre-Election CDR filed on November 28, 2016, Respondent reported an on-hand balance of contributions of \$3.00 but failed to file any additional CDRs thereafter. This failure prompted the present Complaint. Subsequent investigation by the Commission revealed Respondent had no campaign activity related to the 2016 election occurring within the Commission’s four-year statute of limitations. Accordingly, only the 2020 Pre-Election CDR is at issue herein.

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 “candidate” pursuant to Section 8-13-1300(4). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1308 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.

. . .
 - (D) 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.
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 8-13-1308 for failing to timely file a Pre-Election CDR prior to the November 3, 2020 election. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file this CDR. Respondent asserts, and the Commission agrees, that he has no prior enforcement actions. Respondent also states that, unlike 2016, he did not file a Pre-Election CDR in 2020 because

he erroneously believed that it was not required when no money was raised or spent.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308.
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 written warning to the Respondent. The Commission declines to assess a monetary penalty.²

AND IT IS SO ORDERED THIS 9 DAY OF February 2022.

STATE ETHICS COMMISSION


CHILDS CANTEY THRASHER, CHAIR


CHRISTOPHER R. BOWERS
RESPONDENT


L. LESESNE HENDRICKS, JR
RESPONDENT'S ATTORNEY

² 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 2016 election, which resulted in Respondent being improperly penalized for a filing in 2017.