

RECEIVED

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

2021 MAY 26 PM 3: 01

STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-044

COMPLAINANT: State Ethics Commission
ADDRESS: 201 Executive Center Drive
Suite 150
Columbia, SC 29210

RESPONDENT: Sammie Tucker, Jr.
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER: (803) 253-4192

TITLE: Council – Kershaw County

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 2018, 2019, 2020, and 2021 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 Pre-Election Campaign Disclosure was due between October 14, 2020 and October 19, 2020.

Respondent was reminded of the filing requirement by letters dated October 16, 2020 and May 25, 2021 as described in the attached. To date, no properly completed Pre-Election Campaign Disclosure, 2018, 2019, 2020, or 2021 Statement of Economic Interests have been received. All in violation of Section 8-13-1140, 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
26th day of May 2021

[REDACTED]
Meghan L. Walker, Executive Director

[REDACTED]
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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2021-044)
Sammie Tucker, Jr.)
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 Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2018 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 Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2019 SEI, in violation of Section 8-13-1140.

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

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

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

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2020 Pre-Election Campaign Disclosure Report, in violation of Section 8-13-1308(D)(1).

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.).

[THIS SPACE INTENTIONALLY LEFT BLANK]

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 I. Walker, Executive Director
State Ethics Commission

Dated this 23rd 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 Sammie Tucker, Jr., 1612 Goodwin Jenkins Lane, Camden, SC 29020 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 29th 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 C2021-044)
State Ethics Commission,)
Complainant.)
Sammie Tucker, Jr.,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter comes before the State Ethics Commission (Commission) by way of a complaint filed on May 26, 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 Sammie Tucker, Jr. (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 STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1140, S.C. CODE ANN., 1976, AS AMENDED

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2018 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 Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2019 SEI, in violation of Section 8-13-1140.

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

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2020 SEI, in violation of Section 8-13-1140.

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

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2021 SEI, in violation of Section 8-13-1140.

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

That Sammie Tucker, Jr., Kershaw County Council Member, did in Richland County, fail to file a 2020 Pre-Election Campaign Disclosure Report (CDR), in violation of Section 8-13-1308(D)(1).

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

1. At all times relevant, Respondent served on Kershaw County Council. Most recently, Respondent was a successful candidate in a November 3, 2020 election.
2. Respondent did not file a SEI on or before March 30 in 2018, 2019, 2020, or 2021.
3. Respondent did not file a Pre-Election CDR before his November 3, 2020 election.
4. In an October 16, 2020 certified letter, the Commission assessed a \$300.00 late-filing penalty for Respondent's failure to file SEIs in 2018, 2019, and 2020. According to the United States Postal Service, this letter was delivered to Respondent's address of record on October 19, 2020.
5. On October 29, 2020, late-filing penalties began to accrue at \$30.00 per day (\$10.00 per report).
6. On November 8, 2020, late-filing penalties began to accrue at \$300.00 per day (\$100.00 per report).
7. In a May 25, 2021 certified letter, the Commission notified Respondent of his failure to file a 2021 SEI and 2020 Pre-Election CDR. According to the United States Postal Service, this letter was delivered to Respondent's address of record on May 27, 2021.

8. On June 6, 2021, late-filing penalties began to accrue at \$20.00 per day (\$10.00 per report).
9. On June 16, 2021, late-filing penalties began to accrue at \$200.00 per day (\$100.00 per report).
10. Following the filing of the Complaint, a Commission Investigator hand-delivered a copy of the Complaint to Respondent in Camden, SC.
11. Despite numerous attempts by Commission staff, Respondent was not in compliance as of the date of the hearing and had accrued the maximum late-filing penalty of \$5,000.00 for each filing.

CONCLUSIONS OF LAW

Based upon the Findings 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) of the Ethics Act and a “candidate” pursuant to Section 8-13-1300(4) of the Ethics Act. Therefore, the Commission has personal and subject matter jurisdiction.

2. Section 8-13-1140 of the Ethics Act provides, in relevant part:

A person required to file a [SEI] under this chapter annually shall file, pursuant to Section 8-13-365, an updated statement for the previous calendar year, no later than noon on March thirtieth of each calendar year . . .

3. 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.

. . .

(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.

4. Section 8-13-1510(A) of the Ethics Act provides, in relevant part:

. . . 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 calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

5. Section 8-13-130 allows the Commission to levy an administrative fee on any person who is found in 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 is in violation of one (1) count of Section 8-13-1308(D)(1) for failing to timely file a 2020 Pre-Election CDR and four (4) counts of Section 8-13-1140 for failing to timely file a SEI in 2018, 2019, 2020, and 2021.

THEREFORE, Respondent is hereby assessed a late-filing penalty of \$25,000.00 (\$5,000.00 for each late-filed CDR and SEI) and an administrative fee of \$900.00, for a total of \$25,900.00.

AND, pursuant to Section 8-13-320 of the Ethics Act, if the \$25,900.00 is not paid within thirty (30) days from Respondent's receipt of this Order, a judgment in the amount of \$25,900.00 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 Respondent's last-known County of residence, the Clerk of Court shall enter this Order in the amount of \$25,900.00 in its Judgment Rolls, without cost to the Commission.

FINALLY, Respondent Sammie Tucker, Jr. 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