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JUL 01 2021

STATE OF SOUTH CAROLINA  
STATE ETHICS COMMISSION

STATE ETHICS  
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:  
CASE NUMBER  
C 2021-048

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

RESPONDENT: Leslie B. Hayes  
ADDRESS: [REDACTED]  
TELEPHONE NUMBER: [REDACTED]  
TITLE: Council – City of Bamberg

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 March 13, 2019 and March 18, 2019.

Respondent was reminded of the filing requirement by a letter dated February 12, 2021 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadlines. To date, no properly completed Pre-Election Campaign Disclosure, 2018, 2019, 2020, or 2021 Statement of Economic Interests has been received. All in violation of Section 8-13-1308 (D)(1) 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 1st day of July, 2021

[REDACTED]

[REDACTED]  
Meghan L. Walker, Executive Director

Notary Public for South Carolina  
My Commission expires 8-11-2025

SEC-7 (Revised 8/2019)

STATE OF SOUTH CAROLINA	)	
COUNTY OF RICHLAND	)	BEFORE THE STATE ETHICS COMMISSION
	)	
IN THE MATTER OF:	)	
	)	
Complaint C2021-048	)	
	)	
Leslie B. Hayes	)	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, 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), S.C. CODE ANN., 1976, AS AMENDED**

That Leslie B. Hayes, Bamberg City Council Member, did in Richland County, fail to file a 2020 pre-election campaign disclosure report, in violation of Section 8-13-1308(D).

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

That Leslie B. Hayes, Bamberg City Council Member, did in Richland County, fail to timely file a 2018 Statement of Economic Interests report, in violation of Section 8-13-1140.

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

That Leslie B. Hayes, Bamberg City Council Member, did in Richland County, fail to timely file a 2019 Statement of Economic Interests report, in violation of Section 8-13-1140.

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

That Leslie B. Hayes, Bamberg City Council Member, did in Richland County, fail to timely file a 2020 Statement of Economic Interests report, in violation of Section 8-13-1140.

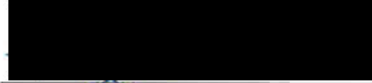
**COUNT FIVE**  
**FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS REPORT**  
**SECTION 8-13-1140 S.C. CODE ANN., 1976, AS AMENDED**

That Leslie B. Hayes, Bamberg City Council Member, did in Richland County, fail to timely file a 2021 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.).

**[this space left intentionally 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 D. Walker, Executive Director  
State Ethics Commission

Dated this 1<sup>st</sup> day,  
of December 2021.

**Certificate of Service by Certified Mail**

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT Leslie B. Hayes, 290 Bridge Street, Bamberg, SC 29003 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2<sup>nd</sup> day of December 2021, 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

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STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 )  
 IN THE MATTER OF: )  
 COMPLAINT C2021-048 )  
 )  
 State Ethics Commission, )  
 Complainant, )  
 )  
 Leslie B. Hayes, )  
 Respondent. )  
 \_\_\_\_\_ )

BEFORE THE STATE ETHICS COMMISSION

**CONSENT ORDER**



This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on July 1, 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 Leslie B. Hayes (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1308 for failure to timely file a 2019 Pre-Election Campaign Disclosure Report (CDR) and four (4) counts of violating Section 8-13-1140 for failure to timely file 2018, 2019, 2020, and 2021 Statements of Economic Interests (SEI). Prior to the call of the case, Respondent agreed to entry of the following:

**STATEMENTS OF FACT**

1. At all times relevant, Respondent has served on Bamberg City Council. His most recent election occurred on April 2, 2019.
2. Respondent failed to file a Pre-Election CDR between March 13, 2019 and March 19, 2019.
3. Respondent failed to timely file a SEI on or before March 30 in 2018, 2019, 2020, and 2021.
4. In a certified letter dated February 12, 2021, the Commission notified Respondent of his failure to timely file a 2019 Pre-Election CDR and his 2018, 2019, 2020, and 2021 SEIs.
5. According to the United States Postal Service, the certified letter was delivered to Respondent's address of record on February 16, 2021 at 1:01 p.m.

6. On February 26, 2021, late-filing penalties began to accrue at \$50 per day (\$10 per report).
7. On March 8, 2021, late-filing penalties began accruing at \$500 per day (\$100 per SEI).
8. On September 2, 2021, following the filing of the Complaint, Respondent came into compliance by filing his 2019 Pre-Election CDR and his 2018, 2019, 2020, and 2021 SEIs.
9. At the time Respondent came into compliance, he had accrued late-filing penalties totaling \$25,000.

### 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(27).  
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)(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 8-13-1140 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 . . .
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 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 2019 Pre-Election CDR and four (4) counts of violating Section 8-13-1140 for failing to timely file his 2018, 2019, 2020, and 2021 SEIs. Through this Consent Order, Respondent acknowledges he violated the Ethics Act when he failed to timely file the required Pre-Election CDR and SEIs. In mitigation, Respondent states he was not living at his address of record during the time period in question and that he did not receive the Commission’s correspondence regarding his late filings. Respondent agrees that he will update his address within the Commission’s filing system and file his reports appropriately in the future.

#### **DISPOSITION**

1. The Commission hereby finds Respondent in violation of one (1) count of Section 8-13-1308 and four (4) counts 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 ninety (90) days from receipt of this Order, a reduced late-filing

penalty of \$500 (\$100 for each SEI and \$100 for the Pre-Election CDR) and an administrative fee of \$250, for a total of \$750. The remaining \$24,500 in accrued late-filing penalties is hereby waived.

By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$750 (less any money paid to the Commission) in the event he 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 \$750 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 26<sup>th</sup> DAY OF April 2022.

STATE ETHICS COMMISSION

  
AJ HOLLOWAY, INTERIM CHAIR

  
LESLIE B. HAYES  
RESPONDENT