

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER

c 2021-06D

COMPLAINT FORM

COMPLAINANT: Kristin Batchelor

RESPONDENT: Jan Hammond

ADDRESS: [REDACTED]

ADDRESS:

TELEPHONE NUMBER: [REDACTED]

TELEPHONE NUMBER:

TITLE: Teacher/Parent

TITLE: Board Chair, Lex Rich School District 5

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

According to a recent article in The State newspaper, board member Jan Hammond used her district email to campaign for candidates for the school board and against sitting board members. I believe this is an ethical violation.

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).

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STATE ETHICS COMMISSION

STATE OF SOUTH CAROLINA

COUNTY OF Richland

Personally appeared before me Kristin Batchelor who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this 28 day of July, 2021

[REDACTED]

Notary Public for South Carolina

My Commission expires March 1, 2026



[REDACTED]

Complainant Signature

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)

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:)

Complaints C2021-018)
C2021-060)

Jan Hammond)
Respondent.)

Kim Benson)
Kristin Batchelor)
Complainants.)

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 complaints. The State Ethics Commission will, therefore, convene a formal hearing into the matters, 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 State Ethics 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 REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, fail to report Respondent's income received from Lexington-Richland School District 5 on her 2019 Statement of Economic Interests (SEI), in violation of Section 8-13-1120(A)(2).

COUNT TWO
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, fail to report Respondent's salary as a teacher in Lexington School District 2 on her 2019 SEI, in violation of Section 8-13-1120(A)(2).

COUNT THREE
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(2) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, fail to report Respondent's salary as a teacher in Lexington School District 2 on her 2020 SEI, in violation of Section 8-13-1120(A)(2).

COUNT FOUR
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, fail to report Respondent's husband's private source of income on her 2018 SEI, in violation of Section 8-13-1120(A)(10).

COUNT FIVE
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, fail to report Respondent's husband's private source of income on her 2019 SEI, in violation of Section 8-13-1120(A)(10).

COUNT SIX
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in

Richland County, fail to report Respondent's husband's private source of income on her 2020 SEI, in violation of Section 8-13-1120(A)(10).

COUNT SEVEN
FAILURE TO REPORT INCOME ON STATEMENT OF ECONOMIC INTERESTS
SECTION 8-13-1120(A)(10) S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, fail to report Respondent's husband's private source of income on her 2021 SEI, in violation of Section 8-13-1120(A)(10).

COUNT EIGHT
USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on August 13, 2020 to encourage email recipients to vote for certain candidates, in violation of Section 8-13-1346.

COUNT NINE
USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on August 13, 2020 to encourage email recipients to vote for certain candidates, in violation of Section 8-13-1346.

COUNT TEN
USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on September 15, 2020 to encourage email

recipients to vote against certain candidates, in violation of Section 8-13-1346.

COUNT ELEVEN
**USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION**
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on September 16, 2020 to encourage email recipients to vote for certain candidates, in violation of Section 8-13-1346.

COUNT TWELVE
**USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION**
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on September 27, 2020 to encourage email recipients to vote for certain candidates, in violation of Section 8-13-1346.

COUNT THIRTEEN
**USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION**
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on October 2, 2020 to encourage email recipients to vote against certain candidates, in violation of Section 8-13-1346.

COUNT FOURTEEN
**USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION**
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED


That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on October 5, 2020 to encourage email recipients to vote for certain candidates, in violation of Section 8-13-1346.

COUNT FIFTEEN
**USE OF PUBLIC FUNDS, PROPERTY, OR TIME TO INFLUENCE THE OUTCOME
OF AN ELECTION**
SECTION 8-13-1346, S.C. CODE ANN., 1976, AS AMENDED

That Jan Hammond, a Lexington-Richland 5 School District Board Member, did in Richland County, use Respondent's school board email on October 10, 2020 to encourage email recipients to vote for certain candidates, in violation of Section 8-13-1346.

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.).

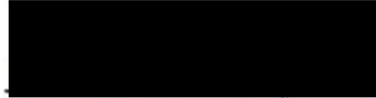
A pre-hearing conference may be scheduled prior to the hearing to allow exchange of witness lists and evidence, marking of exhibits, and disposition of motions or pleadings. In the event you fail to appear, judgment by default will be rendered against you. If there are any questions concerning the above notice or hearing times, please contact the State Ethics Commission.


Meghan L. Walker, Executive Director
State Ethics Commission

Dated this 15th day,
of February, 2022.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on Jan Hammond, 141 Stephenson Lane, Columbia, SC 29212 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 2nd day of February 2022, 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:)
COMPLAINTS C2021-018)
C2021-060)
)
Kim Benson)
Kristen Batchelor,)
Complainants,)
)
Jan Hammond,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission) by way of Complaints filed on February 26, 2021 (C2021-018) and July 30, 2021 (C2021-060). Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaints against Jan Hammond (Respondent) were considered by the Commission and probable cause was found to warrant an evidentiary hearing on seven (7) counts of violating Section 8-13-1120(A) for seven (7) instances of failing to report various types of income on her Statements of Economic Interests (SEI) in 2018, 2019, 2020, and 2021 and eight (8) counts of violating Section 8-13-1346 for using a government-issued email address on eight (8) separate occasions to advocate for or against the election of certain candidates for public office.¹ Prior to the call of the case, Respondent agreed to entry of the following:

STATEMENTS OF FACT

1. At all times relevant, Respondent served on the Lexington-Richland School District Five (District

¹ The Complainant in C2021-018 contained additional allegations related to Respondent's SEIs dating as far back as 2008. However, the Commission is limited by the four-year statute of limitations set forth in Section 8-13-320(9)(d). Accordingly, nothing that occurred prior to 2018 was considered by the Commission. The Complainant in C2021-018 also alleged that Respondent improperly paid a late-filing penalty to the Commission using campaign funds, in violation of Section 8-13-1348. In an Advisory Opinion issued on March 21, 2019, the Commission found that use of campaign funds in this manner would violate Section 8-13-1348. However, Respondent's payment was made on November 15, 2018, prior to the issuance of the Advisory Opinion. Accordingly, the Commission did not find probable cause to support this allegation.

Five) Board of Trustees (Board) and was employed by Lexington County School District Two (District Two).

2. In exchange for her service on the District Five Board, Respondent received an annual stipend of approximately \$9,600.
3. As an employee of District Two, Respondent received an annual salary averaging approximately \$55,000 during the years in question.

Statements of Economic Interests

4. On March 26, 2018, Respondent timely filed her 2018 SEI. However, Respondent did not report the source of private income for her spouse. On December 8, 2021, Respondent amended her 2018 SEI to disclose "101 Mobility" as a source of private income for her spouse.
5. On March 4, 2019, Respondent timely filed her 2019 SEI. However, Respondent did not report the source of private income for her spouse. In addition, Respondent did not report any income received from District Five or District Two. On August 30, 2021, Respondent amended her 2019 SEI to disclose income received from District Five and District Two. On September 1, 2021, Respondent amended her 2019 SEI to disclose "101 Mobility" as a source of private income for her spouse.
6. On March 24, 2020, Respondent timely filed her 2020 SEI. However, Respondent did not report the source of private income for her spouse. In addition, Respondent did not report any income received from District Two. On August 30, 2021, Respondent amended her 2020 SEI to disclose income received from District Two. On December 8, 2021, Respondent amended her 2020 SEI to disclose "101 Mobility" as a source of private income for her spouse.
7. On March 11, 2021, Respondent timely filed her 2021 SEI. However, Respondent did not report the source of private income for her spouse. On December 8, 2021, Respondent amended her 2021

SEI to disclose "101 Mobility" as a source of private income for her spouse.

Use of District Five Email

8. On August 13, 2020, a District Five parent sent an email to Respondent's District Five-issued email account expressing frustration with District Five leadership and its response to the Covid-19 virus.²

Respondent sent the following reply:

You have shared a view held by so many parents. I continue to argue the frustrations teachers and parents feel. Sadly 3 of us are not a real voice on this board. Please share the need for change. Lexington County needs to support Rebecca Hines and Catherine Huddle. In Richland County we need Matt Hogan. Please know that I do not support anymore changes to the plan and assure your daughter that teachers will honor the need to have masks removed in certain situations in her day. My advice is for you to reach out to the principal at her school and stay involved with your expectations as her needs must be met.

9. On August 13, 2020, two District Five parents emailed the Superintendent regarding District Five's response to the Covid-19 virus. Respondent was copied onto this email via her District Five-issued email account. Respondent replied, in relevant part, as follows:

Hope you will help me out with all 3 officers up for reelection. Hines and Huddle in Lexington County are my choices and if you are in Richland County please vote for Matt Hogan. I pray we can elect a board that is more accountable to the public. I teach SS and I know they [*sic*] government should be accountable to the majority rule and this process has circumvented the will of the people. I argued for a survey to see what more people wanted. It did not happen.

10. On September 15, 2020, a District Five parent emailed the District Five Board using their District Five-issued email addresses. In the text of the email, the parent expressed a desire to have students return to face-to-face instruction. Respondent replied, stating that she agreed with the parent's stance. The parent then thanked Respondent for acknowledging her email. Respondent replied as

² This email was sent to the entire District Five Board of Trustees and to several District Five employees.

follows:

Thank you for your support! I truly hope in November we vote GANTT and Cates out. (emphasis in original).

11. On September 16, 2020, an individual sent an email to Respondent's District Five-issued email account and copied the remaining Board members. In the text of the email, the individual thanked Respondent for her public service. Respondent replied as follows:

I appreciate your kind words and your support. It means a great deal to me. Please spread the word to vote for Hines and Huddle in Lexington County and if you know anyone in Richland County vote for Matt Hogan. That is how we can get accountable board members.

12. On September 27, 2020, an individual sent an email to Respondent's District-issued email stating, "Hello Jan. Hope all is well with you. I don't know the candidates for District 5 so I would appreciate your guidance. I need to complete my absentee ballot." Respondent replied as follows:

Here you go. So great to hear from you and hope you are doing well. Please vote for Rebecca Hines and Catherine Huddle. If you know anyone in Richland please vote for Matt Hogan.

13. On October 2, 2020, a District Five parent emailed the Board using their District Five-issued email addresses. In the text of the email, the parent expressed frustration over District Five's response to the Covid-19 virus. Respondent replied as follows:

I can assure you I have stood for getting all students back into school by October 8th as was presented to the Board on July 23rd. My motion failed that would have done that. 4 to 3. I encourage you to vote in the upcoming election as the board chair and vice chair are running and have opponents that are more accountable to the public. I am always appreciative of input from our parents. Forgive me for not responding earlier.

14. On October 5, 2020, an individual sent an email to Respondent's District Five-issued email address stating, "I don't know any of the folks running for school board. Do you have a recommendation?" Respondent replied as follows:

Yes, I do. Please vote for 3 Hs. In Lexington[,] please vote for Rebecca Hines and Catherine Huddle. In Richland, spread the word for Matt Hogan. Please share with friends. Thanks and love to you. Hope you are doing well.

15. On October 10, 2020, an individual sent an email to Respondent's District Five-issued email address stating, "Hello Jan. Which two candidates (Lexington County) do you recommend, one should vote for? We are looking for the two candidates that are the best for Irmo High School and promise to improve the performance of Irmo High School at standardized tests and get it to be one of the best in the state again?" Respondent replied as follows:

I think Rebecca Hines and Catherine Hines [*sic*] are best in Lexington County and Hogan for Richland.

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) and Section 8-13-1300(28). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1120(A) of the Act requires public officials to report, in part:
 - (2) 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 or a member of the filer's immediate family during the reporting period.
 - ...
 - (10) a listing of the private source and type of any income received in the previous year by the filer or a member of his immediate family . . .
3. Section 8-13-100(29) defines "substantial monetary value" as "a monetary value of five hundred dollars or more."
4. Section 8-13-1346(A) provides:

A person may not use or authorize the use of public funds, property, or

time to influence the outcome of an election.

5. Section 8-13-1300(31) defines “influence the outcome of an elective office” as:
 - (a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to “vote for”, “elect”, “cast your ballot for”, “Smith for Governor”, “vote against”, or “reject”;
 - (b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate . . .
6. Section 8-13-320(10)(l) allows the Commission to require a public official to pay a civil penalty of up to \$2,000 for each violation of the Ethics Act.
7. 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 seven (7) counts of violating Section 8-13-1120(A) for seven (7) instances of failing to report various types of income on SEIs in 2018, 2019, 2020, and 2021 and eight (8) counts of violating Section 8-13-1346 for using a government email address on eight (8) separate occasions to advocate for or against the election of certain candidates for public office. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to report income as described herein and when she sent the above-referenced emails using her District Five-issued email accounts.

As mitigation with regard to the SEIs, Respondent states that her spouse often files her SEIs on her behalf and that she had no intention to omit any information from her SEIs. Respondent states that her technological skills “are not the best” and that, as a result, she and her husband have occasionally visited the Commission’s physical office to seek assistance, though she acknowledges she did not do so from 2018-2021. Respondent states that she amended her SEIs to include the correct

information as soon as she was made aware of her errors.

As mitigation with regard to the emails, Respondent states that she maintained a personal email account, her District Two email account, and her District Five email account on the same cell phone. Respondent states that the Covid-19 virus “brought an unusual climate of fear, stress and anxiety for everyone, especially to parents who were concerned about the learning loss of students, as well as the social and mental consequences of closing our schools.” Respondent states that she was inundated daily with hundreds of emails from parents and concerned citizens. Respondent states that in her efforts to be responsive to as many individuals as possible, she paid no attention to which email account was being used. Although she admits that the responses were improper, she notes that she did not initiate any of the emails in question. Respondent also points to the emails dated September 27, October 5, and October 10, all of which explicitly sought her opinion with regard to Board elections.

To be clear, the Commission finds no fault with Respondent’s statements contained within the above-referenced emails. As a citizen, Respondent is permitted to advocate for the election or defeat of any candidate in any election. However, she is not permitted to do so using public resources and the Commission has held on numerous occasions that use of a government-issued email account constitutes such use. See SEC AO2003-003 (finding use of government-issued email to advocate for the election or defeat of a candidate violates Section 8-13-1348); SEC Boatwright Informal AO, October 4, 2006 (finding the use of an email account paid for with public funds in an election campaign violates of Section 8-13-1346); C2019-005, In the Matter of Rick Caporale (finding Respondent’s use of his County-issued email account to send an email advocating for a candidate violated 8-13-1346).

DISPOSITION

1. The Commission hereby finds Respondent in violation of seven (7) counts of violating Section 8-13-1120(A) and eight (8) counts of violating Section 8-13-1346.

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 six (6) months from receipt of this Order: (1) an administrative fee of \$300; (2) a reduced civil penalty of \$400 (\$100 for each of the four (4) years Respondent failed to report income on her SEIs); (3) a reduced civil penalty of \$300 (\$100 for each of the three (3) emails in which Respondent was specifically responding to an individual's question about the upcoming election); and (4) a reduced civil penalty of \$1,000 (\$200 for each email where Respondent raised the issue of the upcoming election without any prompt from the individual), for a total of \$2,000.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$2,000 (less any money paid to the Commission) in the event she 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 \$2,000 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 19th DAY OF April 2022.

STATE ETHICS COMMISSION

A.J. HOLLOWAY, CHAIR

JAN HAMMOND
RESPONDENT

S. JAHUE MOORE
RESPONDENT'S ATTORNEY