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STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

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STATE ETHICS
COMMISSION

COMPLAINT FORM

FOR COMMISSION USE ONLY:
CASE NUMBER
C 2021-075

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

RESPONDENT: Brandy L. James
ADDRESS: [REDACTED]
TELEPHONE NUMBER: (803) 741-7272
TITLE: Former Chief Financial Official – Richland
County Recreation Commission

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 2021 Statement of Economic Interests.

Respondent was reminded of the filing requirement by a certified letter dated May 11, 2021 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, no properly completed 2021 Statement of Economic Interests has been received. All in violation of 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
31st day of August, 2021

[REDACTED]

[REDACTED]

Meghan L. Walker, Executive Director

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
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STATE ETHICS
COMMISSION

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF:)
 COMPLAINT C2021-075)
)
 State Ethics Commission,)
 Complainant.)
)
 Brandy James,)
 Respondent.)
 _____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

This matter came before the South Carolina Ethics Commission (Commission) by way of a Complaint filed on August 31, 2021. The Commission’s Executive Director reviewed the Complaint, determined it contained facts sufficient to warrant an investigation, and ordered an investigation. On January 20, 2022, the Commission reviewed the Complaint and investigative findings to determine whether probable cause existed to charge Brandy James (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 and all accrued late-filing penalties except for the initial \$100 late-filing penalty imposed by Section 8-13-1510(A)(1) of the Ethics Act.

STATEMENT OF FACTS

1. Respondent served as the Chief Financial Officer for the Richland County Recreation Commission (RCRC) from 2018 until May of 2021.
2. Respondent failed to file a Statement of Economic Interests (SEI) on or before March 30, 2021.
3. In a May 11, 2021 certified letter, the Commission notified Respondent of her failure to timely file a 2021 SEI. According to the United States Postal Service, this letter was delivered to Respondent’s address of record on May 13, 2021 at 3:00 p.m.
4. On May 23, 2021, late-filing penalties began to accrue at \$10 per day. On June 2, 2021, late-

filing penalties began to accrue at \$100 per day.

5. Respondent came into compliance by filing her 2021 SEI on September 27, 2021.
6. On October 23, 2021, following the filing of the Complaint, a Commission Investigator contacted Respondent. Respondent stated she was unaware of the Complaint. The Investigator emailed Respondent a copy of the Complaint on November 30, 2021.
7. Respondent advised Investigators that she resigned from RCRC in May of 2021 and was unaware that she needed to file for that year.

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 required Respondent to file a SEI on or before March 30 of each year. Pursuant to Section 8-13-1510(A)(1), an automatic \$100 late-filing penalty is assessed if a required filing is not filed within five (5) days of the statutory deadline.

DISCUSSION AND 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. However, in light of the

above-discussion, and based on the totality of the circumstances, the Commission hereby waives further proceedings on the Complaint and orders Respondent to pay the \$100 late-filing penalty imposed by Section 8-13-1510(A)(1) of the Ethics Act.

THEREFORE, pursuant to Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the Commission hereby waives further proceedings and assesses the \$100 late-filing penalty imposed by Section 8-13-1510(A)(1).

AND IT IS SO ORDERED THIS 25 DAY OF January 2022.

SOUTH CAROLINA ETHICS COMMISSION



CHILDS CANTEY THRASHER, CHAIR

Columbia, South Carolina