

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2022-096

COMPLAINT FORM

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

RESPONDENT: William A. Herring
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Former Council Member – Town of Latta

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 2019 Statement of Economic Interests.

Respondent was reminded of the filing requirement by a certified letter dated March 30, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the deadline. To date, a 2019 Statement of Economic Interests has not been received. All in violation of Section 8-13-1140, SC Code Ann., 1976, as amended.

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.

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
23rd day of August, 2022

[REDACTED]

Meghan L. Walker, Executive Director

[REDACTED]

Notary Public for South Carolina
My Commission expires 01/22/26

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
ELECTRONIC COPIES WILL NOT BE ACCEPTED

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
Complaint C2022-096)
State Ethics Commission)
Complainant.)
William A. Herring)
Respondent.)

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, 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, August 17, 2023 at 9:30 a.m. at the Commission Hearing Room located at: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210.

The following allegation will be heard:

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

That William A. Herring, former Latta Town Councilmember, did in Richland County, fail to file a 2019 Statement of Economic Interests, 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.).

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 Walker Dayson, Executive Director
State Ethics Commission

Dated this 20th day,
of May 2023.

Certificate of Service by Certified Mail

I hereby certify that a copy of this **NOTICE OF HEARING** was duly served on the RESPONDENT William A. Herring, 208 N. Mauldin Street, Latta, SC 29565 by depositing said **NOTICE OF HEARING** in the United States mail, Columbia, South Carolina on this 5th day of June 2023, by CERTIFIED MAIL, E-RETURN RECEIPT REQUESTED, appropriate postage affixed, and a return address clearly indicated on said envelope.



Rachael O'Bryan, Administrative Assistant

State Ethics Commission

(803) 253-4192

Columbia, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
))
IN THE MATTER OF:)
COMPLAINT C2022-096)
))
State Ethics Commission,) **CONSENT ORDER**
Complainant,)
))
William A. Herring,)
Respondent.)
_____)

This matter comes before the State Ethics Commission (Commission) by way of a Complaint filed on August 23, 2022. Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaint against William A. Herring (Respondent) was considered by the Commission and probable cause was found to warrant an evidentiary hearing on one (1) count of violating Section 8-13-1140 for failing to timely file 2019 Statement of Economic Interests (SEI). Prior to the hearing, Respondent agreed to the following:

STATEMENTS OF FACT

1. Respondent served on the Latta Town Council (Council) from 2016 until December 2019.
2. Respondent failed to file a SEI on or before March 30, 2019.
3. In a March 30, 2022 certified letter, the Commission notified Respondent of his failure to timely file a 2019 SEI.
4. On April 1, 2022, Respondent logged into the Commission’s filing system and inadvertently filed a Campaign Disclosure Report (CDR) instead of a SEI.¹
5. According to the USPS, the certified letter was delivered to Respondent’s address of record on April 2, 2022 at 4:15 p.m.

¹ In statements made to a Commission Investigator, Respondent indicated he logged in to the Commission’s filing system when he received the Commission’s letter. However, based on the information received from the United States Postal Service (USPS), Respondent did not receive the Commission’s correspondence until the following day. Commission staff is unable to explain this discrepancy in the timeline of this matter and therefore affords Respondent the benefit of the doubt.

6. On April 12, 2022, penalties begin accruing at \$10 per day.
7. On April 22, 2022, penalties begin accruing at \$100 per day.
8. Following the filing of the Complaint, a Commission Investigator contacted Respondent. Respondent advised he had received the Commission's March 30, 2022 letter, but believed he had filed all the required reports on on April 1, 2022.
9. On May 8, 2023, Respondent filed his 2019 SEI, having accrued \$5,000 in late-filing penalties pursuant to Section 8-13-1510.

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 8-13-1140 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 . . .
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 8-13-1140 for failing to timely file his 2019 SEI. Through this Consent Order, Respondent acknowledges he

violated the Ethics Act when he failed to timely file the required SEI. Respondent states when he received the Commission’s March 30, 2022 certified letter, he attempted to come into compliance, but inadvertently filed a CDR instead of a SEI. Once contacted by a Commission Investigator following the filing of the Complaint, Respondent promptly came into compliance by filing his 2019 SEI.

DISPOSITION

1. The Commission hereby finds Respondent in violation of one (1) count 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 public reprimand and orders the Respondent to pay the Commission, within ninety (90) days from receipt of this Order, a late-filing penalty of \$200 and an administrative fee of \$350, for a total of \$550. The Commission waives the remaining \$4,800 in accrued late-filing penalties.

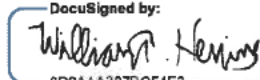
By executing this Consent Order, Respondent understands that he is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$550 (less any money paid to the Commission) in the event he does not make full and timely payment as provided for in this Order. In that event, 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 \$550 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 7th DAY OF July 2023.

STATE ETHICS COMMISSION


SCOTT E. FRICK, CHAIR

DocuSigned by:



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WILLIAM A. HERRING
RESPONDENT