

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

STATE ETHICS COMMISSION
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FOR COMMISSION USE ONLY:
CASE NUMBER
C 2073-005

COMPLAINT FORM

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

RESPONDENT: Robert R. Johnson
ADDRESS: [REDACTED]
TELEPHONE NUMBER: [REDACTED]
TITLE: Council Member – City of Chesnee

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 2022 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 13, 2021 and October 18, 2021.

Respondent was reminded of the filing requirements by letters dated February 7, 2022, April 22, 2022, and July 8, 2022 as described in the attached. In addition, an email reminder was sent thirty days prior to the Statement of Economic Interests deadline. To date, a 2022 Statement of Economic Interests or Pre-Election Campaign Disclosure have not been received. All in violation of Section 8-13-1140, Section 8-13-1308(A), and Section 8-13-1308(D)(1), 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
13th day of January, 2023

[REDACTED]
Meghan L. Walker, Executive Director

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

SEC-7 (Revised 3/2022)

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STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2023-005)	
)	
State Ethics Commission,)	DECISION AND ORDER
Complainant.)	
)	
Robert R. Johnson,)	
Respondent.)	
_____)	

This matter came before the South Carolina Ethics Commission (Commission) by way of a Complaint filed on January 13, 2023. The Commission’s Executive Director reviewed the Complaint, determined it contained facts sufficient to warrant an investigation, and ordered an investigation. On September 21, 2023, the Commission reviewed the Complaint and investigative findings to determine whether probable cause existed to charge Robert R. Johnson (Respondent) with violating the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act). For the reasons stated herein, the Commission finds probable cause exists, but waives further proceedings on the matter.

STATEMENT OF FACTS

Respondent is a public official serving on the Chesnee City Council. Respondent’s most recent election was November 2, 2021. Prior to the election, Respondent did not file a Pre-Election Campaign Disclosure Report (CDR). In addition, Respondent did not file a Statement of Economic Interests (SEI) on or before March 30, 2022.

Due to numerous issues with mailing, the Commission attempted multiple times to notify Respondent of his failure to file the 2021 Pre-Election CDR and the 2022 SEI. The Commission successfully notified Respondent of his failure to file a 2021 Pre-Election CDR on April 25, 2022. The Commission successfully notified Respondent of his failure to file a 2022 SEI on July 13,

2022. When Respondent failed to reply to these notifications, the Complaint was filed. Respondent subsequently failed to file a 2023 SEI on or before March 30, 2023.

Following the filing of the Complaint, Commission investigators discovered that Respondent's wife, who had historically assisted Respondent with his filings, had fallen ill and was no longer able to assist Respondent in this regard. Investigators further found Respondent to be in poor physical and mental health and noted that Respondent exhibited signs of short-term memory loss. With the assistance of City staff, Respondent came into compliance by filing his 2021 Pre-Election CDR and 2022 and 2023 SEIs on August 31, 2023. Respondent's Pre-Election CDR disclosed no contributions or expenditures.

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 8-13-1308(A) provides, in part:

. . . 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.

Section 8-13-1140 provides, in 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.

DISCUSSION

The facts of this case are clear. Respondent failed to file a Pre-Election CDR prior to the November 2, 2021 election and failed to file a SEI prior to March 30 in 2022 and 2023. Upon learning of the Complaint, Respondent came into compliance with assistance from City staff. Although Respondent failed to file a 2021 Pre-Election CDR and 2022 and 2023 SEIs as required by the Ethics Act, the Commission acknowledges Respondent's physical and mental health difficulties and the issues that could arise if a hearing on the merits were held in this matter. The Commission further acknowledges that all required reports have been filed and Respondent is currently in compliance with the Ethics Act.

DECISION

Based on evidence presented, the Commission hereby determines there is probable cause to believe that Respondent violated Section 8-13-1308(A) when he failed to file a 2021 Pre-Election CDR and Section 8-13-1140 when he failed to timely file 2022 and 2023 SEIs. However, based on the totality of the circumstances, the Commission hereby waives further proceedings pursuant to Section 8-13-320(10)(i) of the Ethics Act.

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THEREFORE, pursuant to Section 8-13-320(10)(i), and the rules and regulations promulgated thereunder, the Commission hereby waives further proceedings.

AND IT IS SO ORDERED THIS 21st DAY OF October, 2023.

SOUTH CAROLINA ETHICS COMMISSION



SCOTT E. FRICK, CHAIR

Columbia, South Carolina