

State Ethics Commission

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EXECUTIVE DIRECTOR

SC STATE ETHICS COMMISSION

CHARLESTON COUNTY EMERGING LEADERS

2024

1

HISTORY OF THE SOUTH CAROLINA STATE ETHICS COMMISSION

- Commission was founded in 1975.
- 1990 and 1991: The Ethics Reform Act of 1991 expanded the commission and gave it additional responsibilities.
- 2016: Commission is revamped and authority is expanded.

2

OPERATION
LOST TRUST



3

SOUTH CAROLINA ETHICS COMMISSION

CURRENT COMPOSITION

8 commissioners appointed; 4 by the Governor, 1 by House Democrats, 1 by Senate Democrats, 1 by House Republicans and 1 by Senate Republicans.

The commission has the authority to investigate complaints against members of the General Assembly.

4

Who Does the Act Cover?

- Public Officials
 - Any elected or appointed official of the state (excluding judges) and any candidate for such office.
- Public Members
 - An individual appointed to a noncompensated, part-time position on a board, commission or council.
- Public Employees
 - Any person employed by the state.

5

STATEMENTS OF ECONOMIC INTERESTS

All public officials and certain public employees and public members *must* file an SEI every year.

6

COUNTY EMPLOYEES/OFFICIALS REQUIRED TO FILE STATEMENTS OF ECONOMIC INTERESTS

- Chief county official by whatever title (managers, administrators, supervisors)
- Chief financial officer
- Chief purchasing official
- County public officials (sheriff, solicitor, council members, coroners, etc.)

7

SEI DEADLINES

SEIs are filed upon before being sworn-in and then every year by March 30th.

8

Information Required On SEIs

- 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 the filer's immediate family.
- Description, value and location of real property owned/options to purchase real property by filer or immediate family if:
 - Public improvements were made in excess of \$200.00
 - OR
 - The interest can reasonably be expected to be the subject of a conflict of interest.
 - If a sale, lease, or rental of personal property is to a state, county or municipal instrumentality of government, a copy of the contract, lease or rental agreement must be attached to the SEI.

9

Information Required On Your SEI

The name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date and location of the speaking engagement.

10

Personal Income for 2022

Private Income

Source	Income Type
PJM Properties, LLC	Income

Income from an SC Governmental Entity

Source	Income Type	Income Amount for
State of South Carolina	Personal Income	\$106,078.00
State of South Carolina	Use of State Car	\$1.00
State of South Carolina	Use of State Residence	\$1.00
State of South Carolina	Use of State Plane	\$1.00

Income from Contractors Associated with Your Governmental Entity

Nothing Reported

Gifts Received

Gift Description	Estimated Value	Given By	Relationship to Gift Giver
Award plaque/gift basket	\$125.00	Advocates for Agriculture	Professional
Moon cakes	\$35.00	Ambassador Qin Gang	Professional
Desk Clock	\$100.00	American Pilots Assoc.	Professional
Plaque	\$70.00	American Spiralsweld Pipe	Professional
Award plaque	\$65.00	Anderson Chamber	Professional
Diploma and folder	\$40.00	Anderson University	Professional
Autographed helmet	\$100.00	Anthony Bell	Professional
Award plaque	\$100.00	APTS	Professional
Roundtrip Flt. CAE to MYR	\$1,500.00	Berly Herdee	Professional/Colleague
Hat and Cups	\$55.00	Bentley Boats	Professional
Card Holder	\$40.00	BMW Manufacturing, Co.	Professional
Pad folio	\$78.00	BMW Manufacturing, Co.	Professional
Light	\$75.00	BMW Manufacturing, Co.	Professional
Book	\$28.99	Bo Aughtry	Professional/Colleague
Gift basket	\$200.00	Boys and Girls Club	Professional

11

BEWARE OF AN SEI THAT LOOKS LIKE THIS...

Select a tab to view more.

- Summary
- Position
- Income & Benefits**
- Reg. Bus. Assoc.
- Property
- More »

i *** Filer does not have any personal income and benefit items to disclose. ***

i *** Filer does not have any family income and benefit items to disclose. ***

12

ADVISORY OPINION

SEC AO2020-001

September 17, 2020

SUBJECT: Reporting Government Income on a Statement of Economic Interests (SEI)

SUMMARY: Individuals reporting government income on a Statement of Economic Interests should report the amount of gross income received. Gross income means the amount of wages earned prior to any deductions or withholdings.

13

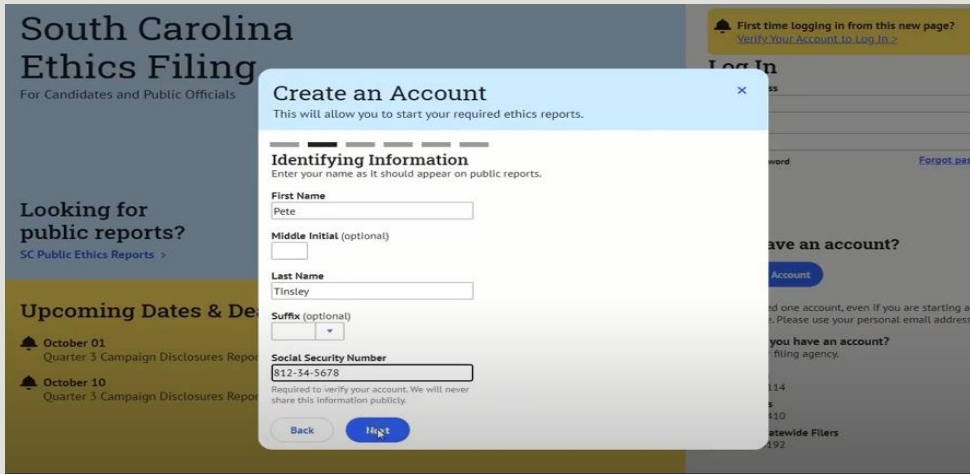
ACCOUNTABILITY PORTAL

The screenshot shows the South Carolina Ethics Filing website. The header includes 'SC Ethics Filing' and 'ETHICSQA'. The main content area is split into two columns. The left column features the 'South Carolina Ethics Filing' logo, a sub-header 'For Candidates and Public Officials', a section for 'Looking for public reports?' with a link to 'SC Public Ethics Reports', and a yellow box for 'Upcoming Dates & Deadlines' listing 'October 01' and 'October 10' for Quarter 3 Campaign Disclosures. The right column contains a 'Log In' section with fields for 'Email Address' and 'Password', a 'Log In' button, and a 'Don't have an account?' section with a 'Create an Account' button. A yellow banner at the top of the right column says 'First time logging in from this new page? Verify Your Account to Log In >'. A blue callout box points to the 'Create an Account' button with the text 'Click Create an Account to begin'.

Please have your:
SSN
Email Address
Street Address and
Cellphone Number
ready.

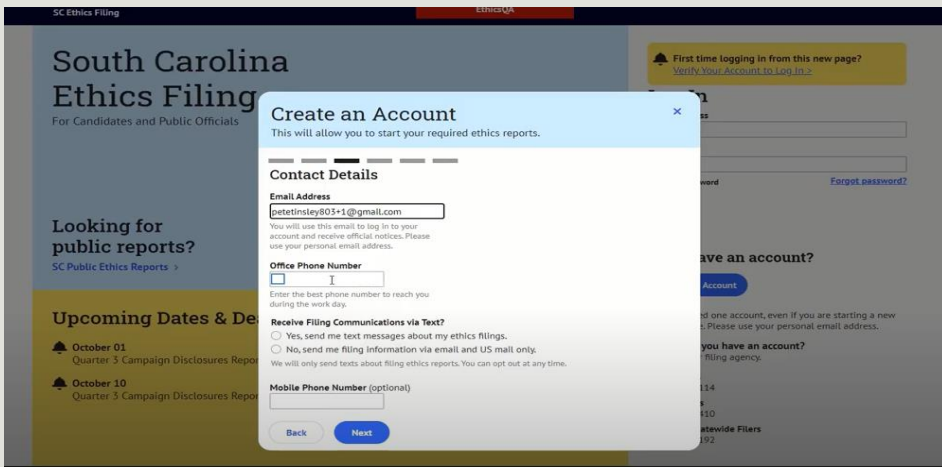
14

ACCOUNTABILITY PORTAL



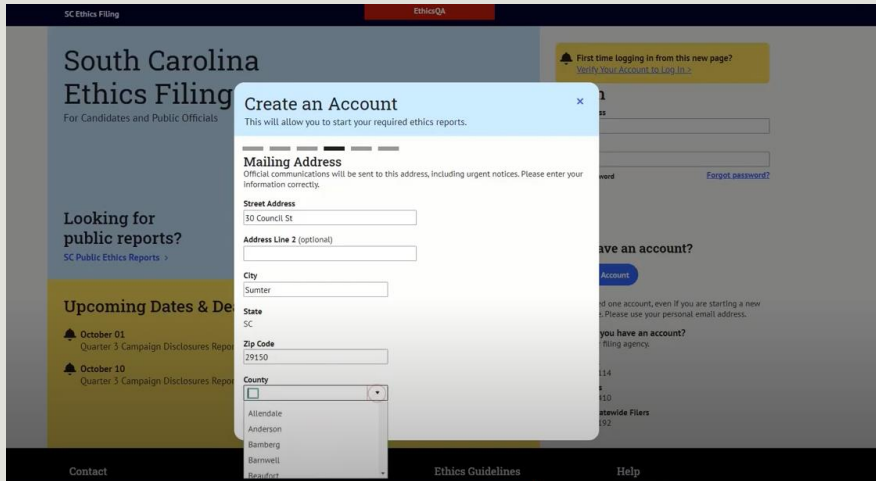
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ACCOUNTABILITY PORTAL



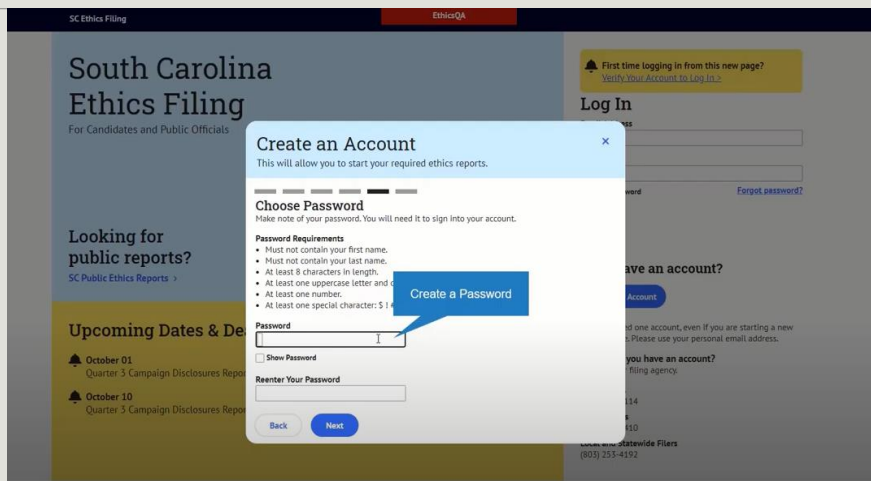
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ACCOUNTABILITY PORTAL



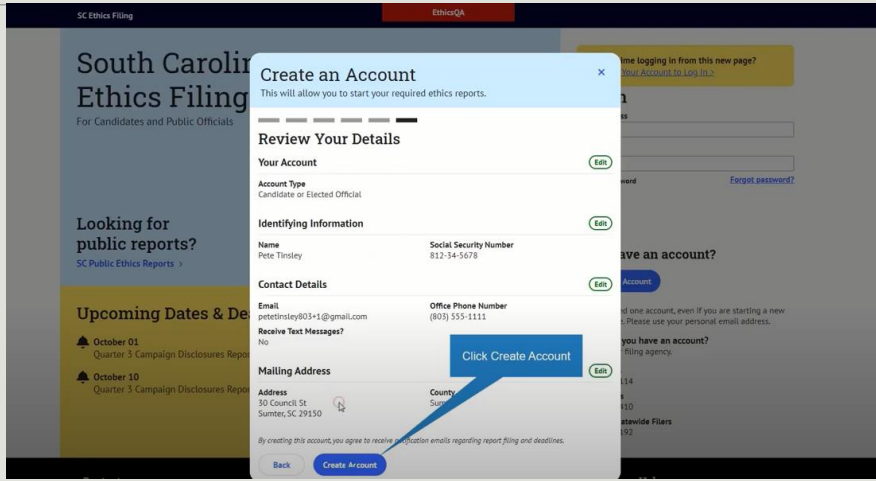
17

ACCOUNTABILITY PORTAL



18

ACCOUNTABILITY PORTAL



19

QUARTERLY CAMPAIGN DISCLOSURES

20

REQUIRED INFORMATION ON CAMPAIGN DISCLOSURES

- Total amount of contributions accepted.
 - Date and amount of each contribution.
 - Name, address and occupation of each person making a contribution.
- Total amount of expenditures made.
 - Name and address of each person/entity to whom an expenditure is made.
 - The date, amount and purpose of each beneficiary of an expenditure.

21

The screenshot displays the South Carolina State Ethics Commission's Public Disclosure and Accountability Reporting System. The page is titled "Individual Reports" and "Candidate Campaign Disclosure" for a "2017, January 10th Report". The candidate is Haley, Nikki, who is running for Governor in a General Election on 06/10/2014. The report was filed on 01/17/2017. The "Contributions" tab is selected, showing a message: "*** No Contributions Reported. ***". Navigation buttons for "Back" and "Open Full Report" are visible at the bottom of the report area.

Quarterly Campaign Disclosure

22

Contributor Do's and Don'ts

- You must open a campaign checking account.
- You cannot accept more than \$1,000.00 from a contributor during the election cycle.
- You cannot pay for gas or personal meals using your campaign account. You can use mileage charts.
- Loaning your campaign means that you can recoup the money. Contributing to your campaign means that you cannot.
- File Campaign Disclosures until your campaign account reaches \$0.00 and you file your Final Campaign Disclosure.
- Do not withdraw more than \$100.00 in cash.

23

NONCOMPLIANCE

- Remember that this covers information from the previous year.
- Due upon assumption of official duties and then by March 30th of each calendar year.

PENALTIES

- Initial \$100.00 penalty.
- After certified letter is delivered: \$10.00 dollars a day after ten days.
- After ten days: \$100.00 day until maximum penalty of \$5,000.00 is reached.
- There may also be a complaint filed which means possible additional fines and fees.

24

NONDISCLOSURE

- Must disclose all information required in your SEI.
- If you fail to disclose the required information, you may be given a chance to correct the omission.

PENALTIES

- Maximum fine of \$2,000.00
- Complaint can be filed which may mean additional fees.

25

INFLUENCING THE OUTCOME OF AN ELECTION

No person may use government funds, property or time to influence the outcome of an election.

This includes using government time and resources to influence the outcome of an election or ballot measure. For purposes of this statute, ballot measure means:

Referendum, proposition, or measure submitted to voters for their approval.

This is not a prohibition against a governmental entity preparing informational materials, conducting public meetings or responding to news media or citizens' inquiries concerning a ballot measure affecting the governmental entity.

26

CONFLICTS OF INTEREST

27

SELF DEALING AND NEPOTISM

- Section 8-13-700(A)
 - "No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated."
 - Exception for incidental use not resulting in additional public expense.
- Section 8-13-700(B)
 - "No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest."

28

FAMILY MEMBERS

Your spouse, parent, brother, sister, child, mother-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild.

Dictionary defines brother-in-law as:

- a - the husband of one's sibling
- b - the husband of one's spouse's sibling

ECONOMIC INTEREST

An interest distinct from that of the general public in a purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services in which a public official, public member, or public employee may gain an economic benefit of fifty dollars or more.

29

PERSON WITH WHOM YOU ARE ASSOCIATED

An individual with whom the person or a member of his immediate family mutually has an interest in any business of which the person or a member of his immediate family is a director, officer, owner, employee, compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

BUSINESS WITH WHICH YOU ARE ASSOCIATED

A business of which the person, or a member of his immediate family, is a director, an officer, owner, employee, a compensated agent, or holder of stock worth one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

30

Violations of 740

- Representing a person before any agency, unit or subunit of your BOT for which the public member has official responsibility except as required by law.
 - Applies unless representation occurs in the normal course of business, is ministerial or is personal in nature.

PENALTIES

- Maximum fine of \$2,000.00
- Complaint can be filed which may mean additional fees.

31

Violations of 775

- A member of county council cannot have a contract with the county if the member is authorized to perform an official function relating to the contract.
 - Official functions include: writing or preparing the contract specifications, accepting bids, awarding the contract or any other action regarding the preparation or awarding of the contract.

PENALTIES

- Maximum fine of \$2,000.00
- Complaint can be filed which may mean additional fees.

32

WHEN IN DOUBT...

If you are unsure of your duties under
the South Carolina Ethics Act...

DO NOT ACT

Take the following steps:

33

EVALUATE WHAT, IF ANY, CONFLICT YOU HAVE

- 1) Is there an economic interest for you?
- 2) Is there an economic interest for a family member of yours?
- 3) Is there an economic interest for a person with whom you are associated?
- 4) Is there an economic interest for a business with which you are associated?

IF YOU ARE NOT SURE OF THE ANSWER TO ANY OF THESE QUESTIONS,
CONTACT US AND REQUEST A FORMAL OR INFORMAL OPINION

34

REQUESTING AN OPINION

As a public official, you can request either an informal or formal opinion from the State Ethics Commission.

A formal opinion is issued by the Commission and is binding.

An informal opinion issued by Commission staff is not binding,

For sensitive matters, you may request a confidential formal or informal opinion. Requests must be made in writing.

35

IF YOU HAVE A
CONFLICT THEN
YOU **MUST**
RECUSE
YOURSELF!

36

HOW TO RECUSE YOURSELF

- 1) Prepare a written statement describing the matter requiring action or decision and the nature of your potential conflict of interest with respect to the action or decision.
- 2) Public Employees: Furnish a copy to your supervisor who shall require that you be excused from any deliberation and other actions on the matter in question.

37

THE COMPLAINT PROCESS

Complaints are generated in two ways:

- An individual contacts our office and wishes to remain anonymous or an individual files a verified complaint.
 - OR
- Commission staff learns of potential misconduct and initiates a preliminary investigation.

Once an investigation is opened:

- All parties are notified of the investigation and its confidential nature. Investigators subpoena documents and interview witnesses.

38

THE COMPLAINT PROCESS

Once the investigation is complete, Commission staff meets and determines whether to recommend that the investigation continue.

The investigative findings are presented to all eight Commissioners. 6/8 must agree to continue the complaint process.

- If probable cause is found – the complaint becomes public information and confidentiality is no longer attached.

A notice of hearing is set (similar to a trial notice) and parties either resolve the case via Consent Order or through a contested hearing.

39

THE HEARING PROCESS

Both sides have subpoena power, the ability to depose witnesses and are required to share evidence/potential exhibits.

Hearings are held before a three-person panel comprised of members of the Commission and drawn at random.

The Commission is represented by general counsel and respondents can choose to hire an attorney or represent themselves.

The hearing proceeds much like a trial with opening statements, examination of witnesses and closing statements.

40

THE HEARING PROCESS

At the conclusion of the presentation of evidence, members of the hearing panel deliberate and must return a written order within 60 days of the hearing.

Respondents may appeal the decision of the hearing panel, by written notice, within ten days of receiving the panel's order.

The appeal takes place before the remaining members of the Commission.

41

Please Contact Us With Any Questions

For questions about Statement of Economic Interests, please contact [Lessie Cheeseboro](#).

For questions about Campaign Disclosures, please contact [Sandra Willis](#).

For questions about the complaint process or the law, please contact [Courtney Laster](#).

For questions about the obligation to register as a Lobbyist or Lobbyist's Principal, please contact [Karen Wiggins](#).

For questions about training, please contact [Meghan Walker](#).

All media questions should be directed to mediaquestions@ethics.sc.gov.

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42