

AVOIDING THE \$10,000.00 FINE

MEGHAN DAYSON

EXECUTIVE DIRECTOR

SC STATE ETHICS COMMISSION

NEWLY ELECTED OFFICIALS

MARCH 2025

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SOUTH CAROLINA ETHICS COMMISSION

PRIOR TO APRIL, 2017

Nine commissioners appointed by the governor.

The commission had no authority over members of the General Assembly.

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.

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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.

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STATEMENTS OF ECONOMIC INTERESTS

Every public official *must* file an SEI every year.

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WHEN TO FILE YOUR SEI

WHEN FIRST ELECTED: FILE BEFORE ASSUMING YOUR RESPONSIBILITIES.

EVERY YEAR THAT YOU'RE IN OFFICE: FILE BY MARCH 30TH.

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Information Required On Your SEI

- 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.

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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.

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Personal Income for 2023

Private Income

Source	Income Type
Transworld Partners	dividend

Income from an SC Governmental Entity

Source	Income Type	Income Amount for
City of Columbia	salary	\$75,000.00

Income from Contractors Associated with Your Governmental Entity

Nothing Reported

Gifts Received

Nothing Reported

Speaking Engagement Expenses Paid for or Reimbursed

Nothing Reported

Family Members' Income for 2023

Private Income Received By Family Members

Source	Income Type
Sandhills Peds	salary

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BEWARE OF AN SEI THAT LOOKS LIKE THIS...

Personal Income for 2024

Private Income

Source	Income Type
0	0

Income from an SC Governmental Entity

Source	Income Type	Income Amount for
State Ethics Commission	Per Diem	\$0.00

Income from Contractors Associated with Your Governmental Entity
Nothing Reported

Gifts Received
Nothing Reported

Speaking Engagement Expenses Paid for or Reimbursed
Nothing Reported

Family Members' Income for 2024

Private Income Received By Family Members

Source	Income Type
0	0

Income Received from a Governmental Entity By Family Members
Nothing Reported

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ADVISORY OPINION

SEC AO2020-001

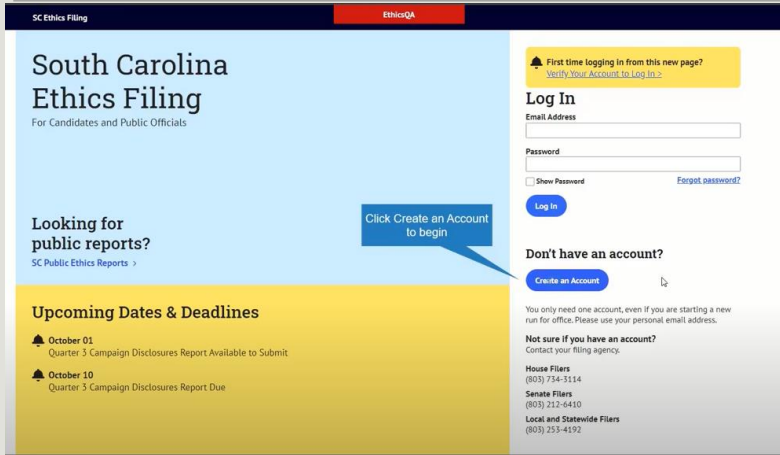
September 17, 2020

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.

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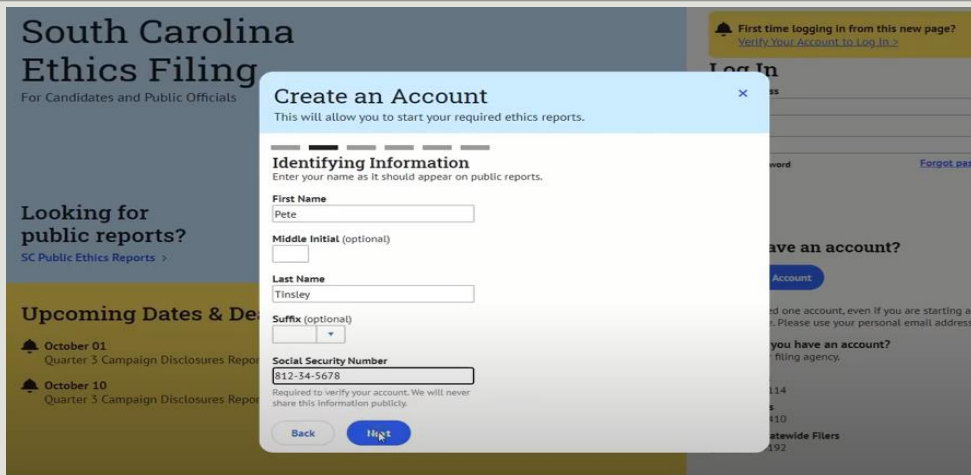
ACCOUNTABILITY PORTAL



Please have your:
 SSN
 Email Address
 Street Address and
 Cellphone Number
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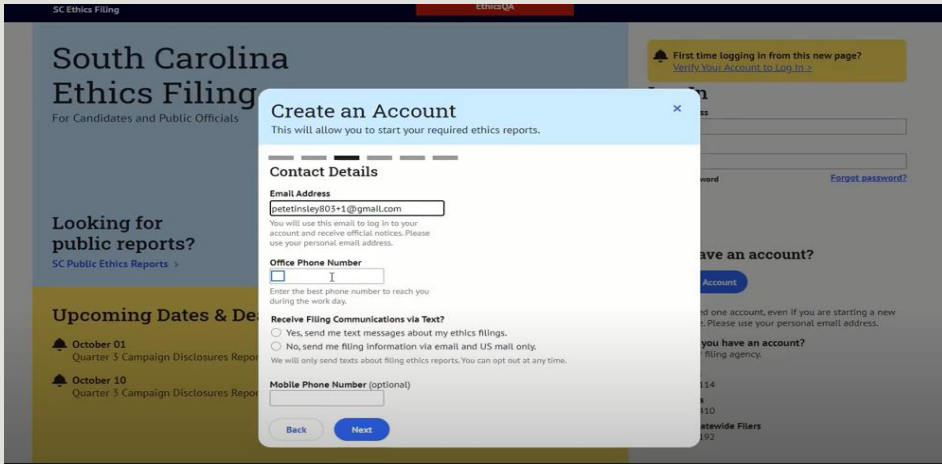
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ACCOUNTABILITY PORTAL



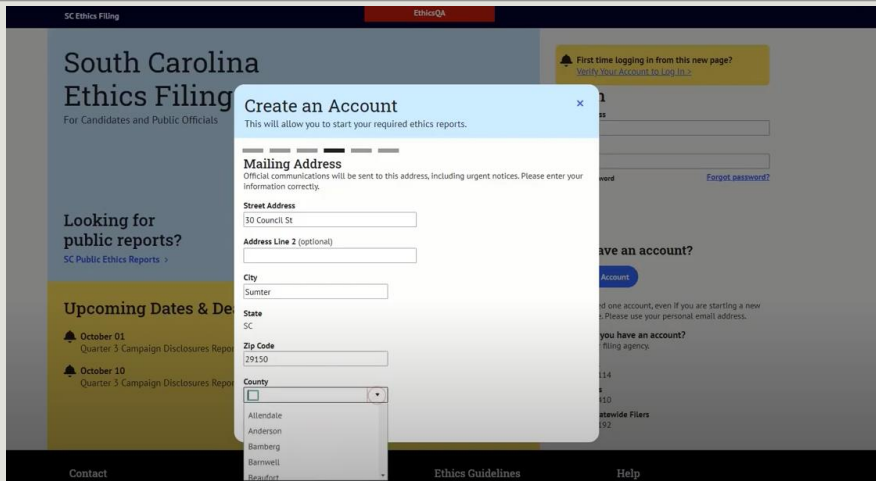
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ACCOUNTABILITY PORTAL



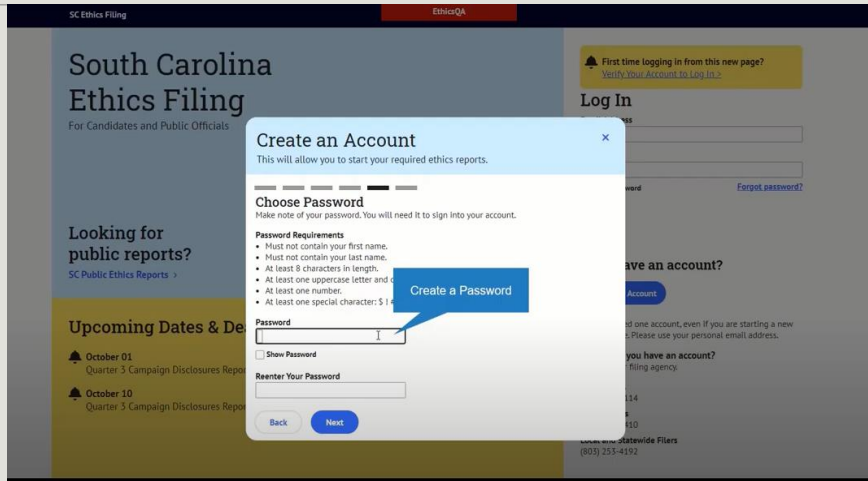
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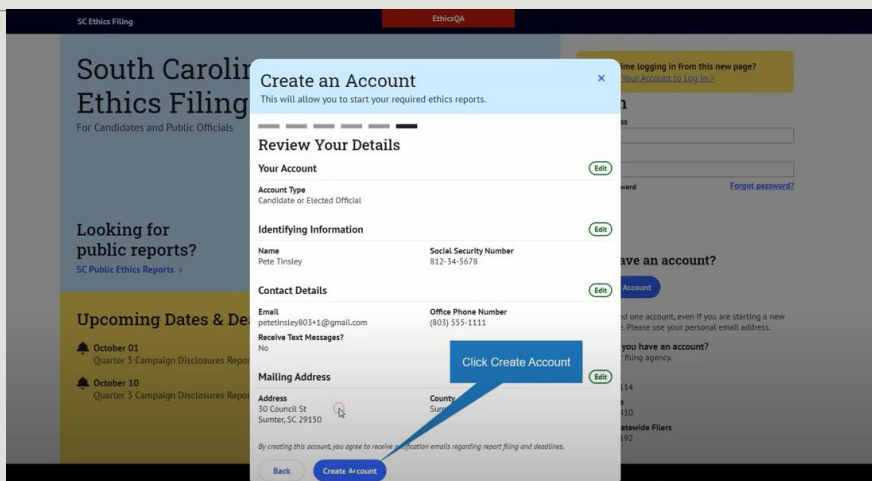
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ACCOUNTABILITY PORTAL



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ACCOUNTABILITY PORTAL



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QUARTERLY CAMPAIGN DISCLOSURES

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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.

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WHEN TO FILE A CAMPAIGN DISCLOSURE

- When you raise and/or expend five hundred dollars or more, you must file an initial certified campaign report.
- After filing an initial report, campaign reports must be filed within ten days following the end of each calendar quarter.
- Campaign reports must be filed for each quarter in which contributions are received or expenditures are made until a campaign account undergoes final disbursement.
- At least fifteen days, but not more than twenty days, before an election a candidate must file a campaign report showing contributions of more than one hundred dollars and expenditures for the period ending twenty days before the election.

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SOUTH CAROLINA
State Ethics Commission
Public Disclosure and Accountability Reporting System

[Public Disclosure](#) > [Individual Reports](#) > [Candidates](#)

Public Disclosure

- Individual Reports
 - Candidates
 - Committees
 - Statement of Economic Interests
- Contributions
- Expenditures
- Lobbying Activity

Electronic Filing

SC State Ethics Commission

Contact Us

Individual Reports
Candidate Campaign Disclosure

2017, January 10th Report

Candidate: Haley, Nikki
Position Sought: Governor
Election Type: General
Election Date: 06/10/2014
Filing Type: Original
Filing Date: 01/17/2017

Select a tab to view more.

Summary **Contributions** Expenditures Loans Loan Payments More >

***** No Contributions Reported. *****

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Quarterly Campaign Disclosure

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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.

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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.

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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.

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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.

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CONFLICTS OF INTEREST

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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."

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FAMILY MEMBERS

Your spouse, parent, sibling, child, parent-in-law, sibling-in-law, child-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.

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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.

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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.

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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.

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WHEN IN DOUBT...

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

DO NOT ACT

Take the following steps:

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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

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

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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 Officials: Furnish a copy to the presiding officer of your board, who shall cause the statement to be printed in the minutes and shall require that you be excused from any votes, deliberation and other actions on the matter in question.

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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.

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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.

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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.

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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.

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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.