

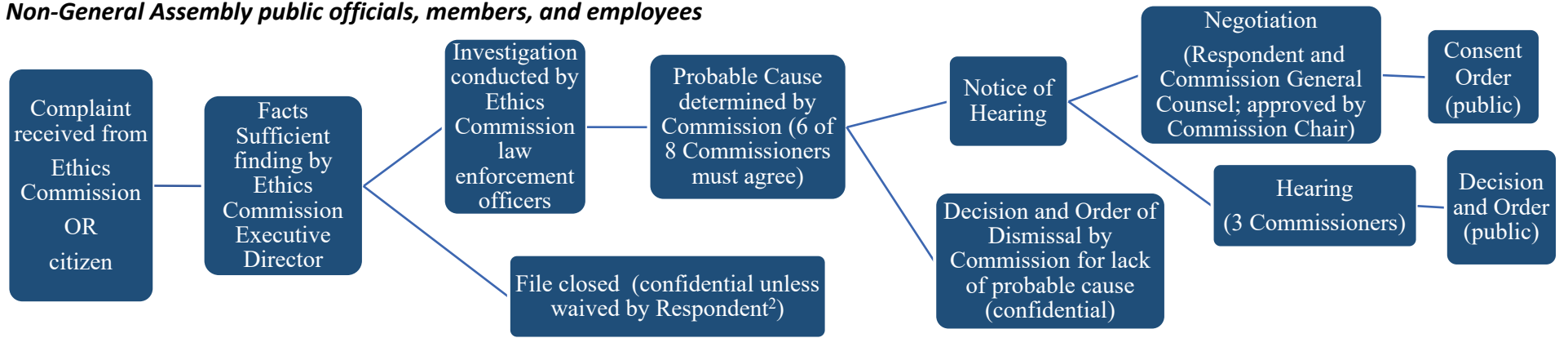
Prohibited Actions
Complaint → Investigation and Hearing → Order → Appeal

## Ethics Complaint Process

Current as of Fall 2021

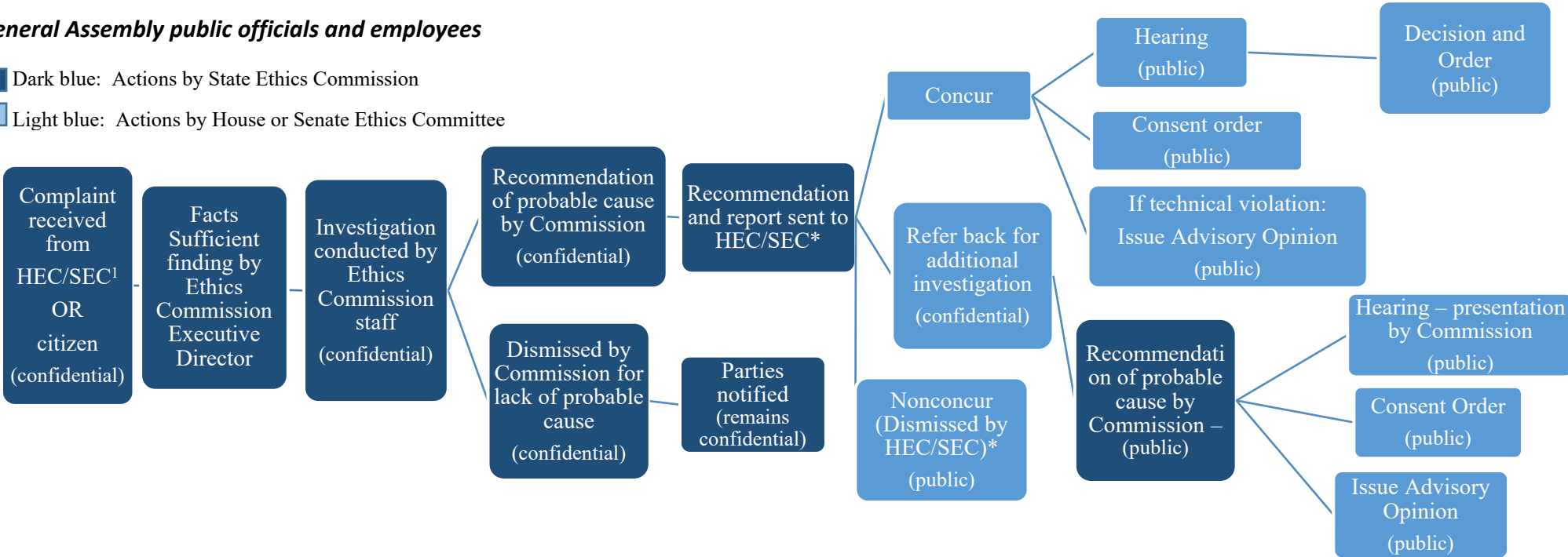
Required Filings
Reviews → Noncompliance Letter → Complaint → Investigation and Hearing → Order → Appeal

### Non-General Assembly public officials, members, and employees



### General Assembly public officials and employees

- Dark blue: Actions by State Ethics Commission
- Light blue: Actions by House or Senate Ethics Committee



<sup>1</sup> HEC/SEC: House of Representatives Ethics Committee, the supervisory authority for House members or staff, including staff elected to serve as officers of or candidates for the office. Senate Ethics Committee, which is the supervisory authority for Senators or staff, including staff elected to serve as officers of or candidates for the office of State Senator.

<sup>2</sup> Respondent: A person charged in a complaint with a violation of the Act.

## Complaint Process: Explanation

COMPLAINT	<p><i>Who can file a complaint:</i></p> <ul style="list-style-type: none"><li>• Commission - Typically arise from an individual not curing deficiencies in required filings (e.g., statements of economic interests, etc.). Complaints also filed after preliminary investigations based upon information provided by a member of the public who is fearful of retaliation if a formal complaint is filed.</li><li>• Citizen – Must be notarized (a) Individual, on personal behalf; (b) Individual, on behalf of organization; (c) Individual, on behalf of governmental body</li><li>• House Ethics Committee</li><li>• Senate Ethics Committee</li></ul> <p><i>What must it include:</i></p> <ul style="list-style-type: none"><li>• Name, address, and telephone number of a person alleged to have committed a violation (Respondent)</li><li>• Name, address, and telephone number of the person making the complaint.</li><li>• Particulars of the alleged violation of the Ethics Reform Act or other provision of state law within the Commission’s jurisdiction.</li></ul> <p><i>Where is it available:</i></p> <ul style="list-style-type: none"><li>• Blank forms on Commission’s website. Verified complaints are sent to the Respondent and, when appropriate, the House of Representatives or Senate Ethics Committees. If probable cause is found, the complaint is made available to the public upon request.</li><li>• Information in submitted complaints are entered into the Ethics Commission case management system.</li></ul>
FACTS SUFFICIENT FINDING	<ul style="list-style-type: none"><li>• Chief investigator and Executive Director of Commission review only the facts as alleged in the complaint. If there would be a violation of the Act, if the facts as alleged were true, it moves to the next step and an investigation is performed.</li></ul>
INVESTIGATION	<ul style="list-style-type: none"><li>• All the Commission’s investigators are Class I certified law enforcement officers, who are required to maintain their law enforcement certification as well as participate in in-house training at the Commission</li><li>• Investigations include: Interviews of witness(es); Interview of Respondent (individual alleged to have committed violation); Collection of evidence including meeting minutes, bank records, audio and video recordings and social media postings; and Review of collected evidence</li><li>• Investigator provides a written summary including a recommendation as to whether probable cause is present</li></ul>

<b>PROBABLE CAUSE DETERMINED</b>	<ul style="list-style-type: none"> <li>• Ethics Commission staff present the investigators summary to the Commissioners.</li> <li>• Six of the Eight Commissioners must agree probable causes exists in order to notice a hearing</li> <li>• Probable cause means based on the evidence available more likely than not a violation of the Act will be found.</li> </ul>
<b>HEARING</b>	<p>Panel consists of three Commissioners selected at random to hear contested matters. During the hearing the following occurs:</p> <ul style="list-style-type: none"> <li>• Parties are permitted to make opening statements</li> <li>• Parties are permitted to call witnesses who are sworn and subject to cross-examination</li> <li>• Parties are permitted to introduce exhibits</li> <li>• Parties are permitted to make closing arguments</li> <li>• Hearing panel deliberates and issues a decision and order</li> </ul>
<b>ORDERS FROM ETHICS COMMISSION</b>	<p>An Order from the Commission (consent or otherwise), may include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Enforcement/administrative fee, to include costs related to (1) investigator’s time, (2) mileage, meals, and lodging, (3) prosecutor’s time, (4) hearing panel travel, per diem, and meals, (5) administrative time, (6) subpoena costs/witness fees, (7) miscellaneous costs such as postage and supplies.<sup>1</sup></li> <li>• Civil penalty of up to \$2,000 for each violation.<sup>2</sup></li> <li>• Forfeiture of gifts, receipts, or profits, or the value thereof, obtained in violation of the Ethics Act.<sup>3</sup></li> <li>• Voiding non-legislative state action obtained in violation of the Ethics Act.<sup>4</sup></li> <li>• Late-filing penalties of up to \$5,000 per report, provided notification requirements are met.<sup>5</sup></li> <li>• Oral or written warning or reprimand.<sup>6</sup></li> </ul>
<b>REVIEW OF PANEL DECISION</b>	<ul style="list-style-type: none"> <li>• Respondent may request a review of the panel’s decision and order within ten days of the date of service of the decision and order. The request must be made in writing.</li> <li>• The appellant must provide a written brief within ten days of date of service of the Appellate Hearing notice.</li> <li>• Group of Commissioners, not including the original hearing panel Commissioners review the hearing panel’s decision and order, reconsider the evidence, receive further evidence, rehear the parties, and enter an order amending, affirming or modifying the panel’s decision.</li> </ul>
<b>APPEALS FROM APPELLATE PANEL</b>	<ul style="list-style-type: none"> <li>• Appeals from the Commission’s Appellate Panel are made to the South Carolina Court of Appeals then to the South Carolina Supreme Court.</li> </ul>

Table Note: <sup>1</sup> Section 8-13-130. <sup>2</sup> Section 8-13-320(10)(l). <sup>3</sup> Section 8-13-320(10)(l) and 8-13-780 <sup>4</sup> Section 8-13-320(10)(l). <sup>5</sup> Section 8-13-1510. <sup>6</sup> Section 8-13-780.