

# AVOIDING THE \$10,000.00 FINE

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MEGHAN WALKER

EXECUTIVE DIRECTOR

SC STATE ETHICS COMMISSION

SC SCHOOL BOARD ASSOCIATION

## SOUTH CAROLINA ETHICS COMMISSION

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### **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.

# Who Does the Act Cover?

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- 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.

## STATEMENTS OF ECONOMIC INTERESTS

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Every school board member  
*must* file an SEI every year.

# WHEN TO FILE YOUR SEI

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Before assuming your official responsibilities.

By March 30<sup>th</sup> every year you are in office.

## Information Required On Your SEI

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- 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.

# 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.

## SEI Report 2017| Disclosures for 2016

Viewing Version: [Amendment 1](#)

Submitted March 31, 2017

[Create PDF](#)

[Go to:](#) [Positions](#) [Personal Income](#) [Family Income](#) [Businesses](#) [Property](#) [Lobbyists](#) [Creditors](#) [Additional](#)

### Positions Reported

Elected Official

**Governor**

Office Term  
1/2017 - 1/2019

### Personal Income for 2016

#### Private Income

Source	Income Type
Henry McMaster Attorney at Law, LLC	Income
PJM Properties, LLC	Income

#### Income from an SC Governmental Entity

Source	Income Type	Income Amount for 2016
South Carolina Senate	Salary	\$1,575.00
South Carolina Senate	Subsistence	\$10,931.46
State of South Carolina	Use of State Car	\$1.00
State of South Carolina Lt. Governor	Salary	\$46,545.00

**Speaking Engagement Expenses Paid for or Reimbursed**

Hosting Organization	Date of Event	Amount Received	Event Purpose	Location
Donald J. Trump for Pres	Feb 15, 2016	\$700.00	Fit: Charleston to Gville	Greenville, SC
Donald J. Trump for Pres	Feb 19, 2016	\$350.00	Fit: Georgetown to CHS	Charleston, SC
SC Assoc. of Counties	Aug 1, 2016	\$218.67	Lodging Expense	Hilton Head Island, SC
Junior Achievement of SC	Mar 3, 2016	\$77.16	Meal	Columbia, SC
Greater Easley Chamber	Mar 10, 2016	\$60.00	Meal	Easley, SC
USC - Darla Moore School	Oct 14, 2016	\$33.50	Meal	Columbia, SC

**Family Members' Income for 2016****Private Income Received By Family Members**

Source	Income Type
Allied Integrated Marketing	Income
Carmelized Productions	Income
PJM Properties, LLC	Income
Soul Cycle, LLC	Income

**Income Received from a Governmental Entity By Family Members**

Source	Income Type	Income Amount for 2016
State of South Carolina AG and Judicial Department	Salary	\$16,481.67

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# QUARTERLY CAMPAIGN DISCLOSURES

# REQUIRED INFORMATION ON CAMPAIGN DISCLOSURES

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- 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.

## Campaign Expenditures and Cash

8-13-1348

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A campaign expenditure more than \$25 must be made by (1) written instrument, (b) debit card, or (c) an online transfer.

A campaign expenditure of less than \$25 must be account for “by a written receipt or written record.”

A candidate may not withdraw more than \$100 from a campaign account to establish or replenish a petty cash fund. At no time may a petty cash fund exceed \$100.

Expenditures from a petty cash fund may only be used for office supplies, food, transportation expenses, and “other necessities” and may not exceed \$25 for each expenditure.

# 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.

< Henry McMaster

## Governor

[Reports](#) [Finances](#) [Contributors](#) [Vendors](#)

### Quarter 2, 2022 Report

Filing Period: 5/26/2022 - 6/30/2022

[Create PDF](#)

Election Date: Jun 14, 2022

Election Type: Primary

**Overview**

[Contributions](#)

[Account Credits](#)

[Expenditures](#)

[Loans](#)

Submitted: July 10, 2022

#### Balances

Income	Filing Period	Election Cycle Total
Cash Contributions	\$203,864.76	\$5,289,561.52
In-kind Contributions	\$1,000.00	\$238,204.64
Debt Setoff Funds	\$0.00	\$0.00
Personal Contributions	\$0.00	\$0.00
Loans	\$0.00	\$0.00
Account Credits	\$54.19	\$264.19
<b>Total</b>	<b>\$204,918.95</b>	<b>\$5,528,030.35</b>

Expenditure	Filing Period	Election Cycle Total
Expenditures	\$353,066.91	\$2,124,584.97
Returned Contributions	\$0.00	\$0.00
In-Kind Expenditures	\$1,000.00	\$238,204.64
<b>Total</b>	<b>\$354,066.91</b>	<b>\$2,362,789.61</b>

#### For Filing Period

Total Type	Starting Balance	Ending Balance
Campaign Funds	\$3,314,388.70	\$3,165,240.74
Loans	\$0.00	\$0.00

# Quarterly Campaign Disclosure

# CLOSING YOUR CAMPAIGN ACCOUNT

- You must file quarterly campaign disclosures until you close down your campaign account.
- You can close down your campaign account when you have a zero balance in your account. You can achieve a zero balance in the following ways:
  - Contribute to the Children's Trust Fund or another 501(c)(3).
  - Returned pro rata to all contributors
  - Contributed to the state's general fund

# ACCOUNTABILITY PORTAL

The screenshot shows the 'South Carolina Ethics Filing' website. The header includes 'SC Ethics Filing' and 'EthicsQA'. The main content area is divided into two columns. The left column has a light blue background and contains the title 'South Carolina Ethics Filing' with the subtitle 'For Candidates and Public Officials'. Below this is a section 'Looking for public reports?' with a link 'SC Public Ethics Reports >'. At the bottom of the left column is a yellow section titled 'Upcoming Dates & Deadlines' with two entries: 'October 01: Quarter 3 Campaign Disclosures Report Available to Submit' and 'October 10: Quarter 3 Campaign Disclosures Report Due'. The right column has a white background and contains a yellow banner at the top that says 'First time logging in from this new page? Verify Your Account to Log In >'. Below this is a 'Log In' section with fields for 'Email Address' and 'Password', a 'Show Password' checkbox, a 'Forgot password?' link, and a 'Log In' button. Below the login section is a 'Don't have an account?' section with a 'Create an Account' button. A blue callout box points to the 'Create an Account' button with the text 'Click Create an Account to begin'. At the bottom of the right column, there is a section 'Not sure if you have an account?' with the text 'You only need one account, even if you are starting a new run for office. Please use your personal email address. Contact your filing agency.' and contact information for 'House Filers', 'Senate Filers', and 'Local and Statewide Filers'.

SC Ethics Filing

EthicsQA

## South Carolina Ethics Filing

For Candidates and Public Officials

Looking for public reports?  
SC Public Ethics Reports >

Click Create an Account to begin

### Upcoming Dates & Deadlines

- 📅 October 01  
Quarter 3 Campaign Disclosures Report Available to Submit
- 📅 October 10  
Quarter 3 Campaign Disclosures Report Due

First time logging in from this new page?  
[Verify Your Account to Log In >](#)

### Log In

Email Address

Password

☐ Show Password [Forgot password?](#)

Log In

### Don't have an account?

Create an Account

You only need one account, even if you are starting a new run for office. Please use your personal email address. Contact your filing agency.

**Not sure if you have an account?**  
Contact your filing agency.

**House Filers**  
(803) 734-3114

**Senate Filers**  
(803) 212-6410

**Local and Statewide Filers**  
(803) 253-4192

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



# ACCOUNTABILITY PORTAL

SC Ethics Filing

EthicsQA

## South Carolina Ethics Filing

For Candidates and Public Officials

Looking for public reports?  
[SC Public Ethics Reports >](#)

Upcoming Dates & Deadlines

- October 01**  
Quarter 3 Campaign Disclosures Report
- October 10**  
Quarter 3 Campaign Disclosures Report

First time logging in from this new page?  
[Verify Your Account to Log In >](#)

Forgot password?

Have an account?  
[Log In](#)

Do not have an account?  
[Create Account](#)

Need one account, even if you are starting a new filing agency. Please use your personal email address.

Do you have an account?  
If you are a filer, please use your personal email address.  
If you are a filing agency, please use your agency email address.

114  
110  
110  
Statewide Filers  
192

### Create an Account

This will allow you to start your required ethics reports.

Contact Details

Email Address

You will use this email to log in to your account and receive official notices. Please use your personal email address.

Office Phone Number

Enter the best phone number to reach you during the work day.

Receive Filing Communications via Text?

☐ Yes, send me text messages about my ethics filings.  
☐ No, send me filing information via email and US mail only.  
We will only send texts about filing ethics reports. You can opt out at any time.

Mobile Phone Number (optional)

[Back](#) [Next](#)

# ACCOUNTABILITY PORTAL

SC Ethics Filing

EthicsQA

## South Carolina Ethics Filing

For Candidates and Public Officials

Looking for public reports?  
[SC Public Ethics Reports >](#)

Upcoming Dates & Deadlines

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Quarter 3 Campaign Disclosures Report

First time logging in from this new page?  
[Verify Your Account to Log In >](#)

Forgot password?

Have an account?  
[Log In](#)

Do not have an account?  
[Create Account](#)

Need one account, even if you are starting a new filing agency. Please use your personal email address.

Do you have an account?  
If you are a filer, please use your personal email address.  
If you are a filing agency, please use your agency email address.

114  
110  
110  
Statewide Filers  
192

### Create an Account

This will allow you to start your required ethics reports.

Mailing Address

Official communications will be sent to this address, including urgent notices. Please enter your information correctly.

Street Address

Address Line 2 (optional)

City

State

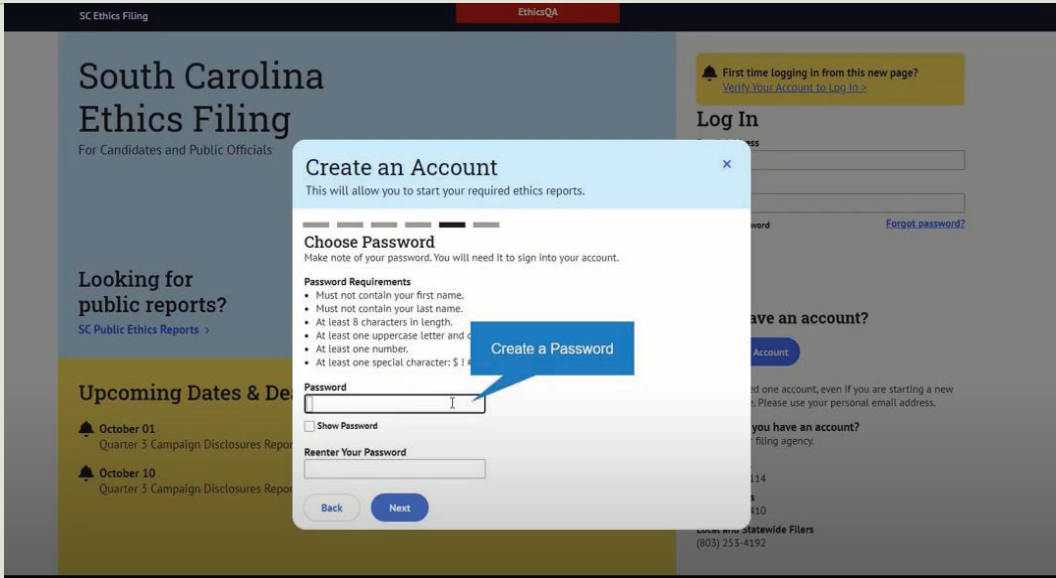
Zip Code

County

Atterdale  
Anderson  
Barnberg  
Barnwell  
Beaufort

[Contact](#) [Ethics Guidelines](#) [Help](#)

# ACCOUNTABILITY PORTAL



The screenshot displays the 'South Carolina Ethics Filing' portal. A modal window titled 'Create an Account' is open, guiding the user through the account creation process. The modal includes a 'Choose Password' section with a list of requirements: the password must not contain the user's first or last name, must be at least 8 characters long, must contain at least one uppercase letter, one number, and one special character. Below these requirements are input fields for 'Password' and 'Reenter Your Password', a 'Show Password' checkbox, and 'Back' and 'Next' buttons. A blue callout bubble points to the password input field with the text 'Create a Password'. The background of the portal shows navigation links for 'SC Ethics Filing' and 'EthicsQA', and sections for 'Looking for public reports?' and 'Upcoming Dates & Deadlines'.

South Carolina  
Ethics Filing  
For Candidates and Public Officials

Looking for  
public reports?  
[SC Public Ethics Reports >](#)

Upcoming Dates & Deadlines

October 01  
Quarter 3 Campaign Disclosures Report

October 10  
Quarter 3 Campaign Disclosures Report

SC Ethics Filing

EthicsQA

Create an Account  
This will allow you to start your required ethics reports.

Choose Password  
Make note of your password. You will need it to sign into your account.

Password Requirements

- Must not contain your first name.
- Must not contain your last name.
- At least 8 characters in length.
- At least one uppercase letter and one lowercase letter.
- At least one number.
- At least one special character: \$ % ^ & \* ~ ! @ # \$ % ^ & \* ~ ! @ #

Password

☐ Show Password

Reenter Your Password

Back Next

Create a Password

First time logging in from this new page?  
[Verify Your Account to Log In >](#)

Log In

Have an account?  
[Log In >](#)

Don't have an account?  
[Create Account](#)

Need one account, even if you are starting a new one. Please use your personal email address.

Do you have an account?  
[Log In >](#)

Don't have an account?  
[Create Account](#)

Statewide Filers  
(803) 253-4192

# ACCOUNTABILITY PORTAL

The screenshot displays the 'South Carolina Ethics Filing' portal. A modal window titled 'Create an Account' is open, showing a 'Review Your Details' section. This section includes fields for 'Your Account' (Candidate or Elected Official), 'Identifying Information' (Name: Pete Tinsley, Social Security Number: 812-34-5678), 'Contact Details' (Email: petetinsley803+1@gmail.com, Office Phone Number: (803) 555-1111), and 'Mailing Address' (30 Council St, Sumter, SC 29150). A blue arrow points to the 'Create Account' button with the text 'Click Create Account'. The background shows the portal's navigation bar with 'SC Ethics Filing' and 'EthicsQA' tabs, and a sidebar with links to 'Looking for public reports?' and 'Upcoming Dates & Deadlines'.

## NONCOMPLIANCE

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- Remember that this covers information from the previous year.
- Due upon assumption of official duties and then by March 30<sup>th</sup> 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.

## NONDISCLOSURE

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- 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.

# INFLUENCING THE OUTCOME OF AN ELECTION

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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

# SELF DEALING AND NEPOTISM

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- 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."

## 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.

## PERSON WITH WHOM YOU ARE ASSOCIATED

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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

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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.

## Violations of 740

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- Representing a person before any agency, unit or subunit of your board for which the public official 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

## WHEN IN DOUBT...

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

DO NOT ACT

Take the following steps:

## EVALUATE WHAT, IF ANY, CONFLICT YOU HAVE

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- 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

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

## HOW TO RECUSE YOURSELF

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- 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.



# 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.

## Opinions You Need to Know

SEC AO 92-071: The State Ethics Commission would advise that public employees or officials weigh the impact on a case by case basis of offers by vendors who have contracts with a school district to provide meals, golf outings, etc. Vendors may sponsor conference activities in accordance with sponsor solicitation guidelines established in Advisory Opinion SEC AO92-061.

SEC AO 92-134: A family member of a school board member may continue as an employee of the school district without violating the Ethics Reform Act. A family member of a school board member may be hired by the school district provided the member does not cause the employment or participate in the employment of the family member. School board members who have family members employed within the school district may vote on general salary increases for school employees but may not participate in salary raises for the family member which are not general salary increases.

SEC AO 93-072: The spouse of a school board chairman may be hired as a principal within the chairman's district, provided the chairman takes no action regarding the hiring and has no supervisory or management authority over his spouse.

SEC 2020-001: 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.

SEC AO 2022-001: The State Ethics Commission ("Commission") construes Section 8-13-320(10)(g) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act of 1991 ("the Ethics Act") to apply only to the Commission.