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HOUSE ETHICS COMMITTEE NOVEMBER 20, 2025 ADVISORY OPINION HEC COMPLAINT NO. 2025-01

Complainant: David Hiott
Address: P.O. Box 997
Pickens, SC 29671
Telephone: 864-420-0155

Respondent: RJ May
Address: P.O. Box 85924
Lexington, SC 29073
Telephone Number: 803-470-4482

The South Carolina House Legislative Ethics Committee (herein "Committee") met on Tuesday, October 14, 2025 and issues the following advisory opinion pursuant to S.C. Code Section 8-13-540(a).

The Committee met on October 14, 2025 to receive a legal briefing and determine whether or not probable cause existed to find that former Representative R.J. May ("Respondent") acted in a manner unbecoming of a Member of the South Carolina House of Representatives. The Committee unanimously voted that probable cause existed that former Representative R.J. May conducted himself in a manner unbecoming of a Member of the South Carolina House of Representatives, and the Committee then heard from outside investigative counsel regarding the investigation that took place in this matter. Following a recitation of the purpose, discovery, and findings of the investigation, the Committee noted the opportunity to hear from the Respondent had been provided, acknowledged that the Committee had received no response, and noted that no one was present to be heard on his behalf. The Committee then unanimously voted to issue an advisory opinion and **PUBLIC REPRIMAND** for former Representative R.J. May.

BACKGROUND

The Committee received a complaint from Representative David Hiott on June 12, 2025 requesting the process of expulsion be initiated against, at that time, Representative R.J. May based on indictments related to the possession and distribution of child sexual abuse material. The Complaint alleged that Respondent had acted in a manner unbecoming of a Member of the South Carolina House of Representatives, as the accusation of Respondent having conducted heinous

crimes was alleged to have taken place while Respondent was actively a Member of the South Carolina House of Representatives. Representative Hiott additionally requested an inquiry into Respondent's potential misuse of office and dealings as a campaign consultant through his campaign consulting firm, Ivory Tusk Consulting. The Committee met on July 1, 2025 and voted to open an investigation based on the Complaint filed with the Committee referred to as HEC Complaint 2025-01. At that time and per HEC Rule IV.A., the Committee also authorized the hiring of outside services to oversee the investigation, as potential conflicts of interest could exist and as additional workforce would be necessary. The Committee further authorized the Chairman of the Committee, through S.C. Code Section 8-13-530 and House Rule 4.16(D), to issue and sign subpoenas as well as assist with discovery with the help of Committee counsel.

The Speaker of the South Carolina House of Representatives suspended RJ May from his official office in June of 2025, and on August 7, 2025, in the midst of the investigation into this matter, Respondent resigned from the South Carolina House of Representatives.

On September 26, 2025, Respondent pled guilty to five counts of distributing Child Sexual Abuse Material.

At the Committee's October 14, 2025 meeting, outside investigative counsel detailed for the Committee in open session the discovery conducted over the course of the investigation, which included requesting financial, business, and campaign records via subpoena, interviewing clients of Ivory Tusk Consulting and associates of Respondent, requesting and listening to phone calls and records from the detention center housing Respondent, and reviewing the publicly available information regarding his campaign filings and his federal criminal charges.

FINDINGS

In August of 2024, Homeland Security Investigations ("HSI") and the South Carolina State Law Enforcement Division ("SLED") executed a search warrant on Respondent's residence based on a federal investigation. On June 10, 2025, Respondent was indicted by a federal grand jury on ten counts of knowingly distributing child pornography and CSAM in violation of federal law. He was arrested in his home on June 11, 2025. The contents of the detention memorandum detail the evidence accumulated by the federal authorities, including evidence that many of these horrific activities took place while Respondent was a sitting Member of the South Carolina House of Representatives and while the South Carolina House of Representatives was in Session.

Over the course of the investigation by outside investigative counsel, numerous subpoenas for the production of records and documents were issued, including for detention center records and for responsive information from the South Carolina Department of Revenue. These records led to further investigation in certain areas, such as campaign finance records, as well as illuminating a lack of responsive information from the South Carolina Department of Revenue for tax years 2022, 2023, and 2024. The outside investigative counsel continued their investigation, even after Respondent's resignation from the South Carolina House of Representatives on August 7, 2025, as the Committee still retained jurisdiction and wanted to ensure a thorough investigation.

While this complaint requested the initiation of the process of expulsion, the Committee was unable to proceed towards that goal due to the Respondent's resignation. However, the Committee conducted, through outside investigative counsel, a thorough investigation into Respondent's actions and campaign activities. As a result of the investigation, the Committee took the actions appropriate, available, and required, including deciding that probable cause existed that former Representative RJ May had conducted himself in a manner unbecoming of a Member of the South Carolina House of Representatives and that certain referrals to other agencies were necessary.

CONCLUSION

Therefore, the Committee hereby **FINDS** that Respondent acted in a manner unbecoming of a Member of the South Carolina House of Representatives and that such actions are inexcusable and abhorrent.

The Committee notes that per the South Carolina Constitution Article III Section 7, "No person who has been convicted of a felony under state or federal law ... or who has pled guilty or nolo contendere to these offenses, is eligible to serve as a member of the Senate or the House of Representatives."

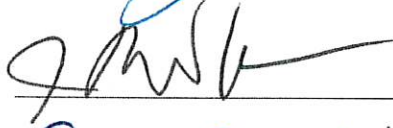
The Committee **ISSUES** this **PUBLIC REPRIMAND** for the intentional and reprehensible conduct of former Representative RJ May, who was an elected Member of the South Carolina House of Representatives during all times relevant to this investigation.

AND IT IS SO ORDERED, this 20 day of November, 2025, by the following members of the House Ethics Committee:

Rep. Wallace H. "Jay" Jordan, Jr., Chairman



Rep. J. David Weeks, Vice-Chairman



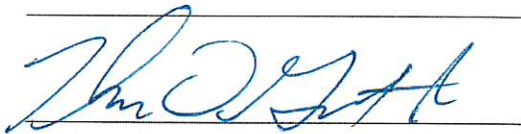
Rep. Beth E. Bernstein, Secretary

Beth E. Bernstein

Rep. Paula Rawl Calhoon



Rep. Neal A. Collins



Rep. Thomas Duval "Val" Guest, Jr.

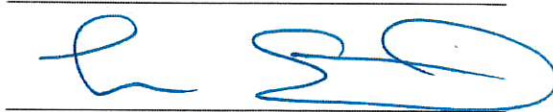
John Richard C. King

Rep. John Richard C. King

Rep. Robby Robbins



Rep. J. Todd Rutherford



Rep. Leonidas E. "Leon" Stavrinakis

STATE OF SOUTH CAROLINA
STATE ETHICS COMMISSION

FOR COMMISSION USE ONLY:
CASE NUMBER

COMPLAINT FORM

COMPLAINANT: David Hiott
ADDRESS: P.O. Box 997, Pickens, SC 29671
TELEPHONE NUMBER: 864.428.0155
TITLE: Majority Leader SC House of Rep.
RESPONDENT:
ADDRESS:
TELEPHONE NUMBER:
TITLE:

Set forth in detail specific facts upon which you based your complaint against above-named respondent (only detailed, clear factual allegations will be considered. If additional space is needed, attach supplemental sheets).

Please SEE Attached Letter.

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 Pickens

Personally appeared before me Kay H. Ballard who, first being duly sworn, says that he/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 his/her own knowledge, except for those matters therein based upon information and belief, and as to those he/she believes them to be true.

Sworn to and subscribed before me this
19th day of June, 2025

Kay H. Ballard
Notary Public for South Carolina
My Commission expires My Commission Expires

September 22, 2032

David Hiott
Complainant Signature

SEC-7 (Revised 3/2022)

REPLY TO: 201 Executive Center Drive, Suite 150, Columbia, South Carolina 29210 (803)253-4192
ELECTRONIC COPIES WILL NOT BE ACCEPTED

C102form

David R. Hiott
District No. 4 - Pickens County
P.O. Box 997
Pickens, SC 29671

518-C Blatt Building
Columbia, SC 29201

Tel. (803) 734-3138



House of Representatives

State of South Carolina

June 12, 2025

The Honorable Wallace H. "Jay" Jordan, Jr.
Chairman, House Ethics Committee
519B Blatt Building
Columbia, South Carolina 29201

RE: Complaint and Request for Investigation – Mr. RJ May

Dear Chairman Jordan:

I am submitting this formal complaint under Rule 4.16 of the Rules of the South Carolina House of Representatives, regarding conduct unbecoming a member.

This complaint concerns Mr. RJ May, whose recent indictment on multiple counts related to the possession and distribution of child sexual abuse material has rightfully shocked the public conscience.

These are not mere allegations of poor judgment or questionable behavior—Mr. May stands accused of some of the most heinous crimes imaginable. The facts publicly available are extensive and disturbing: his online activity, the nature and volume of the material allegedly shared, and the digital evidence linking those actions directly to his devices and residence.

Given the gravity of these charges, I respectfully urge the Committee to open a formal investigation into Mr. May's conduct to begin the process of formal expulsion.

Further, I request that the Committee expand its inquiry to include a full review of any misuse of Mr. May's office —particularly in connection to financial relationships involving Ivory Tusk Consulting, Mr. May's campaign consulting firm, and any funds or benefits directed to or through him in his role as founder and central figure of the South Carolina Freedom Caucus and as a campaign consultant.

The South Carolina House of Representatives must send a clear, unambiguous message: conduct of this nature will never be tolerated among our members. There is no place in this chamber for anyone facing credible allegations of such vile, predatory behavior. I urge the Committee to act swiftly, thoroughly, and with the seriousness the situation demands—and to present its findings to the full House along with a recommendation of expulsion.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Hiott", written over a horizontal line.

David R. Hiott
Representative
District No. 4 - Pickens County

**SOUTH CAROLINA HOUSE OF REPRESENTATIVES
ETHICS COMMITTEE**

Investigation into Complaint HEC 2025-01

Outside Investigative Counsel Report on Investigation

Prepared by Maynard Nexsen PC at the direction of the
South Carolina House Ethics Committee

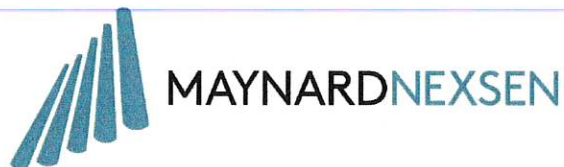


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EXECUTIVE SUMMARY

On June 12, 2025, the South Carolina House of Representatives Ethics Committee (hereinafter “the Committee” or “this Committee”) received Complaint 2025-01, which was filed by Representative David R. Hiott (HD-4) pursuant to House Rule 4.16 concerning the arrest and indictment of then Member of the House of Representatives Robert J. May III (“Mr. May” or “May”)¹ (the “Complaint,” attached as Ex. A). Representative Hiott’s Complaint requested that this Committee investigate Mr. May’s conduct related to his arrest and indictment, any potential misuse of office, any financial relationships involving Mr. May’s political consulting business Ivory Tusk Consulting, and any funds or benefits directed to or through Mr. May pursuant to his role with the South Carolina Freedom Caucus. *Id.* On July 1, 2025, the Committee voted unanimously that there were sufficient facts alleged to warrant an investigation into the Complaint, to hire outside investigative counsel to assist in that investigation, and to empower Committee Chairman Wallace H. “Jay” Jordan to issue and sign subpoenas and otherwise pursue discovery with counsel. We, as outside investigative counsel, engaged the services of a private investigator to assist us—retired FBI Supervisory Special Agent (SSA) Robert Waizenhofer.

During the course of this investigation, outside investigative counsel contacted approximately 20 potential witnesses and conducted 15 interviews. Outside investigative counsel

¹ As detailed herein, Mr. May was indicted by a federal grand jury on or about June 10, 2025. The indictment charged Mr. May with ten counts of distributing child sex abuse materials (“CSAM”) during a time when he was a sitting Member of the South Carolina House of Representatives. The indictment was detailed, and Mr. May was arrested on June 11, 2025. The United States Attorney’s Office for the District of South Carolina filed a 22-page memorandum in support of its motion to detain Mr. May pretrial, and a detention hearing was held on June 12, 2025. Mr. May’s arrest was widely publicized, and the facts gathered by the United States, as reflected in the detention memorandum and detailed in the detention hearing, were reported in the media. It is an understatement to characterize the conduct set out in the detention memorandum and testified to under oath as shocking, vile, and reprehensible.

primarily focused our efforts on three issues: (1) the criminal actions of Mr. May; (2) the conduct of Mr. May as a representative and whether that related in any way to his criminal actions; and (3) May's operation of Ivory Tusk Consulting. Outside investigative counsel reviewed filed pleadings and attended hearings in the federal criminal case, interacted with federal law enforcement officials to the degree that was appropriate, drafted subpoenas, reviewed records, and interviewed witnesses, some of whom were members of the South Carolina House of Representatives. Chairman Jordan also issued subpoenas to numerous entities and individuals, and outside investigative counsel received and reviewed voluminous documentation, jail texts, subpoena productions, and South Carolina Ethics Commission reports. With respect to the Ivory Tusk issue, outside investigative counsel focused mainly on those candidates and Members who used Mr. May's political consulting firm Ivory Tusk Consulting ("Ivory Tusk") and paid a substantial amount for those services and/or who purportedly incurred substantial unpaid and unreported debts to Ivory Tusk. While the majority of witnesses were cooperative and voluntarily provided testimony and documents requested, three current Members of the South Carolina House of Representatives (two of whom were among the biggest spenders with Ivory Tusk) declined to voluntarily participate in the investigation, failed to fully comply with lawfully issued subpoenas and depositions *duces tecum*, and failed to answer, on advice of their counsel, questions posed by outside investigative counsel during depositions that took place on October 6, 2025.

May resigned from the House via a letter dated August 7, 2025 (Resignation Letter, Ex. B) in the middle of the herein-described investigation. While the Committee can no longer recommend May's formal expulsion from the House given his resignation, the investigation continued to its conclusion as this Committee retains jurisdiction over the activities of former

Members. May pled guilty to five counts of distribution of child sex abuse material (“CSAM”) before Senior United States District Judge Cameron McGowan Currie on September 26, 2025.

As detailed herein, former Representative May has committed heinous acts involving the distribution of CSAM and has admitted to five separate acts of distribution of CSAM while a sitting House member and while the House was in session. In addition, this investigation has uncovered that: (1) the Department of Revenue has been unable to locate income tax returns or payments for Robert J. May, III in the years 2022, 2023, and 2024, and (2) May appears to not have listed other assets or debts owed in his financial statement to the federal court.

Quite clearly, the uncovered conduct is unbecoming of an elected official, trusted to represent the best interests of the people of this State. Because the South Carolina House of Representatives can no longer expel May, only a few options remain available to the Committee to address May’s behavior. With respect to Mr. May, the Ethics Committee has unanimously voted to issue an advisory opinion and public reprimand of May pursuant to House Ethics Committee Rule VI. The advisory opinion and public reprimand are being issued simultaneously with this report. Other matters uncovered as a result of this investigation have been referred to the appropriate entities.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OUTSIDE INVESTIGATIVE COUNSEL REPORT ON INVESTIGATION

I. Complaint and Procedural History

On June 12, 2025, Representative David R. Hiott (HD-4) sent a letter to Chairman Wallace H. “Jay” Jordan, Jr. (HD-63) with a formal complaint regarding conduct unbecoming a member and requesting an investigation into Mr. May. (Complaint, Ex. A). Representative Hiott’s Complaint requested “the Committee to open a formal investigation into Mr. May’s conduct to begin the process of formal expulsion.” *Id.* (citing *See* S.C. Const. art. III, § 12 (“Each house shall choose its own officers, determine its rules of procedure, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member...”)). Further, Representative Hiott’s Complaint requested “that the Committee expand its inquiry to include a full review of any misuse of Mr. May’s office—particularly in connection to financial relationships involving Ivory Tusk Consulting, Mr. May’s campaign consulting firm, and any funds or benefits directed to or through him in his role as founder and central figure of the South Carolina Freedom Caucus (“SCFC”) and as a campaign consultant.” *Id.*

On July 1, 2025, the Committee held a public meeting and met in executive session to receive a legal briefing. Following executive session, Representative David Weeks made the following Motion:

“I move that there are facts sufficient in HEC 2025-01 to warrant an investigation into the allegations regarding conduct unbecoming of a member and the potential misuse of their office.

Further, as a potential conflict of interest may exist and additional workforce is necessary per House Ethics Committee Rule IV.A, I move to approve outside services for the investigation of these matters, and, pursuant to SC Code Section 8-13-530, for the Chairman to have authority, granted through House Rule 4.16D, to issue and sign subpoenas as well as assist with discovery with the assistance of Committee counsel.”

July 1, 2025 House Ethics Committee meeting, video available at <https://www.scstatehouse.gov/video/archives.php?key=15519&part=1>. The House Ethics Committee voted unanimously on Representative Weeks's Motion. The Clerk of the House then hired Maynard Nexsen PC as outside investigative counsel in this matter and the investigation into Mr. May and Ivory Tusk commenced pursuant to the Complaint.

II. Background Information concerning Respondent May

Mr. May is 38 years old and is married with two young children. Mr. May attended the University of South Carolina as well as Tel Aviv University where he received a master's degree in security and diplomacy. Mr. May had a political background and previously served as the executive director of the South Carolina Club for Growth and worked with a gubernatorial campaign in 2018.

May was elected in November of 2020 as the Representative for South Carolina House District 88, which is within Lexington County, and represented a portion of downtown Lexington as well as the areas of South Congaree, Pine Ridge, and Gaston. During his time in the House of Representatives, May served on the House Agriculture, Natural Resources & Environmental Affairs Committee, and on its Environmental Affairs subcommittee.²

Prior to his election as a Member of the House, May founded and ran a political consulting firm called "Ivory Tusk Consulting," and he continued to operate that business during his time as

² Evidence gathered indicated that Mr. May was often abrasive, confrontational, and belligerent in dealing with House Members who did not agree with his positions on the issues. At his freshman orientation, Mr. May approached another freshman member and asked if the other member was here to "burn it down" (a reference to the House of Representatives) as that was May's expressed intention. When that representative demurred, May appeared to take it as a personal affront and thereafter demonstrated his antipathy towards that member in multiple ways.

a Member.³ While May's wife was employed, Ivory Tusk appeared to be May's primary source of individual income. Outside investigative counsel found no evidence that this entity was ever registered with the South Carolina Secretary of State or otherwise existed as a separate legal entity, so it appears that May ran Ivory Tusk as a sole proprietorship. However, Ivory Tusk did employ at least two other independent contractors, Mark Powell and Geoff Slawson. Ivory Tusk provided political consulting services to a number of political candidates, some of whom were/are sitting Members of the House. It appears that May was the only sitting Member of the House in recent history that simultaneously ran an active political consulting business assisting candidates who were running for House seats.⁴ May was also a founding member of the SCFC and was elected as the vice chairman of the organization in 2021. May was, by multiple accounts, the driving force behind the SCFC for several years. May, operating through Ivory Tusk, did significant work for the SCFC itself and for a number of its members—and he continued to communicate regularly with several of his allies and clients in the SCFC up until his arrest.

III. The Federal Criminal Investigation and Prosecution

The federal investigation into May became publicly known in early August 2024, when Homeland Security Investigations (“HSI”), a division of the Department of Homeland Security, along with the South Carolina State Law Enforcement Division (“SLED”), executed a search

³ As noted herein, Mr. May earned substantial income from Ivory Tusk, but the South Carolina Department of Revenue could not locate income tax returns or records of other tax payments for the tax years 2022, 2023, and 2024.

⁴ It also appears that Mr. May led a number of his allies to leave the House Republican Caucus (“HRC”) over a 2023 rule proposal that would have prevented a member of the HRC from outwardly supporting or advising candidates who were running against sitting House members. Mr. May expressed his view that this proposed rule targeted him directly and was designed to “take money out of his pocket” because he was the only sitting Member of the House operating as a paid campaign consultant.

warrant on May's residence in West Columbia, South Carolina. (Search Warrant, Ex. C). At the time, the exact reason for the search was not publicly known, but within a few weeks of the search, media reports indicated that multiple electronic devices were seized from May's home and that May was the subject of an investigation into "child exploitation." See <https://www.fitsnews.com/2024/08/23/sources-feds-seized-multiple-devices-from-south-carolina-lawmaker/>.

On October 24, 2024, the federal government confirmed in court filings that "various electronics" were seized from May's home, including one Lenovo laptop, one Amazon tablet, four cell phones, four hard drives, four SD cards, two DVD-Rs, and nineteen thumb drives. (Forfeiture Motion, Ex. D). The government also indicated that prosecutors "anticipate[d] the filing of a criminal Indictment within three months." *Id.*

Following the execution of the search and the pending indictment, Mr. May continued to serve as a Member of the House in the 2025 Legislative Session and appeared to keep in regular contact with several members of the House – particularly members of the SCFC – remained apprised of legislative and caucus activities and voted on bills throughout the 2025 Legislative Session. During the 2025 Legislative Session, as well as during the 2024 Legislative Session, Mr. May regularly voted on bills dealing with child abuse, child exploitation, and penalties for such criminal acts, as detailed below.

On June 10, 2025, May was indicted by a federal grand jury on ten counts of knowingly distributing child pornography and CSAM in violation of federal law 18 U.S.C. § 2252A(a)(2) and § 2252A(b)(1). (Indictment, Ex. E). The ten counts of distribution of CSAM materials occurred within the time period of April 1, 2024 to April 4, 2024, during which the House was in Session but on a week-long Easter furlough. On June 11, 2025, May was arrested at his home in West

Columbia and booked at the Lexington County Detention Center. On June 12, 2025, May made an initial appearance and was arraigned by United States Magistrate Judge Shiva V. Hodges. As the government moved to detain May pretrial, a detention hearing was held before Magistrate Judge Hodges on that date. Shortly before the hearing, the government filed an extremely detailed motion for detention on the public docket detailing the strength of their case, the weight of the evidence, and the reasons why May was a danger to the community, including to his family, and should therefore be detained pending trial. (Detention Motion, Ex. F). The 22-page detention memorandum contained descriptions of how the government was able to connect the distribution of CSAM videos to the IP address associated with May's address, how the Kik account distributing CSAM, named "joebiden69," was registered using the same IP address and on the same make and model phone that May owned, how additional evidence connected May's phone to the "joebiden69" account, and how May attempted to cover his tracks. *See id.* The detention memorandum also alleged that, based on the federal government's investigation, May distributed approximately **220** different child pornography videos to multiple users, with a total of **479 actual distributions** over the course of just five days. *See id.* at 6–7. The government charged May with 10 specific counts of distributing CSAM from April 1, 2024 to April 4, 2024 and detailed the horrific contents of those 10 videos in the memorandum, including describing the victims of the CSAM involved as "infants," "toddlers," and "prepubescent" children. The detention memorandum also discussed evidence of May arranging to meet what appeared to be underage sex workers in Medellin, Colombia and over 40 conversations to discuss the logistics, video recording, and payment for such encounters. *See id.*⁵

⁵ At least one other individual has been charged with receiving such videos from May. In the Western District of Oklahoma, a criminal Complaint was filed on July 20, 2025 against Christian Soto, who law enforcement identified as the user behind the "randomcouplehere" Kik account and

At the detention hearing, HSI Special Agent Britton Baker Lorenzen testified for roughly two hours as to the voluminous evidence against May. (Transcript, Ex. H). Agent Lorenzen was also cross-examined by May's counsel regarding the lack of files found on May's devices and regarding a potential defense that May's WiFi could have been hacked. Ultimately, following this testimony, Magistrate Judge Hodges ordered that May be detained pending trial because he was a danger to the community, noting that some of the victims of the CSAM distributions were of ages similar to the age of May's two young children.

Following this hearing, May was appointed a public defender based on a sworn financial statement in which he affirmed to the court that his only asset was a 2017 Chevrolet Trailblazer.⁶ May later petitioned the court to represent himself and was allowed to proceed *pro se*. May filed several motions, including motions to suppress evidence seized pursuant to the 2024 search warrant.

On September 17, 2025, the United States filed a motion *in limine* that detailed some of the government's summary evidence and attached several charts that the government hoped to use at trial. *See United States v. May*, ECF No. 70, No. 3:25-cr-00778, (D.S.C. Sept. 17, 2025). On one particular chart, the government detailed a timeline of May's activities from April 1, 2024 to April 4, 2024 (the period of the CSAM distributions alleged in the Indictment) that it had compiled from various electronic devices used by May. (Government Summary Chart, Ex. I). The South Carolina House of Representatives was on a furlough that week for the Easter holiday, and evidence showed that May was working that week managing campaigns for candidates that he

who received at least 50 videos from May containing CSAM. (Soto Complaint, Ex. G). Soto has been indicted on charges of receiving and possessing CSAM and has been detained pending trial in Oklahoma City. *United States v. Christian Ismawl Soto Retamosa*, 5:25-cr-00307-J, (W.D.O.K.).

⁶ As detailed herein, May clearly had assets which he failed to disclose in his financial statement.

represented in connection with upcoming primaries, several of whom were sitting House Members.

For example, on April 1, 2024, May texted then-candidate and now Representative Stephen Frank (an Ivory Tusk client) and Mark Powell (an independent contractor who did consulting work for Ivory Tusk over multiple campaign cycles) at 9:45 a.m. about scheduling a meeting. Just nine minutes earlier, the user “joebidennnn69” sent a file containing CSAM as charged in Count 8 of the Indictment. May also called a phone number belonging to a family member of a current House Member (a phone which appears to be used by the House Member) on April 3, 2024, while almost simultaneously sending files containing CSAM as alleged in Counts 4 and 9 of the indictment. Mr. May was also communicating with other candidates for whom he was consulting at the time, with House primaries set for early June 2024.

It should be noted that during the 2024 Legislative Session, May stated, during deliberations regarding gender affirming care, “We as legislators have an obligation to ensure that our children have no harm done to them.” See <https://www.wistv.com/2024/01/18/sc-house-approves-ban-gender-affirming-care-minors/>. Also, during that session, May was voting as a Member of the South Carolina House of Representatives on bills regarding: (1) trafficking in persons; (2) luring a child; and (3) on the Child Online Safety Act. Over the course of the 2025 Legislative Session, May continued to vote on bills dealing with AI child abuse, obscene visual representations of child sexual abuse, and bills on child welfare. And May cast those votes, portraying himself as a family values conservative, before, during, and after the time when he was committing the heinous crime of distribution of CSAM.

While motions were pending in his criminal case (and in the middle of this investigation), May formally resigned from the South Carolina House of Representatives in a letter dated August

7, 2025. (Resignation Letter, Ex. B). That letter was officially received by the Speaker of the House on August 11, 2025. It appears that May’s former colleagues in the SCFC were involved to some extent in the resignation decision, and those former colleagues provided the letter to the media, which was published before the letter was delivered to Speaker Smith.

On September 29, 2025, the day that Senior United States District Judge Cameron M. Currie denied his motions to suppress, May changed his plea to guilty to five counts of knowingly receiving and distributing CSAM on five separate occasions. (Guilty Plea, Ex. J). May is set to be sentenced on January 14, 2026—and each of the five counts to which he pled guilty carries a minimum sentence of five years and a maximum sentence of 20 years, plus a period of supervised release of at least five years and substantial monetary penalties.

As discussed herein, the South Carolina Constitution provides that upon a guilty plea to a felony offense, a Member or former Member is forever disqualified from holding office in the South Carolina House of Representatives. *See* S.C. Const. art. III, § 7 (“No person who has been convicted of a felony under state or federal law ... or who has pled guilty or nolo contendere to these offenses, is eligible to serve as a member of the Senate or the House of Representatives.”).

IV. House Ethics Committee Investigation

a. Initiation of Investigation and Initial Subpoenas

The Committee’s investigation began on July 1, 2025, after the Committee voted to investigate the allegations in the Complaint and to hire outside investigative counsel to do so. Outside investigative counsel then reviewed court records available to date and ordered a transcript of May’s detention hearing. In addition, outside investigative counsel prepared several subpoenas for Chairman Jordan to issue. Following the meeting on July 1, 2025, Chairman Jordan signed subpoenas to the following entities for the respective materials. (Subpoenas, Ex. K).

Subpoena Issued To:	For the Following Records:
Legislative Services Agency	May's House-issued computer and House email account
Clerk of the House	The contents of May's House office
Clerk of the House	May's direct deposit account information
Ivory Tusk Consulting	Financial records and communications
South Carolina Department of Revenue	May's and Ivory Tusk's tax records
Caro Federal Credit Union	Bank Accounts controlled by May
Sun Solutions	Vendor records with Ivory Tusk
Lexington County Detention Center	May's jail calls, records, and other communications
Edgefield County Detention Center	May's jail calls, records, and other communications
Barnwell County Detention Center	May's jail calls, records, and other communications

The above listed subpoenas were issued pursuant to S.C. Code Ann. § 2-69-10 (“Every standing committee ... of the House of Representatives, in the discharge of its duties, including, but not limited to, the conducting of studies or investigations, is by majority vote of the committee authorized to issue subpoenas and subpoenas duces tecum...”); § 8-13-530(6) (the Committee “shall... obtain information, investigate technical violation complaints, and hear complaints ... and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses and the production of pertinent books and papers”); House Rule 4.16D(10) (“The committee may compel testimony and issue subpoenas for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to its investigation by approval of the chairman or a majority of the committee membership”); and House Ethics Committee Rule IV(F)(1) (“The Committee has subpoena powers under House Rule 4.16D.(10), statutory law, and its constitutional power”). Outside investigative counsel then received and reviewed subpoena responses from the various recipients, including the detention centers where Mr. May was housed.

Outside investigative counsel also received Mr. May's House-issued computers and email account from the Legislative Services Agency and engaged a digital forensic expert to search the digital media for indications of pornographic files. Outside investigative counsel also searched the

contents of May's office to search for any additional hard drives or other material that may be relevant to the investigation. There did not appear to be evidence of illegal conduct using House-issued devices and email.

b. South Carolina Ethics Commission Filings

In addition to the subpoenas, outside investigative counsel rigorously reviewed the South Carolina Ethics Commission reports for May and Ivory Tusk.⁷ These reports showed who the major clients of Ivory Tusk were and who paid May substantial sums of money for his political consulting work. For example, it appears that the client who has reported spending the greatest amount of money with Ivory Tusk was Representative John Kilmartin (HD-85), who has reported \$139,958.49 spent with Ivory Tusk over the last two campaign cycles. It does not appear that any other client of Ivory Tusk paid that entity more than \$100,000, according to South Carolina Ethics Commission records.

A summary of South Carolina Ethics Commission reports since 2020 of candidates and incumbents who ran for South Carolina House⁸ seats shows the following campaign expenditures incurred and made to Ivory Tusk:

⁷ By law, candidates for the South Carolina General Assembly are required to file certain reports to the Ethics Commission. For example, candidates must file "Statements of Economic Interests," disclosing such information as a candidate's income sources, business affiliations, and gift receipts. *See* S.C. Code § 8-13-1110 *et seq.* Candidates, notably, must also report campaign contribution and expenditures. *See* §§ 8-13-1309, 8-13-1310.

⁸ This chart does not include reports of expenditures incurred and made to Ivory Tusk for candidates who ran for any public offices other than the South Carolina House of Representatives.

Campaign:	Total Amount of Reported Expenditures:⁹
John Kilmartin for House District 85	\$139,958.49
William G. DeVore for House District 33	\$84,609.16
Vic Dabney for House District 52	\$71,638.09
Joe White for House District 40	\$51,073.26
Jordan Pace for House District 117	\$44,001.65
Elizabeth Enns for House District 26	\$40,860.69
Stan Tzouvelekas for House District 22	\$38,309.56
William C. Huff for House District 28	\$36,060.31
Sherry Hodges for House District 8	\$35,108.22
Jody Bohman for House District 114	\$25,178.54
Timothy A. Morgan, Jr. for House District 18	\$13,767.27
Donald R. McCabe, Jr. for House District 96	\$10,674.66
Adam M. Morgan for House District 20	\$10,138.98
Stephen Frank for House District 20	\$7,000.00
Candace Jennings for House District 97	\$5,681.21
Melissa J. Lackey-Oremus for House District 84	\$1,402.53
Nadine Deif for House District 112	\$1,221.53
Josiah Magnuson for House District 38	\$766.40
April Cromer for House District 6	\$481.50
Total:	\$617,932.05

c. May Alleges House Members Owed Him Money

First, Edgefield County Detention Center, where May was detained for the most significant amount of time, provided recordings of May's jail calls and copies of messages sent from the jail.¹⁰ (Texts, Ex. L). These jail calls were then screened for potentially privileged calls with attorneys

⁹ This chart is solely based on expenditures reported to the South Carolina Ethics Commission and does not include any outstanding, unpaid, or unreported amounts owed to Ivory Tusk.

¹⁰ The subpoena was served on Edgefield Detention Center on or about July 7, 2025, and outside investigative counsel and its investigator received and reviewed the first tranche of recordings and texts messages that same day. The recordings discussed above were received and reviewed by outside investigative counsel several weeks before they were provided to media outlets, such as FitsNews, who apparently obtained recordings through FOIA requests. See <https://www.fitsnews.com/2025/08/04/rj-mav-claims-former-freedom-caucus-allies-owe-him-thousands/>, story dated August 4, 2025; see also https://www.postandcourier.com/politics/rj-may-sc-conservative-arrest-pornography/article_594fd3db-67a0-423e-b49b-10f6757203e0.html, story dated August 7, 2025. It does not appear that the detention center or the media screened potentially privileged conversations before providing them to the media or to outside investigative counsel.

and outside investigative counsel did not review any records of conversations with attorneys. From these jail records, it was apparent that May believed that several Members of the House, former Members, and candidates for House seats who were clients of Ivory Tusk still owed May substantial amounts of money. Of note, these unpaid debts, along with another \$15,000 in various accounts (perhaps including his campaign account) and a 2019 Ram 1500 truck valued at \$30,000 also referenced in the messages, were not listed as assets on May's sworn financial statement to the federal court—and it appears that May was initially trying to collect these funds to hire private counsel, but then abandoned that idea.

Specifically, Mr. May indicated in calls that the SCFC “owed him some money” because he “paid for robocalls and text[s] for all candidates last cycle.” As to individual clients, May discussed outstanding invoices with his sister, hoping that his wife could search the Ivory Tusk records to track down payment. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] May also referenced former Members of the House Vic Dabney and Adam Morgan as owing Ivory Tusk money as well.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]¹¹ [REDACTED]

[REDACTED]¹² [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Upon receipt of this information from May's jail conversations, outside investigative counsel reviewed the South Carolina Ethics Commission public reports for these two Members because they were the only two sitting Members of the House that May mentioned to see what, if any, of these amounts were reported as campaign expenditures. To fully investigate May's claims that money was owed to Ivory Tusk and based on the amount of money spent and work done, outside investigative counsel sought to speak with these Members—as well as others who spent substantial sums of money with Ivory Tusk.

Based on the amount of money spent with Ivory Tusk, outside investigative counsel sought to speak with several of the sitting Members of the House who spent over \$5,000 with Ivory Tusk. These Members of the House were Representative Kilmartin, Representative Pace, Representative White, Representative McCabe, and Representative Frank. Both Representative White and Representative McCabe voluntarily met with outside investigative counsel, were professional and courteous, and promptly provided the records requested. This stands in contrast to the positions

¹¹ [REDACTED]

¹² [REDACTED]

taken by Representative Pace, Representative Frank, and Representative Kilmartin, which will be discussed below in this report.

d. Ivory Tusk Records

Ivory Tusk appears to have been a sole proprietorship run by Mr. May to perform political consulting work around South Carolina. While there were other independent contractors performing work for Ivory Tusk, only May had access to the financial records and invoices for Ivory Tusk. One contractor, Mark Powell, was interviewed by outside investigative counsel and confirmed that May was the only one who controlled the financial aspect of the Ivory Tusk business.

This investigation commenced when May was already detained and awaiting trial. Given that May's Fifth Amendment rights had clearly attached due to his federal prosecution (and recognizing that he had significant credibility issues), outside investigative counsel did not endeavor to interview May directly. However, outside investigative counsel was able to obtain the production of hard copy documents from May's home office—which included printouts of invoices sent via email to clients.¹³ As stated, these hard copy records received from Ivory Tusk included numerous invoices to Ivory Tusk customers, many of which contained the markings "Paid" or "Overdue." Outside investigative counsel then compared these invoices to what was reported by Ivory Tusk clients to the South Carolina Ethics Commission reports.

¹³ Given that a number of May's electronic devices had been seized by law enforcement and it appears that no one had access to May's email passwords, outside investigative counsel was unable to obtain Ivory Tusk email accounts (which is how the Ivory Tusk invoices were generally sent to clients)—and outside investigative counsel was also unable to obtain direct access to the QuickBooks account, through which Ivory Tusk's invoices were initially generated.

e. Tax Records

On July 9, 2025, outside investigative counsel served a subpoena on the South Carolina Department of Revenue (“DOR”) for May’s and Ivory Tusk’s tax records since 2020, the year May began serving in the House of Representatives. However, DOR is bound by state statute that makes it unlawful to disclose tax records absent “a proper judicial order or as otherwise provided by law.” S.C. Code Ann. § 12-54-240. Outside investigative counsel sought a confidentiality and protective order in the Court of General Sessions, with the consent of DOR, to allow DOR to produce these records to the Committee for the purposes of this investigation. Such “proper judicial order” was granted and DOR produced certain tax records to outside investigative counsel pursuant to that order.¹⁴

Pursuant to the court order, DOR produced tax records filed by May individually for the tax years 2020 and 2021. However, DOR was unable to locate tax records for May for the years 2022, 2023, and 2024. In addition, DOR was unable to locate any records of requests for filing extensions by May. Finally, DOR was unable to locate any tax records for Ivory Tusk Consulting. As detailed above, over the last three election cycles, Ivory Tusk has had more than \$600,000.00 flowing through it. An interviewed witness also confirmed knowledge that May had substantial tax issues to be rectified.

¹⁴ In addition, outside investigative counsel sought and was granted a disclosure order from the Court of General Sessions as well, allowing this report to detail certain findings from the production of tax records from DOR, but that order does not authorize the disclosure of the tax records themselves.

f. Interviews

Beginning in late July 2025, outside investigative counsel began contacting a number of potential witnesses to set up voluntary interviews to gather background information and to ask questions about May and Ivory Tusk. Outside investigative counsel contacted eighteen individuals over the course of their investigation to secure voluntary testimony. Those individuals consisted of current House Members from both political parties, a former House Member, current and former candidates that were clients of Ivory Tusk Consulting, House staff, an independent contractor for Ivory Tusk Consulting, and a former employer of Mr. May.

Outside investigative counsel began with the sitting Members of the House that were the largest clients of Ivory Tusk. Because of the amount spent and use of Ivory Tusk over multiple campaign cycles, those Members had the most interactions with May as a political consultant and the most financial transactions with Ivory Tusk. On July 22, 2025, outside investigative counsel contacted Representative Kilmartin, Representative White, Representative McCabe, Representative Frank, and Representative Pace, who were among the sitting Members of the House who reported spending over \$5,000 with Ivory Tusk since 2020.

When outside investigative counsel contacted Representative Pace by phone on July 22, 2025, he indicated he was willing to sit down and talk to outside investigative counsel. Representative Pace agreed to meet at 3:30 on July 28, 2025 at the Charleston office of Maynard Nexsen. Representative Pace also agreed to look for documents from Ivory Tusk and to email those to outside investigative counsel. Representative McCabe was also reached by phone on July 25, 2025 and agreed to meet on July 31, 2025. Representative McCabe also agreed to search his emails for invoices from Ivory Tusk. Representative Frank was also reached by phone on July 22, 2025 while he was on his way to Costco, but he agreed to look at his schedule and indicated he could

meet at some point over the next two weeks at the Greenville office of Maynard Nexsen for an interview, requesting that counsel call him back the following week to set up a definitive date for the interview. Finally, voicemails were left for Representative Kilmartin and Representative White on July 22, 2025. Each of these Members that were contacted were sent a follow up email.

Representative McCabe and Representative White promptly returned phone calls and emails and provided the requested documents voluntarily. Both were very cooperative and forthcoming and they provided information which was very helpful to the investigation.

Representative Kilmartin returned outside investigative counsel's phone call on July 24, 2025 and stated that he wished to record the phone call and have his attorney present. Outside investigative counsel then exchanged emails with Representative Kilmartin to set up an interview. Representative Kilmartin declined to meet at outside investigative counsel's offices, insisted on recording any interview, indicated that he would agree to be interviewed in public at his restaurant if we agreed he could record the interview, and then demanded copies of the engagement letter. Representative Kilmartin also alleged that the investigation was only concerned with those who disagreed with House leadership and asked if the investigation was regarding "strictly Freedom Caucus members." (Emails with Kilmartin, Ex. M). Representative Kilmartin eventually indicated he would voluntarily deliver his Ivory Tusk records to the Committee (which he did not do) and eventually declined to respond further to emails.

When outside investigative counsel thereafter attempted to contact Representative Frank to schedule his interview, he failed to respond to phone calls or emails. On July 28, 2025, the agreed upon date for Representative Pace's interview in Charleston, Representative Pace did not appear for the interview. Outside investigative counsel tried to call, text, and email Representative

Pace, but received no response.¹⁵ Shortly after Representative Pace failed to appear, outside investigative counsel learned that Representative Pace sent a letter dated July 28, 2025 to Speaker of the House G. Murrell Smith, Jr. (HD-67) and Senate President Thomas Alexander asking to reconvene the legislature to vote on the expulsion of May from the South Carolina House of Representatives. (Letter, Ex. N). Representative Pace did not communicate directly with outside investigative counsel before or after sending this letter (again, the same day he was scheduled to be interviewed in this investigation).

As detailed herein, the lack of responses from Representative Kilmartin, Representative Frank, and Representative Pace created significant obstacles for the investigation, which not only substantially slowed its progress, but also required substantial resources and substantial expenditure of funds to attempt to obtain the cooperation of these three sitting Members. Every other interviewee fully cooperated and voluntarily spoke to outside investigative counsel.

V. Obstacles to Investigation

Given their reported expenditures with Ivory Tusk and their failure to cooperate, it became necessary for Chairman Jordan to issue subpoenas to Representative Pace, Representative Kilmartin, and Representative Frank for their depositions and the production of documents. (Kilmartin, Frank, Pace Subpoenas, Ex. O). It should be noted that in addition to the authority that the Committee has to issue subpoenas for the production of documents as discussed above, the Committee is also expressly authorized by statute and House Rules to take depositions in the course of its investigation. *See* S.C. Code Ann. § 2-69-30 (“The committee, in the discharge of its

¹⁵ It should be noted that the investigator who was retained to assist in this investigation travelled from Columbia to Charleston to interview Representative Pace along with one of the lawyers in Maynard Nexsen’s Charleston office.

duties, may administer oaths and affirmations, take depositions, and receive testimony and evidence as necessary in connection with its work, study, or investigation.”); S.C. Code Ann. § 8-13-530(6) (the Ethics Committee “shall ... obtain information ... and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses...”); House Rule 4.16D(10) (“The committee may compel testimony and issue subpoenas for the procurement of witnesses...”); House Ethics Committee Rule IV(F)(2)(a) (“The Committee may obtain information regarding any matter, which is relevant to the subject matter involved in the pending action by ... depositions upon oral examination or written questions.”). As such, Representative Kilmartin, Representative Frank, and Representative Pace were notified by email that the Committee had issued subpoenas for their depositions and for the production of requested documents and asked them if they would accept service by email. None of the three responded to that email. Therefore, it was necessary to expend public funds to serve each by process server at their homes across the state. Obviously, this time and expense would not have been required had they accepted service by email or participated voluntarily.

On August 3, 2025, the investigator served the subpoena on Representative Kilmartin via his wife at his residence in Lexington County. On August 4, 2025, the investigator went to serve Representative Frank at his home in Greenville County; Representative Frank initially refused to come out of his house and accept service of the subpoena, and Representative Frank was seen peering through the window but refused to answer phone calls or the doorbell. The investigator spent nearly two hours attempting to serve Representative Frank, but he only came out of his house to accept service when his wife needed to leave the residence. On August 5, 2025, Representative Pace was served at his home in Berkeley County and demanded that the investigator leave his residence upon service.

On August 15, 2025, Chairman Jordan sent letters to Representative Kilmartin, Representative Frank, and Representative Pace requesting the records subpoenaed be submitted by August 19, 2025, but postponing the deposition date. Representative Kilmartin acknowledged receipt of the letter; Representatives Pace and Frank did not.

On Sunday, August 17, 2025, Committee staff received a letter from attorney David Johnston on behalf of Representative Kilmartin, Representative Frank, and Representative Pace requesting an extension on document production until September 16, 2025 – a roughly 30-day extension from the August 19th deadline. (Aug. 17 Johnston Letter, Ex. P). Outside investigative counsel then had an introductory phone call with Mr. Johnston on August 19, 2025, and, as a professional courtesy since he was newly retained, Mr. Johnston was granted a modest extension to August 22, 2025 to produce the records requested. On the call, Mr. Johnston noted that his clients’ position was well summarized by the FitsNews article that was published that morning. See <https://www.fitsnews.com/2025/08/19/south-carolinas-freedom-caucus-stares-down-ethics-investigation/>.

On August 20, 2025, outside investigative counsel responded by letter to Mr. Johnston extending the deadline for Representative Kilmartin, Representative Frank, and Representative Pace to respond to the subpoena or to file a motion to quash as outlined by House Rule 4.16D(10). (Aug. 20 Letter to Johnston, Ex. Q). On August 22, 2025,¹⁶ Mr. Johnston sent a letter in response complaining that his clients had not been provided with a copy of the complaint or any information about the complaint, (Aug. 22 Johnston Letter, Ex. T)—but failing to acknowledge or address the

¹⁶ Also on August 22, 2025, Representative Frank tweeted about the “fake ‘ethics’ investigation” meant to “hunt conservatives,” (Tweets, Ex. R) attaching screenshots of an American Accountability Foundation memo detailing public campaign records of Maynard Nexsen employee’s personal contributions to various campaigns (AAF Memo, Ex. S).

fact that the complaint is confidential by statute. *See* S.C. Code Ann. § 8-13-540(C)(1) (“All investigations, inquiries, hearings and accompanying documents are confidential and only may be released pursuant to this section.”). Mr. Johnston also argued that the subpoenas were issued after “minimal” good faith conferrals and that the subpoenas were not lawfully issued because they were not signed by the Speaker of the House.¹⁷ Finally, Mr. Johnston conveyed on behalf of his clients that they were concerned this investigation would somehow impede or imperil the federal criminal investigation and prosecution of May. Outside investigative counsel thereafter spoke to high-ranking members of the United States Attorney’s Office for the District of South Carolina and to federal prosecutors who did not share the concern expressed by Mr. Johnston on behalf of his clients.

Outside investigative counsel fully responded to that letter on August 27, 2025 (Aug. 27 Letter to Johnston, Ex. U) and the deadline for production was again extended to August 29, 2025 to produce responsive documents or to file motion(s) to quash. However, on August 28, 2025, Representative Kilmartin, Representative Frank, and Representative Pace retained new counsel, Robert C. Childs III, who sent a letter to outside investigative counsel on August 28, 2025 asking for yet another extension until September 5, 2025 to allow him time to meet with his clients. Mr. Childs also requested a number of documents, including the Complaint, referrals, relevant findings

¹⁷ Mr. Johnston’s argument was and is completely lacking in merit. South Carolina law only requires the Speaker of the House to sign subpoenas issued by joint committees and the House itself. *See* S.C. Code Ann. § 2-69-40. For standing committees such as the House Ethics Committee, it is only the Chairman’s signature that is required. *See* S.C. Code Ann. § 2-69-40 (“Subpoenas and subpoenas duces tecum may only be issued upon a majority vote of the members of the committee, must be issued in the name of the committee, and must be signed by the committee chairman...”). Additionally, there is no requirement within the South Carolina Ethics Act for the Speaker to sign off on subpoenas issued over the course of an investigation.

of the Commission, copy of all meetings and meeting documents, and all other documents relevant to the Committee's investigation. (Aug. 28. Childs Letter, Ex. V).

On August 29, 2025, outside investigative counsel responded to Mr. Childs' letter explaining that: (1) the Committee had granted two prior extensions to the deadline to produce documents, but the Committee was willing to extend the professional courtesy of an extension until September 3, 2025 since Mr. Childs was recently retained and due to the upcoming holiday weekend; (2) no further extensions would be granted, and the Committee reserved all rights to seek compliance with the subpoenas; and (3) the Committee could not disclose any of the requested materials because the Committee's investigations are confidential, as proscribed by statute and House Rules. (Aug. 29 Letter to Childs, Ex. W). On September 2, 2025, outside investigative counsel had a phone call with Mr. Childs, who indicated that he had begun collecting documents for all but one of his clients and that his clients were generally inclined to produce records pursuant to the subpoenas.

However, on September 3, 2025, Mr. Childs filed a Motion to Quash or in the Alternative to Stay the Investigation on behalf of Representative Kilmartin, Representative Frank, and Representative Pace. (Motion, Ex. X). No documents were produced at this point. The Motion argued several grounds, including improper or lack of authorization to issue subpoenas, lack of relevancy, overbroad and undue burden, improper motives, conflict of interest, due process and constitutional grounds, impairment of right to counsel, and improper delegation of legislative authority. The Motion alternatively requested a stay of the investigation so as to not interfere with the federal investigation.

The Committee set a meeting for September 9, 2025 to rule on the Motion to Quash. Immediately prior to the meeting and before the Committee ruled on the pending Motion at this

meeting, Mr. Childs, joined by new co-counsel Samuel Dewey of the Oversight Project in Washington, DC, asked to meet with outside investigative counsel. Mr. Childs and Mr. Dewey met with outside investigative counsel and eventually agreed to produce documents/records that campaigns are required to keep by law¹⁸ by September 12, 2025 and also agreed to review their clients' emails and text messages and indicate whether the parties needed to agree to search terms or whether they could easily produce those items.¹⁹ Mr. Childs and Mr. Dewey also agreed to accept service of new subpoenas for depositions and/or additional records for their clients via email. This agreement, which was placed on the record before the Committee, mooted the pending Motion to Quash or Stay.

On September 12, 2025, Representative Kilmartin, Representative Frank, and Representative Pace each produced certain responsive documents pursuant to the subpoena. However, each response was woefully deficient in numerous aspects. For example, Representative Frank produced just 11 pages of emails and invoices with Ivory Tusk, and Representative Pace produced just 27 pages of the same. Representative Kilmartin also failed to produce the vast majority of his invoices with Ivory Tusk—some of which were produced later, as discussed herein.

In addition to working toward a resolution regarding the documents, outside investigative counsel continued to work with Mr. Childs and Mr. Dewey on deposition dates for their three

¹⁸ See S.C. Code Ann. § 8-13-1302(B) (“The candidate, committee, or ballot measure committee must maintain and preserve all receipted bills and accounts required by this article for four years.”). This would include all invoices and payments for political consulting services, such as those provided by Ivory Tusk.

¹⁹ Neither Mr. Dewey nor Mr. Childs subsequently indicated that search terms were needed nor expressed any concerns about whether the additional documents sought by the original document subpoena could be easily produced. And, as detailed herein, only upon prompting by outside investigative counsel did Mr. Dewey or Mr. Childs produce additional documents—and they have, as of the date of this writing, failed to certify full compliance with any of the document subpoenas served on Representative Pace, Representative Frank, or Representative Kilmartin.

clients. After some back and forth on scheduling, Representative Kilmartin, Representative Frank, and Representative Pace agreed to sit for depositions on October 6, 2025, and new deposition subpoenas were issued for that date. (Deposition Subpoenas, Ex. Y). Representative Kilmartin, Representative Frank, and Representative Pace were also served with subpoenas for their campaign bank records. (Bank Subpoenas, Ex. Z).

After agreeing on behalf of his clients that they would sit for a deposition on October 6, 2025, Mr. Dewey took the position that he would instruct Representative Kilmartin, Representative Frank, and Representative Pace not to answer questions during those depositions if Mr. Dewey deemed the questions not to be pertinent and on the basis that the full House of Representatives did not delegate deposition authority to the Committee nor to Committee counsel. Mr. Dewey conveyed the position, on behalf of Representative Kilmartin, Representative Frank, and Representative Pace, that they would only answer questions propounded by Members of the House but would refuse to answer questions asked by outside investigative counsel or by Committee staff counsel. Mr. Dewey did not provide any basis for that legal position, which contradicts South Carolina law and the South Carolina Rules of Civil Procedure. *See* Rule 30(j)(3), SCRCP (“Counsel shall not direct or request that a witness not answer a question, unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence directed by the court.”). Given this unsupported legal argument, outside investigative counsel responded with a detailed letter on September 26, 2025, citing ample authority to support the authority of the Committee and outside investigative counsel to conduct the depositions and that instructions not to answer questions based on the questioner or perceived relevance were improper. (Sept. 26 Letter to Dewey, Ex. AA). In the letter, outside investigative counsel offered the opportunity to discuss these issues directly with Chairman Jordan on October 3, 2025.

On October 3, 2025, Chairman Jordan conducted a telephone conference with outside investigative counsel, Mr. Dewey and Mr. Childs. Chairman Jordan heard the positions and concerns of Mr. Dewey and a response from outside investigative counsel. Chairman Jordan then stated that the depositions were to proceed on October 6, 2025, that the Committee would not be present to ask questions, and that outside investigative counsel would conduct the deposition as it was designated with investigative authority by the Committee.

After prompting by outside investigative counsel, at approximately 3:00 p.m. on October 3, 2025 (the Friday before the Monday October 6, 2025 depositions) Representative Kilmartin, Representative Frank, and Representative Pace produced numerous documents, including hundreds of pages of text messages with May, additional invoices from Ivory Tusk, and emails with May regarding Ivory Tusk work and payments. All of these documents should have been produced by the thrice extended September 12, 2025 deadline—or specially identified by Mr. Dewey and Mr. Childs as voluminous and requiring additional time for production, which was not done. Indeed, the metadata for certain documents showed that they were collected and sent to Mr. Childs three weeks prior, and other documents, such as the text messages, were only first screenshotted in the days leading up to October 3, 2025—recent days, well after the agreed-upon deadline. Outside investigative counsel thoroughly reviewed these documents despite the late production and prepared questions on the documents for the upcoming depositions.

Included in these text messages were communications with May that were relevant to the investigation which: (1) belied earlier media statements by Representative Pace; (2) which showed the close continued contact between May and Representatives Pace and Frank following the execution of the August 2024 search warrant referenced earlier; (3) which demonstrated May's attempts to collect monies owed to him after the aforesaid search warrant; and (4) about which

outside investigative counsel sought to obtain relevant information about May and his operation of Ivory Tusk. Examples of these relevant texts are set out in detailed footnotes below, including one detailing conversations between May and Representative Pace²⁰ and another relaying conversations between May and Representative Frank.²¹

²⁰ On December 10, 2024, May texted Representative Pace on December 10, 2024, with a link to the FitsNews article discussing Mr. May's suspension from the Freedom Caucus. (Pace Suspension Texts, Ex. BB (citing <https://www.fitsnews.com/2024/12/10/s-c-freedom-caucus-confirms-suspension-of-r-j-may-iii-amid-federal-probe/>)). Representative Pace then discussed this with Mr. May, who said, "I get y'all had to suspend me. No hard feelings. Y'all gotta do what ya gotta do. And once I emerge from the other side of this, we can mend whatever fences we got to." Pace responds, "Amen to that." In the same text chain, referencing a text showing Diddy, Mr. May, and Representative Pace, Mr. May responded, "You'd have to know you, me, and P Diddy. Then you'd have to know what P diddy is alleged to have done and that I'm under investigation. Then you'd have to know your chairman. [And] try and put that together." Pace replied, "they're not good at politics." May also asked, "Does your average GOP voter even get [what] that text is supposed to mean?" Pace responds, "No. The average voter is not paying attention to anything but Trump and Christmas." It should be noted that Representative Pace appears to have produced some 63 pages of text messages with May from *after* the August 5, 2024 search warrant was executed, continuing through May 2025.

Also revealed in these text messages, Representative Pace and May discussed switching over the bank accounts for the SCFC from May to Representative Pace. (Pace Bank Texts, Ex. CC). In January of 2025, the two discussed meeting at Caro Federal Credit Union to get Representative Pace's name on the SCFC account, which May controlled at the time. Representative Pace later followed up with May, asking if he had any luck with the bank credentials. May then indicated that Representative Pace should have received an email providing access, and Mr. May confirmed that Representative Pace had access to the account and was moving the account to South Carolina Federal Credit Union. It should also be noted that in June 2025, Representative Pace did a radio interview with Corey Allen, wherein he explained that "we weren't communicating with" May and "it's very difficult to change a bank account when you're not communicating with the guy who's on the bank account, where it's at his address." (Pace Allen Transcript, Ex. DD).

²¹ Representative Frank also produced communications with May, including 72 pages of texts—many of which came after the execution of the August 2024 search warrant. In some texts, Representative Frank asked May questions about Ethics Act compliance and campaign finance reporting. The messages also revealed that Representative Frank texted with May daily about his campaign from April 1 to April 4, 2024—the same days that May has admitted to distributing CSAM. On August 7, 2024, days after the search warrant was executed on May's residence, Representative Frank texted May, "Praying for you my friend." May responded, "LOL [shrug emoji] I'll hopefully emerge from this soon." Representative Frank replied, "Man I hope so. Been praying for yall." Representative Frank texted Mr. May on June 10, 2025, the day before Mr. May was arrested, and it appears Mr. May read that text the day of his arrest.

About 45 minutes before the depositions were set to begin on October 6, 2025, Mr. Childs and Mr. Dewey sent a letter responding to outside investigative counsel's September 26, 2025 letter. (Oct. 6 Childs Letter, Ex. FF). This response letter largely reiterated prior emails communications and cited non-binding law. In the letter, Representative Kilmartin, Representative Frank, and Representative Pace confirmed that they would not answer any questions posed to them by outside investigative counsel or any questions that they unilaterally deemed not relevant.

Representative Kilmartin, Representative Frank, and Representative Pace appeared for their depositions on October 6, 2025 with Mr. Dewey in person and Mr. Childs by video. Mr. Dewey had two more of his colleagues appear during the depositions, one in person and one by video.

Representative Pace was deposed first. Representative Pace was sworn in by the court reporter and stated his name for the record. (Pace Transcript, Ex. GG). However, for each question after that, Mr. Dewey instructed Representative Pace not to answer the question because outside investigative counsel lacked authority to question a Member or that Mr. Dewey unilaterally deemed to be not pertinent. Representative Pace adhered to Mr. Dewey's instruction for each and

[REDACTED]

every question in the deposition, including to the most basic questions like, “do you see the exhibit in front of you?” Representative Kilmartin was deposed next and similarly refused to answer questions on the same grounds. (Kilmartin Transcript, Ex. HH). For example, Representative Kilmartin took his counsel’s instruction not to answer questions as simple as asking his age or if his South Carolina Ethics Commission reports were accurate. Finally, Representative Frank was deposed and not only refused to answer questions but refused to even look at the exhibits in front of him—including text messages indicating that he and May spoke on a very regular basis, including about the money owed to Ivory Tusk, after the search warrant execution and all the way up until the day before May’s arrest. (Frank Transcript, Ex. II). Representative Frank appeared not to take this deposition seriously as he appeared to occasionally laugh or smirk when questions were asked of him. [REDACTED]

[REDACTED]

[REDACTED]

Following the depositions, during which the three Members refused to answer basic questions, outside investigative counsel then responded to the October 6th letter and the incorrect legal position taken by Mr. Dewey in the depositions. (October 10 Letter to Childs & Dewey, Ex. JJ). On October 7, 2025 and October 9, 2025, Representative Kilmartin produced some supplemental records, which included bank records, agreement for services, and checks. On October 13, 2025, Representative Kilmartin and Representative Frank produced additional emails communications that Mr. Childs claims were “overlooked” in an accompanying letter. (Oct. 13 Childs Letter, Ex. KK). These emails appear to have been provided to counsel much earlier. For example, the emails produced on behalf of Representative Kilmartin were sent to Mr. Childs’ paralegal on September 11, 2025 and the PDF files of Representative Frank’s emails were created

on October 1, 2025. However, these were not provided to outside investigative counsel until the afternoon of October 13, 2025. While Representative Kilmartin produced some supplemental documents after his deposition, Representative Kilmartin, Representative Frank, and Representative Pace all remain deficient in their document production as also detailed in that letter.

VI. Findings of Fact

At a public meeting of the Committee on October 14, 2025, outside investigative counsel presented summary findings of this investigation to the Committee pursuant to House Ethics Committee Rule IV.H. *See* <https://www.scstatehouse.gov/video/archives.php?key=15577&part=1>. These findings and the actions taken by the Committee at that meeting are detailed below.

a. Respondent May

Mr. May has resigned from the South Carolina House of Representatives and has now pled guilty to five counts of distributing CSAM. As such, the expulsion of May as called for in the Complaint is moot, and May, as he is now a convicted felon and will be registered as a sex offender, is barred from holding a seat in the South Carolina House of Representatives going forward. At the October 14, 2025 meeting, the Committee found May's conduct to be unbecoming of a member and voted unanimously to issue a public reprimand of May, via an advisory opinion = pursuant to House Ethics Committee Rule VI. With respect to this conduct, the Committee can do no more because Mr. May is not a current member of the South Carolina House, and he will be punished accordingly by the appropriate authorities.

Further, the Committee, pursuant to the South Carolina Ethics Act, House Rules, and House Ethics Committee Rules, had additional requirements and duties based on information

[REDACTED]

[REDACTED]

[REDACTED]

CONCLUSION

Outside investigative counsel respectfully submits this final report to the South Carolina House Ethics Committee, having now concluded its thorough investigation into the Complaint against former Member of the South Carolina House of Representatives Robert J. May III. The investigation began in July 2025. Following the language of the Complaint, the investigation primarily focused on three issues: (1) the criminal activities of May; (2) the conduct of Mr. May as a representative and whether that related in any way to his criminal actions; and (3) May's financial transactions dealing with Ivory Tusk Consulting and the SCFC. To this end, outside investigative counsel contacted 20 potential witnesses, conducted 15 interviews, and attempted to depose three sitting House members. Outside investigative counsel further received and reviewed voluminous documentation, subpoena productions, and South Carolina Ethics Commission reports. Outside investigative counsel also closely monitored the criminal case against May and coordinated with federal law enforcement to the extent necessary.

Amidst the investigation, May resigned from the House and later pled guilty in federal court to five counts of distribution of CSAM on September 26, 2025, admitting to crimes that are nothing short of despicable. Despite these developments, outside investigative counsel continued this inquiry to its conclusion, especially given the broader areas of inquiry listed in the Complaint. The Committee notably retains jurisdiction over former members, and the Complaint raised broader concerns of misuse of office and potential financial wrongdoing. These serious allegations warranted further investigation based on findings to that point.

In examining Ivory Tusk Consulting records, outside investigative counsel focused on the candidates and current House members who paid a substantial amount for May's consulting services. Most witnesses were cooperative and voluntarily provided testimony and documents

requested, as outside investigative counsel have explained herein. However, three current members of the House—Representative Pace, Representative Kilmartin, and Representative Frank—refused to voluntarily participate in the investigation. These members failed to fully respond to the Committee’s lawfully issued subpoenas *duces tecum*. Moreover, they declined to answer even basic questions posed by outside investigative counsel during their depositions. These tactics obstructed the Committee’s lawful investigative efforts and unnecessarily drove up the costs of this investigation, by a substantial amount, and delayed the conclusion of this investigation and issuance of this report. Importantly, because of these three Members’ failure to answer questions, the investigation could not gather additional information about what May was communicating about in April 2024, when he admitted to distributing CSAM. Representative Pace, Representative Kilmartin, and Representative Frank appear to have relevant, timely communications with May during this time period, and despite that, refused to participate in this investigation into May.

Even so, the investigation uncovered numerous findings related to former Representative May. In addition to his federal crimes, May engaged in the following conduct unbecoming of a Member: (1) DOR was unable to locate evidence of income tax payments in 2022, 2023, and 2024 and (2) he appears to have misrepresented his assets and debts in the financial statement filed in the federal court. Related matters uncovered as part of this investigation were referred to the appropriate entities for further investigation and adjudication. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INDEX OF EXHIBITS TO REPORT

- A. Verified Complaint filed by Representative Hiott on June 12, 2025
- B. May's Resignation Letter dated August 7, 2025
- C. Search Warrant for May's residence executed August 5, 2024
- D. U.S. Government's Motion for Extension in Forfeiture Action filed October 24, 2024
- E. Federal Indictment of May filed June 10, 2025
- F. U.S. Government's Motion for Pre-Trial Detention of May dated June 12, 2025
- G. Criminal Complaint against Soto in the U.S. District Court for the Western District of Oklahoma filed July 30, 2025
- H. Transcript of May's Detention Hearing held on June 12, 2025
- I. U.S. Government's Chart of May's CSAM activities filed September 17, 2025
- J. May's Guilty Plea to federal charges dated September 29, 2025
- K. Committee Subpoenas signed by Chairman Jordan on July 1, 2025
- L. May's Text from Edgefield County Detention Center
- M. Representative Kilmartin's Emails to Outside Investigative Counsel
- N. Representative Pace's Letter to Speaker Smith and Senate President Alexander dated July 28, 2025
- O. Committee Subpoenas to Representatives Kilmartin, Frank, and Pace signed by Chairman Jordan on July 29, 2025 and Other Subpoenas
- P. Letter from Mr. Johnston dated August 17, 2025
- Q. Letter to Mr. Johnston dated August 20, 2025
- R. Frank's Posts on X dated August 22, 2025
- S. Memorandum from American Accountability Foundation dated August 12, 2025
- T. Letter from Mr. Johnston dated August 22, 2025
- U. Letter to Mr. Johnston dated August 27, 2025
- V. Letter from Mr. Childs dated August 28, 2025
- W. Letter to Mr. Childs dated August 29, 2025
- X. Representatives Kilmartin, Frank, and Pace's Motion to Quash Subpoena or Stay the Investigation filed on September 3, 2025
- Y. Subpoenas for depositions of Representatives Kilmartin, Frank, and Pace served September 22, 2025
- Z. Subpoena for campaign banks records of Representatives Kilmartin, Frank, and Pace served September 10, 2025
- AA. Letter to Mr. Dewey dated September 26, 2025
- BB. Representative Pace's Texts regarding May's suspension dated October 10, 2025
- CC. Representative Pace's Texts regarding SCFC bank accounts
- DD. Transcript of Representative Pace's Radio Interview in June 2025
- EE. Representative Frank's Texts with May regarding Ivory Tusk invoices
- FF. Letter from Mr. Childs and Mr. Dewey dated October 6, 2025
- GG. Transcript of Representative Pace's Deposition held on October 6, 2025
- HH. Transcript of Representative Kilmartin's Deposition held on October 6, 2025
- II. Transcript of Representative Frank's Deposition held on October 6, 2025
- JJ. Letter to Mr. Childs and Mr. Dewey dated October 10, 2025
- KK. Letter from Mr. Childs regarding Representatives Kilmartin and Frank's supplemental document disclosure dated October 13, 2025