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June 7, 2021

### VIA EMAIL

Meghan Walker, Director  
South Carolina Ethics Commission  
201 Executive Center Drive, Suite 150  
Columbia, South Carolina 29201  
[mwalker@ethics.sc.gov](mailto:mwalker@ethics.sc.gov); [ami@ethics.sc.gov](mailto:ami@ethics.sc.gov)

RE: Follow up to April 29, 2021, and May 13, 2021, Subcommittee meetings

Dear Director Walker:

The Executive Subcommittee appreciates the State Ethics Commission participation in the oversight process. As follow-up from the April 29, 2021, and May 13, 2021, Subcommittee meetings, below are questions of interest to various members of the subcommittee. Please provide this information by Friday, June 25, 2021.

As a reminder, formal written responses provided are considered sworn testimony. Additionally, please inform the Subcommittee, prior to responding, of any information requested that cannot be published online due to provisions in contract or law.

***Statutes and Regulations***

1. Please provide a list of statutes the agency is currently unable to enforce due to court decisions (e.g., those relating to committees, etc.).
2. What statutes or regulations, if any, require other entities provide information to the agency that the other entities are not currently, or consistently, providing?
3. When does the agency anticipate finishing its review of its regulations and publishing a notice of drafting to begin the formal process of updating its regulations?
4. Please briefly explain the process the agency intends to implement going forward to regularly review its regulations.

***Commissioners***

5. For each Commissioner serving during the last ten years, please provide the following: (a) entity appointing; (b) demographics; and (c) county of residency.
6. For each entity responsible for appointing a commissioner, please provide the total length of time the commission seat has been vacant, and the dates of vacancy, over the last ten years.
7. Approximately how much time per month and year do Commissioners spend performing their duties (i.e., preparing for meetings and hearings, attending training, meetings, and hearings, etc.)? If possible, please provide the total amount of time for all duties and amount per duty.
8. How much compensation, if any, do Commissioners receive for performing their duties?

***Personnel***

9. Who conducted the employee morale survey at the agency in 2017-18?
10. How was the agency able to have a morale survey conducted at no cost?
11. What services is the agency aware the Department of Administration will provide it, or other agencies, other than the full day training on the Myers Briggs type indicator?
12. Please list the information the agency obtains during exit interviews and how the agency utilizes the information.
13. For the four employees that separated from the agency for new employment opportunities, please state the type of entities to whom agency personnel went to work, if known.

***COVID***

14. Provide the percentage of agency staff who worked remotely during COVID-19 office closures.
15. What agency operations were found to be efficient and manageable in a remote environment (e.g., virtual hearings and meetings)?
16. Did the agency survey staff to gauge their interest or support for a continuation of remote work options?
17. Did the agency make any considerable investments in IT infrastructure to support the remote work environment?
18. Has the agency investigated the efficacy of remote work options as a means to reduce the cost of leased office space?
19. How much does the agency spend on leased office space?
20. Has the agency considered permanently implementing remote work options (on a full time, part time, or rotating basis) as a way to recruit and retain staff?
21. Are any employees currently working remotely?

**Expenditures**

22. As the agency's expenditures from the general fund have increased 72%, and expenditures from other funds has increased 100% between 2016-17 and 2019-20, please provide a brief explanation of the reason for the increase in agency expenditures.

**Data**

23. For each of the following agency databases, please state the software utilized and list the data elements tracked for call logs (e.g., issue, amount of time to resolve, was call answered by person or voicemail, number of calls required to resolve).

24. Please provide any trends or specific information discovered from analysis of call log information and actions the agency has, or is considering, taking as a result.

25. Please list the following for the types of information the agency needs related to **elections**:

- a. type of information;
- b. why information is needed;
- c. pre-2018 method of obtaining information;
- d. current method of obtaining information and reason for changes, if any; and
- e. other methods attempted to obtain information, if any, and, for each, reason(s) for seeking alternative method, and reason(s) attempt(s) were unsuccessful.

26. Please list the following for the types of information the agency needs related to **appointments**:

- a. type of information;
- b. why information is needed;
- c. pre-2018 method of obtaining/utilizing information;
- d. current method of obtaining/utilizing information and reason for changes, if any; and
- e. other methods attempted to obtain/utilize information, if any, and, for each, reason(s) for seeking alternative method, and reason(s) attempt(s) were unsuccessful.

27. Please list the following for the types of information the agency needs related to **amounts owed to the Commission** from late filing penalties, etc.:

- a. type of information;
- b. why information is needed;
- c. pre-2018 method of obtaining/utilizing information;
- d. current method of obtaining/utilizing information and reason for changes, if any; and
- e. other methods attempted to obtain/utilize information, if any, and, for each, reason(s) for seeking alternative method, and reason(s) attempt(s) were unsuccessful.

28. With the new electronic filing portal, will individuals subject to the Ethics Act have the option to submit all information required electronically?

***Those Subject to the Act***

29. Please provide an Excel document that includes the list of positions subject to the Ethics Act within each of the following categories, in a format similar to the example at the end of the letter in Attachment A.
- a. Public Official – Elected
  - b. Public Official – Appointed
  - c. Public Member required to file statement of economic interest
  - d. Public Member with no required filings
  - e. Public Employee required to file statement of economic interest
  - f. Public Employee with no required filings
  - g. Committees (based on the change to the statutory definition proposed by the Ethics Commission)
30. Are there any Board or Commission positions that go through the Secretary of State’s Office that are not subject to the Ethics Act? If unknown, please contact the Secretary of State’s Office to make the determination.
31. Are there any positions that go through the State Elections Commission that are not subject to the Ethics Act? If unknown, please contact the State Elections Commission to make the determination.
32. Why was the agency unable to obtain information on each person that won an election electronically from the State Election Commission instead of receiving the information from 46 different county boards?

***Appointments***

33. Is there any statutory requirement that the Governor, an appointing entity, or anyone else (e.g., Secretary of State’s Office) notify the State Elections Commission when an appointment to a board or commission is made?
34. What actions by Ethics Commission staff and appointees may be avoided if the Ethics Commission was informed in a timely manner of all appointees (e.g., letters of failure to file, research and communication to have individual file a retroactive statement of economic interest, etc.)?
35. Within what period after an appointment would the Ethics Commission consider notification of the appointment “timely”?
36. Would the agency find it helpful if the Secretary of State’s Office included information about state ethics policies and trainings available from the State Ethics Commission, in their official appointment correspondence to streamline the amount of correspondence a newly appointed individual receives?
37. Agency personnel testified the Governor’s Office notifies the Ethics Commission of state appointments via email. Would having an online form, like the agencies utilize to collect information from county board of elections, provide an opportunity to receive this information without the need of re-entering it into the Ethics Commission database?
38. Is the agency aware of any discussions in the past of having a central website where the Governor, or other appointing entity, could enter the information of an individual they appoint and that information automatically then be sent to all the others who need it, like your agency and the Secretary of State’s Office?

39. Please provide a list of those subject to the Ethics Act that the Commission does not have a mechanism (e.g., mandatory requirement to file when running for office and county board sending completed candidate roster) for knowing other than someone voluntarily telling the Commission.<sup>1</sup>

***Violations and Training***

40. In regards to the Excel document the agency created in response to Question 25:

- a. If the agency is currently unable to determine the annual number of filing or other violations related to each position, would the agency be willing to track this information in the future?
- b. Does the agency believe this type of information may help refine its training and target those groups with the most violations?
- c. Would the agency be willing to publish information online in an aggregated manner separated by Ethics Act Definition and Level (e.g., information on the number of positions, number of violations, and total amount owed as a result of violations (30, 90, and 120 days out))?

41. Does the agency have a way to cross check the percentage of individuals that follow one or more of its social media accounts that have been cited for late filings as a way to measure the effectiveness of the agency's communication about required filing dates, etc. through social media?

42. Would the agency be willing to research whether there are products available that may allow the agency to electronically track agency policies and training to assist in ensuring all those to whom the Ethics Act applies, receiving training and electronically sign off on receiving it?

43. Please provide a list of all organizations to whom the agency reaches out to inform them the Ethics Commission is available to provide training if the organization requests it.

44. Please provide a list of organization that have requested the Ethics Commission provide training in each of the last three years.

45. What does the agency credit with the increased number of individuals trained from 2016-17 to 2019-20, which is on slide number 22 in the agency's Education and Training presentation?

46. Please provide, for each of the last three years, the number of unique visitors to the agency's website and the pages of the website visited most and least.

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<sup>1</sup> For example, there is a mechanism to know who is running for elected office because there is a law that requires individuals running to file with the county office and the Commission can request the county send them a completed candidate roster. However, there is no mechanism to know who is seeking an appointment, even though they fall within the definition of candidate in the Ethics Act.

***Emerging Issues***

47. Several state agencies may potentially be impacted with the legitimization of cryptocurrencies as a form of payment. Is the Ethics Commission aware of state agencies meeting to discuss the implication of cryptocurrency legitimization and how it may impact agency services and operations (e.g., Comptroller General, Department of Revenue, Retirement System Investment Commission)?
- If so, what is the status?
  - If not, would the agency be willing to lead, or take part in, such efforts?
48. In what ways are you aware of that agency directors may collaborate and inquiry of each other about an issue one agency is beginning to face that another may have in the past, to leverage the collective resources and knowledge of the leaders of state agencies? Does the agency believe this type of collaboration and communication may be helpful, why or why not?
49. Did the agency meet the requirements of S.C. Code Section 48-52-620 in reducing energy consumption for its buildings?

***Innovation***

50. Please list the efforts the agency has made to go green and innovate (e.g., web portal for commissioner information; online forms for candidate rosters; etc.) including what the agency previously did, what the agency does now, and the funds (money and employee time in retyping information into agency database, etc.) saved as a result.
51. For the online web portal for commissioners:
- Who created the web portal?
  - How long did it take to create?
  - How much did it cost to create?
  - What advice would the agency have for other state entities that are interested in creating something similar to improve their processes (e.g., information to gather to determine if it will be a net benefit to have, who should they contact for additional information on time and costs for creating, etc.)?
52. For the online form counties complete for the candidate rosters:
- Who created it?
  - How long did it take to create?
  - How much did it cost to create?
  - What advice would the agency have for other state entities that are interested in creating something similar to improve their processes (e.g., information to gather to determine if it will be a net benefit to have, who should they contact for additional information on time and costs for creating, etc.)?
53. Please explain the benefits of having the option to do Commission meetings and hearings virtually and why the agency testified it will likely keep this practice going forward.
54. Is the agency aware of any document or correspondence available to each newly elected official that outlines all of their responsibilities in a single location? For example, for House members, the document may include their duties under the State Ethics Act, state and local board and commission appointments for which they are responsible, delegations on which they serve, etc.

***Leadership***

55. What advice does the agency head have for any individuals newly appointed to serve as the director of an agency in state government?

***Accreditation***

56. Is there any type of national accreditation available for state or local entities involved in training and enforcing ethics policies?

***Collaboration with Other Agencies***

57. Please explain any areas or processes in which the agency would like to collaborate with other entities in state government.

Additionally, the subcommittee welcomes any other input or feedback your office would like to provide. Thank you and your team for your service to the people of South Carolina.

Sincerely,

A handwritten signature in black ink, reading "Joseph H. Jefferson, Jr.", written on a light-colored rectangular background.

Joseph H. Jefferson, Jr.  
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton  
Executive Subcommittee

## Attachment A

<b>Ethics Act Definition</b>	<b>Level</b>	<b>Entity</b>	<b>Source of information about who is currently in that role</b>	<b>Nature of Communication from Source</b>	<b>Method of Communication</b>	<b>Is a candidate for this position also subject to the Ethics Act?</b>	<b>Is the agency able to determine the annual number of filing or other violations related to this position</b>	<b>One or more groups to which the person in this position may be a member to which the agency provides training</b>
(e.g., public official, public member, public employee)	(e.g., state, county, municipality, public service district, conservation district, political subdivision)	(e.g., House, Senate, Executive, Richland, Lexington, Department of Transportation, etc.)	(e.g., County Election Board, Governor's Office, Department of Administration, etc.)	(e.g., voluntary, required by statute (if required by statute, what statute))	(e.g., phone call, email, online form, etc.)	(Y/N)	(Y/N)	