

Senate Ethics Committee

LUKE A. RANKIN
CHAIRMAN

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THE SENATE OF SOUTH CAROLINA
P. O. BOX 142
COLUMBIA, SOUTH CAROLINA 29202

July 7, 2016

VIA HAND-DELIVERY

Senator Raymond E. Cleary, III
Gressette Building, Room 404
Columbia, SC 29202

RE: Complaint of the South Carolina Senate Ethics Committee Against Senator Raymond E. Cleary, III

Dear Senator Cleary:

The Senate Ethics Committee (the "Committee") hereby issues this sworn Complaint against you for alleged violations of South Carolina's Ethics, Government Accountability, and Campaign Reform Act (the "Act"). After a preliminary investigation, the Committee has concluded that probable cause exists to support each of the allegations herein listed. Therefore, pursuant to Senate Rules 44 and 44.1, it is necessary to convene a formal hearing on this matter.

You have the right to be represented by independent counsel and to file a response to this Complaint with the Committee within fifteen (15) calendar days after receipt. Prior to the hearing, you also have the right to examine all evidence in the Committee's possession relating to the charges. The Committee has the right to issue subpoenas to compel the attendance and testimony of witnesses and the production of books and papers, as necessary.

At the hearing, you and/or your attorney have the right to call and examine witnesses, introduce exhibits, and cross-examine any opposing witnesses. The hearing must be conducted in open session. You also have the right to waive your appearance at the hearing, in which case the Committee will proceed with a disposition based on its preliminary findings and any additional evidence that it may obtain via subpoena or otherwise.

After the hearing, the Committee shall determine and issue its findings of fact. If the Committee finds, based upon competent and substantial evidence, that any of the alleged violations have occurred, it shall do the following: (1) administer a public reprimand; (2) require the payment of a civil penalty not exceeding \$2,000 for each non-technical violation; (3) require the forfeiture of all gifts, receipts, profits, or the value thereof, obtained in violation of Chapter

13, Title 8 or Chapter 17, Title 2; (4) recommend expulsion; (5) in the case of alleged criminal violations, refer the matter to the Attorney General for investigation; or (6) require a combination of items (1) through (5), as deemed necessary and appropriate.

The Committee shall then report its findings in writing to the President Pro Tempore of the Senate. Such report must be accompanied by an order of punishment and supported and signed by a majority of the Committee's members. You would then have ten (10) days from the date of the notification of the Committee's decision to appeal any action to the full Senate. If the Committee finds that you have not violated the Act, it shall dismiss the charges.

The Committee will notify you in writing once it has scheduled a hearing on this matter.

ALLEGATIONS

The Committee hereby alleges, during the reporting periods covered by Campaign Disclosure Reports due April 1, 2013, through January 10, 2016 (the "Periods Involved"), the following:

1. Upon information and belief, you knowingly and wilfully filed a false amendment to a Campaign Disclosure Report reflecting that a personal reimbursement was made to your campaign banking account when the reimbursement was not made.
2. Upon information and belief, you misrepresented on your Campaign Disclosure Reports the actual payee and/or amount of certain expenditures, each of which is a separate violation of Section 8-13-1308.
3. Upon information and belief, you utilized campaign funds to defray personal expenses that were unrelated to your campaign or office, or not reasonably necessary therefor, and otherwise converted such funds to personal use, each of which is a separate violation of S.C. Code Ann Section 8-13-1348 (Supp. 2015).
4. Upon information and belief, you failed to report certain contributions on your Campaign Disclosure Reports, each of which is a separate violation of Section 8-13-1308.
5. Upon information and belief, you failed to report certain expenditures from your campaign banking account on your Campaign Disclosure Reports, each of which is a separate violation of Section 8-13-1308.

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State of South Carolina
County of Richland

AND IT IS SO ALLEGED, this 7 day of July, 2016, by the following
Members of the Senate Ethics Committee:

Senator Luke A. Rankin, Chairman

Senator Nikki G. Setzler

Senator John W. Matthews, Jr.

Senator Hugh K. Leatherman, Sr.

Senator Harvey S. Peeler, Jr.

Senator John E. Courson

Senator Robert W. Hayes, Jr.

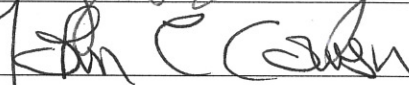
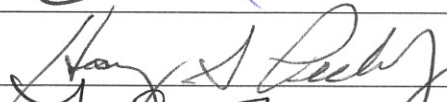
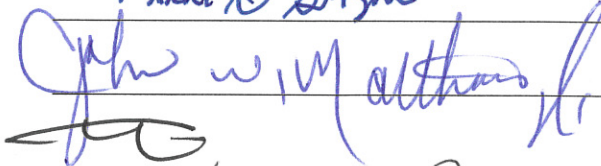
Senator Glenn G. Reese

Senator Darrell Jackson

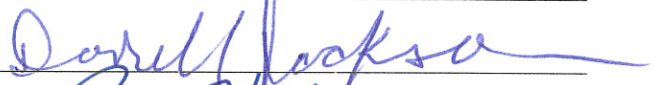
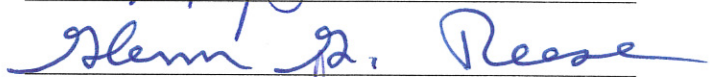
Senator C. Bradley Hutto



Nikki D Setzler



Robt Hayes



Brad Hutto