

STATE OF SOUTH CAROLINA)
) BEFORE THE
) SOUTH CAROLINA HOUSE ETHICS COMMITTEE
COUNTY OF RICHLAND)

IN THE MATTER OF:)
)
Complaint C2019-059)
)
Michael Kearney, Jr.,)
Respondent.)
)
South Carolina House Ethics Committee,)
Complainant,)
_____)

**2nd AMENDED
NOTICE OF HEARING**

The South Carolina House Ethics Committee has determined that there is competent and substantial evidence pursuant to Section 8-13-540(D)(1), Code of Laws, South Carolina, 1976, as amended, to support the allegations made in the above-captioned complaint. The South Carolina House Ethics Committee will, therefore, convene a formal hearing into the matter, in accordance with Section 8-13-540(D)(4)(b), Code of Laws, South Carolina, 1976, as amended, House of Representatives Rule 4.16(D)(8)(b), and House Ethics Committee Rule V.A. on Thursday, March 26, 2020 at 1:00 p.m. at the South Carolina House of Representatives Room 110, Blatt Building, located at 1105 Pendleton Street, Columbia, SC 29201.

The following allegations will be heard:

COUNT ONE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a combined Quarterly and Pre-Election Campaign Disclosure Report no later than October 24, 2016, in violation of Section 8-13-1308(B).

COUNT TWO
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than January 10, 2017, in violation of Section

8-13-1308(B).

COUNT THREE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than April 10, 2017, in violation of Section 8-13-1308(B).

COUNT FOUR
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than July 10, 2017, in violation of Section 8-13-1308(B).

COUNT FIVE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than October 10, 2017, in violation of Section 8-13-1308(B).

COUNT SIX
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than January 10, 2018, in violation of Section 8-13-1308(B).

COUNT SEVEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than April 10, 2018, in violation of Section 8-13-1308(B).

COUNT EIGHT
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than July 10, 2018, in violation of Section 8-13-1308(B).

COUNT NINE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than October 10, 2018, in violation of Section 8-13-1308(B).

COUNT TEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than January 10, 2019, in violation of Section 8-13-1308(B).

COUNT ELEVEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than April 10, 2019, in violation of Section 8-13-1308(B).

COUNT TWELVE
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than July 10, 2019, in violation of Section 8-13-1308(B).

COUNT THIRTEEN
FAILURE TO FILE QUARTERLY CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(B), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, fail to file a Quarterly Campaign Disclosure Report no later than October 10, 2019, in violation of Section 8-13-1308(B).

COUNT FOURTEEN
PERSONAL USE OF CAMPAIGN FUNDS
SECTION 8-13-1348(A), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, use \$1,527.47 in campaign funds for personal use, all in violation of Section 8-13-1348(A), as follows:

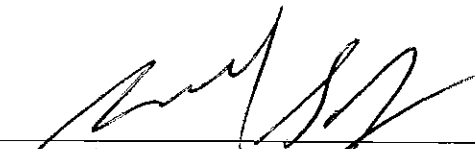
	Date of Transaction	Vendor	Amount
1	5/16/2016	Sunoco	\$33.94
2	5/23/2016	Sunoco	\$41.22
3	7/20/2016	Sunoco	\$39.21
4	1/6/2017	Wal-Mart Super Center	\$40.50
5	1/9/2017	Moe's SW Grill	\$18.64
6	1/9/2017	ATM Withdrawal	\$100.00
7	1/9/2017	Lucky Brand	\$32.52
8	1/10/2017	Sunoco	\$28.20
9	1/10/2017	Waffle House	\$19.59
10	1/23/2017	Subway	\$6.08
11	1/23/2017	AAA Park	\$11.00
12	1/23/2017	Red Lobster	\$16.09
13	2/9/2017	Planet Fitness	\$4.34
14	2/13/2017	Staples	\$32.27
15	2/13/2017	Lola	\$41.50

16	3/16/2017	Quick Pantry	\$21.19
17	3/17/2017	Cook Out	\$4.86
18	5/22/2017	Sams Club	\$25.05
19	5/26/2017	Chipotle	\$19.87
20	6/12/2017	Online Transfer to Kearney Savings #6445	\$100.00
21	10/10/2017	Orange Spot	\$20.23
22	6/19/2018	Online Transfer to Kearney Savings #8146	\$200.00
23	7/26/2018	Online Transfer to Kearney Savings #8146	\$60.00

COUNT FIFTEEN
PERSONAL USE OF CAMPAIGN FUNDS
SECTION 8-13-1348(C)(1), S.C. CODE ANN., 1976, AS AMENDED

The Michael Kearney, Jr., Candidate for the South Carolina House of Representatives, did in Richland County, make three ATM withdrawals on the same date, July 25, 2016, each in the amount of \$300.00 (total \$900.00) all in violation of Section 8-13-1348(C)(1).

You have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. This hearing will be open to the public as required by Section 8-13-... The procedures to be followed are set forth in Section 8-13-100, et seq., Code of Laws, South Carolina 1976, as amended, the Rule 4.16(E) of the South Carolina House of Representatives (123rd General Assembly of South Carolina), and Rule V of the Committee Rules of the House Ethics Committee (as of June 20, 2018).



G. Murrell Smith, Jr., Chairman
South Carolina House Ethics Committee

Dated this 13 day,
of February, 2020.