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Mar 10 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM STATE ETHICS COMMISSION

Complaints No. C2021-078
C2023-129

Appellate Case No.: 2025-002308

Shirley Etheredge Mitchell and Stephen D. Cain.....Respondent.

v.

Lancer ShullAppellant.

Motion to Alter/Amend Caption

In this matter, Appellant Lancer Shull (Shull) appeals a finding of the South Carolina State Ethics Commission (Commission) that he violated Section 8-13-700(B) of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Ethics Act). This matter is currently captioned “Shirley Etheredge Mitchell and Stephen D. Cain, Respondents v. Lancer Shull, Appellant.” Pursuant to Rule 240, SCACR, the Commission, by and through its undersigned counsel, respectfully asks this Court to amend the caption in this case to reflect that the Commission is the proper Respondent, rather than Mitchell (complainant in C2021-078) and Cain (complainant in C2023-129).

Among its other duties, the Commission is responsible for receiving complaints, conducting investigations, and holding hearings regarding alleged violations of the Ethics Act. S.C. Code Ann. § 8-13-320(9)-(10). When an ethics complaint is filed, an investigation is ordered

by the Executive Director if the complaint contains facts sufficient. S.C. Code Ann. § 8-13-320(10)(c). Following each investigation, the Commission is tasked with determining whether probable cause exists.¹ S.C. Code Ann. § 8-13-320(10)(i). If probable cause exists, the Commission issues a Notice of Hearing for a public hearing before a panel of three Commissioners to determine whether a violation of the Ethics Act has occurred. Id.

Hearings before the Commission are conducted pursuant to the Administrative Procedures Act. S.C. Code Ann. § 8-13-320(10)(j). Complainants typically have no formal role in the hearings² and the Commission and the complainants, if any, are represented by the Commission's attorney.³ S.C. Code Ann. Regs. 52-210(A). "In any proceeding before the Commission, the Commission may take such action as it deems necessary and appropriate to accomplish the purposes and intent of the [Ethics Act] including dismissing, settling, prosecuting, and referring for indictment violations of the [Ethics Act] *with or without the consent of the person, if any, filing the complaint.*" S.C. Code Ann. Reg. 52-703(C) (emphasis added). During the hearing, the Commission's attorney presents all available evidence and testimony, and the respondent is afforded the right to call and examine witnesses and the right to introduce evidence. See S.C. Code Ann. § 8-13-320(10)(j); S.C. Code Ann. Regs. 52-712.

Following the hearing, the Commission hearing panel issues a decision and order. S.C. Code Ann. § 8-13-320(10)(k). Within ten (10) days, a respondent may appeal to the full

¹ "Probable cause is a finding that the allegations contained in the complaint are more likely than not to have occurred and constitute a violation of [the Ethics Act]." S.C. Code Ann. § 8-13-320(10)(m).

² On occasion, a complainant may be a fact witness to events giving rise to the complaint. In such instances, complainants could be subpoenaed by either the Commission's attorney or the respondent. S.C. Code Ann. § 8-13-320(10)(j).

³ This process is duplicated when the Commission investigates members of the General Assembly. See S.C. Code Ann. § 8-13-540(D)(5) ("if the ethics committee convenes a formal public hearing: (a) the investigator or attorney handling the investigation for [the Commission] shall present the evidence related to the complaint...").

Commission. S.C. Code Ann. § 8-13-320(10)(m). The respondent is required to file an appellate brief with the Commission and “the Commission may file a responsive brief.” S.C. Code Ann. Regs. § 52-803(A)-(B). The decision of the full Commission is the final disposition of the complaint. S.C. Code Ann. § 8-13-320(10)(m). Appeals from the full Commission are directly to the Court of Appeals pursuant to S.C. Code Ann. § 1-23-380 and the SCACR. Id.

Here, Cain and Ethredge filed the underlying complaints, but they are not the true parties in interest given the statutory scheme outlined above. Rather, the Commission is the adverse party in this matter and the Commission’s attorney is responsible for defending Commission decisions on appeal. See Rule 202, SCACR (“the party appealing shall be known as the appellant and the adverse party as the respondent”); Matter of Martel, 444 S.C. 517, 909 S.E.2d 402 (2024) (“In this family court matter, the father is not the ‘adverse party’ and therefore, is not the respondent, because he has no legal interest in Martel’s prosecution of her appeal. Rather, the State is the adverse party and, therefore, is the respondent, because criminal contempt is an offense against the State.”); see generally State Ethics Comm’n v. Loveless, 2025-000875, filed April 30, 2025 (correctly captioned currently case pending before this Court). Accordingly, the Commission asks this Court to amend the caption in this matter to properly reflect the South Carolina State Ethics Commission as the respondent and to advise the Commission as to any applicable filing deadlines. Shull’s counsel was consulted prior to the filing of this Motion and has no objection.

Respectfully submitted,

s/Courtney M. Laster
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South Carolina State Ethics Commission
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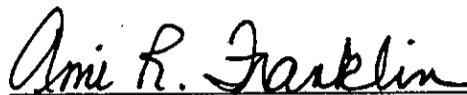
v.

Lancer ShullAppellant.

PROOF OF SERVICE

I, Ami Franklin, an employee with the South Carolina State Ethics Commission, do hereby certify that on March 10, 2026, I served a copy of the Commission's Motion to Alter/Amend Caption in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

James R. Davis, Esq.
randy@oldcourthouse.com



Ami Franklin, Assistant Executive Director

March 10, 2026
Columbia, South Carolina

State of South Carolina

State Ethics Commission

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NEAL D. TRUSLOW, VICE
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MEGHAN WALKER DAYSON
EXECUTIVE DIRECTOR

March 10, 2026

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SC Court of Appeals

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, SC 29211

Re: Shirley Etheredge Mitchell and Stephen D. Cain (South Carolina State Ethics Commission)
v. Lancer Shull
Appellate Case No. 2025-002308

Dear Ms. Kitchings:

Please find enclosed for filing the South Carolina State Ethics Commission's Motion to Alter/Amend Caption in the above-referenced matter. By copy of this letter and as evidenced by the attached Proof of Service, this filing has been served upon counsel for the Appellant. If you have questions, please do not hesitate to contact me.

Sincerely,

Courtney M. Laster

Courtney M. Laster
claster@ethics.sc.gov

Enclosure
cc: James R. Davis (*via email*)