

STATE OF SOUTH CAROLINA
COURT OF APPEALS

APPEAL FROM THE S.C. STATE ETHICS COMMISSION
MEGHAN WALKER RAYSON, EXECUTIVE DIRECTOR
S.C. STATE ETHICS COMMISSION CASE NO. _____
COURT OF APPEALS CASE NO. 2026-000264

ROBERT WAZNEY, APPELLANT
v.

SOUTH CAROLINA STATE ETHICS COMMISSION, RESPONDENT
v.

SUMNER COUNTY CLERK OF COURT OF COMMON PLEAS,
CO-RESPONDENT

BRIEF OF APPELLANT

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SC Court of Appeals

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STATEMENT OF ISSUES

ON APPEAL

I. SOUTH CAROLINA STATE ETHICS COMMISSION ERRED IN MAKING AND ENTERING ITS JUDGMENT DATED MAY 13, 2025 DISMISSING PETITIONER'S COMPLAINT FOR LACK OF JURISDICTION, FOR THE REASON THAT THE JUDGMENT IS CONTRARY TO THE APPLICABLE LAW.

II. SOUTH CAROLINA STATE ETHICS COMMISSION ERRED IN REFUSING TO CONSIDER PETITIONER'S AMENDED COMPLAINT, WHICH WAS PRESENTED TO THE SOUTH CAROLINA STATE ETHICS COMMISSION FOR THE REASON THAT PETITIONER'S ORIGINAL COMPLAINT DID NOT SPECIFICALLY ALLEGE THAT SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS VIOLATED S.C. CODE SECTION 8-13-320,

STATEMENT OF CASE

1. On April 8, 2025, Petitioner filed a verified Complaint with the Respondent, STATE ETHICS COMMISSION, against SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS violation of S.C. State laws, violations of S.C. Code Sections 17-27-40 (PCR Act), 8-1-80 (misconduct in office), and Code Ann. §§ 8-13-100 et seq. (Ethics Reform Act), as more fully appears from a copy of the Complaint in the action, which is attached hereto as EXHIBIT EC-1 and made part hereof and incorporated by reference.

2. On April 23, 2025, Respondent, STATE ETHICS COMMISSION, advised that it does not have authority to investigate Petitioner's complaint, as more fully appears from a copy of the decision in the action, which is attached hereto as EXHIBIT EC-4/23 and made part hereof and incorporated by reference.

3. On May 5, 2025 Petitioner appealed, to the Respondent, STATE ETHICS COMMISSION, the 4/23/25 decision.

4. On May 13, 2025, Petitioner's appeal was rejected by the Respondent, STATE ETHICS COMMISSION, who decided it does not have jurisdiction, as more fully appears from a copy of the decision in the action, which is attached hereto as EXHIBIT EC-2 and made part hereof and incorporated by reference.

5. On May 27, 2025, Petitioner tendered for filing with Respondent a motion to amend his complaint entitled Motion for Leave To Amend Complaint B ; Interlineation, hereinafter "AMENDMENT", pursuant to Rule 15, South Carolina Rules of Civil Procedure, as more fully appears from a copy of the AMENDMENT in the action, which is attached hereto as EXHIBIT EC-3 and made part hereof and incorporated by reference. Ethics Commission failed to respond to Petitioner's AMENDMENT.

6 . Because of Respondent's failure to respond, over the next several months, Petitioner attempted several times to reach the Respondent asking about the status of his AMENDMENT:

on 6/30/25 status update requested,

on 8/2/25 status update requested,

on 9/3/25 status update requested,

as more fully appears from a copy of the status update requests in the action, which is attached hereto as EXHIBITS EC-4 , EC-5 , EC-6 , and made part hereof and incorporated by reference, however, Respondent, STATE ETHICS COMMISSION, did not return any of Petitioners's calls.

7 . On October 28, 2025, Petitioner filed a Petition For A Writ Of Mandamus with S.C. supreme Court against the Respondent's failure to respond to Petitioner's AMENDMENT, refused by court 11/6/25, reh'g denied 1/16/26, as more fully appears from a copy of the final order in the action, which is attached hereto as EXHIBIT ECM-1/16 and made part hereof and incorporated by reference, effectively disposing of this branch of the cause, and giving final disposition of the AMENDMENT to the STATE ETHICS COMMISSION as unanswered.

8 . Now, Petitioner, on appeal to S.C. Court of Appeals, pursuant to S.C. Code §§ 1-23-380 and 8-13-320(9)(m), is challenging the STATE ETHICS COMMISSION's decision that STATE ETHICS COMMISSION lacks jurisdiction to warrant investigation by the Commission.

SUMMARY PREFACE TO ARGUMENT

The Petitioner insists that, as he stated a case alleged to fall within the provisions of the act, and he was entitled to have the Commission consider the case as amended, Respondent is in error to dismiss his case for lack of jurisdiction. He believes the amendment ought to remedy the jurisdictional issue and compel that body to hear and decide his case.

FACTS

9. The South Carolina General Assembly enacted the Ethics Reform Act. 1991 SC Act No. 248 in response to "Operation Lost Trust." "Operation Lost Trust" was an extensive federal investigation of public corruption which resulted in the indictment and prosecution of various senior members of State Government. The General Assembly recognized the serious effect of the investigation and noted that because the public's trust was essential for government to function effectively, the use of any threats, favoritism, undue influence, or other impropriety would undermine the public's confidence. Act No. 248, 1991 S.C. Acts 1579. State v. Thrift, 312 SC 282, 440 SE2d 341 (1994). The "Operation Lost Trust" prosecutions included tampering with a witness, Matter of Limehouse, 307 SC 278, 414 SE2d 783 (1992), obstruction of justice, U.S. v. Rogers, 976 F2d 728 (1992), possession of cocaine, Matter of Ferguson, 314 SC 278, 443 SE2d 905 (1994), and contempt, In re Shain, 978 F2d 850, 36 Fed.R.Evid.Se v. 1508 (1992). And, the current legislature does not intend to permit someone to escape prosecution for acts of ... similar activity. See generally Thrift, supra.

10. The current legislation of the Ethics Reform Act, S.C. Code §§ 8-13-100 et seq., gives "[t]he State Ethics Commission ... the[] dut[y] and power[] ... to ... make investigations ... of the person alleged to have committed a violation of th[e Ethics Reform Act] and the particulars of the violation" and which "does not preclude prosecution of public officials ... for violation of any law of this State.". S.C. Code § 8-13-320.

11. S.C. Code section 8-13-320(10)(a),(b) clearly reads the STATE ETHICS COMMISSION "... shall accept from an individual, ... a verified complaint, in writing, that states the name of a person alleged to have committed a violation of this chapter and the particulars of the violation ..." and "... shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint ... to the [SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS] within ten days of the filing of the complaint ...", and "[i]f the ... executive director ... determines that the complaint does not allege facts sufficient to constitute a violation, the [STATE ETHICS COMMISSION] must dismiss the complaint and notify the complainant and respondent ...". S.C. Code section 8-13-320(10)(a),(b).

ARGUMENT

I. STATE ETHICS COMMISSION ERROR OF LAW

12. Petitioner's original complaint, EXHIBIT EC-1, clearly shows where SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS, a public official of South Carolina, violated several laws of South Carolina and caused injury to the Petitioner. The South Carolina Ethics Reform Act gives the STATE ETHICS COMMISSION the duty and power to make investigations of the person alleged to have committed a violation the Ethics Reform Act and the particulars of the violation, which does not preclude prosecution of public officials for violation of any law of this State, S.C.Code § 8-13-320. Because STATE ETHICS COMMISSION dismissed Petitioners complaint for lack of jurisdiction based on it's belief that the statute only "... pertains to use of public office for ... [unauthorized] financial ... and lobbying activities", see EXHIBIT EC-4/23, SOUTH CAROLINA ETHICS COMMISSION ERRED IN MAKING AND ENTERING IT'S JUDGMENT DATED MAY 13, 2025, EXHIBIT EC-2, DISMISSING PETITIONER'S COMPLAINT FOR LACK OF JURISDICTION, FOR THE REASON THAT THE JUDGMENT IS CONTRARY TO THE APPLICABLE LAW.

ANALYSIS

13. The Ethics Reform Act creates a right and at the same time prescribes a remedy for enforcing the right, the prescribed statutory course must be followed by anyone claiming the right. See Bethea v. Allen, 101 SC 350, 85 SE 903, 915 (1915). Upon complaint, Petitioner invoked the provisions of the Ethics Reform Act by bringing himself within the conditions prescribed therein. See, e.g., Prepetual Bldg. & Loan Ass'n of Columbia v. South Carolina Tax Comm'n, 255 SC 523, 180 SE2d 195 (1971).

14. The STATE ETHICS COMMISSION dismissed Petitioner's complaint, and his appeal, for lack of jurisdiction based on it's own interpretation of the Ethics Reform Act, declaring that the Act pertains only to unauthorized financial and lobbying activities under use of public office, see EXHIBIT EC-4/23, STATE ETHICS COMMISSION then affirmed the dismissal in a decision that legitimized that interpretation and stated that Petitioner failed to allege violation of S.C. Code § 8-13-320, see EXHIBIT EC-2. It is here that the STATE ETHICS COMMISSION is in error where it has misinterpreted the provisions of the Ethics Reform Act and has erroneously dismissed the complaint as presented by the Petitioner.

STANDARD OF REVIEW.

15. Legal questions involving statutory interpretation are questions of law subject to de novo review. Spring Vafley Interests, LLC v. Best for Last, LLC, --- SE2d ---, 2026 WL 4507 (SC 2026), First Citizens Bank and Trust Co., Inc. v. Taylor, 431 SC 149, 847 SE2d 249 (Ct.App.2020). On de novo review, an appellate court has plenary independent, and non-deferential authority to determine whether the trial tribunal erred in its legal rulings. Brown v. Dick Smith Nissan, 414 SC 101, 777 SE2d 208 (S.C. 2015), Associated Receiveables Funding, Inc. v. Dunlap, Inc. 443 SC 568, 905 SE2d 816 (Ct.App.2024).

~~ANALYSIS OF DISSEMINATED DOCUMENTS~~

16. The South Carolina Supreme Court recently stated, that the cardinal rule of statutory construction is to ascertain and give effect to the intent of the legislature. We must give the words in a statute their plain and ordinary meaning, without resort to subtle or forced construction to limit or expand the statute's operation, and when the words are unambiguous, we must apply their literal meaning. Statutes should be read in harmony with their purpose and with other provision that are part of the same general statutory law in order to determine their effect. While this Court will generally give deference to an agency's interpretation of an applicable statute or its own regulation, where the plain language of a statute is contrary to the agency's interpretation, this Court will reject the agency's interpretation. Deference to an agency's interpretation is not mandatory. Davis v. S.C. Department of Corrections, 444 SC 138, 150, 906 SE2d 569 (S.C. 2024).

17. Given this guideline, obviously, as noted above, the essential purpose of the Ethics Reform Act, where it is aimed solely at the dishonest acts of public officials, is to provide individuals protection from, and to prosecute, public officials who commit violations of law, e.g., Obstruction of Justice, see U.S. v. Rogers, supra.

18. The words of S.C. Code § 8-13-320,

"The State Ethics Commission has the[] dut[y] ... to initiate or receive complaints and make investigations ... as appropriate ... upon complaint by an individual, of an alleged violation of this chapter ... in th[e] manner ... [t]his section does not preclude prosecution of public officials ... for violation of any law of this State."

given their plain and ordinary meaning, are unambiguous, therefore their literal meaning should be applied.

19. Literally, S.C. Code § 8-13-320 reads that the STATE ETHICS COMMISSION is able to "initiate or receive complaints and make investigations, as appropriate, upon complaint by an individual, of an alleged violation of the Ethics Reform Act in the manner which dose not preclude prosecution of public officials for violation of any law of this State".

20. What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Hodges v. Rainey, 341 SC 79, 533 SE2d 578 (S.C. 2000). The language of Code § 8-13-330 is unambiguous and evidences the General Assembly's intent to grant an individual, such as the Petitioner, the power to lodge his complaint with and invoke the STATE ETHICS COMMISSION's jurisdiction. Therefore, the courts are bound to give effect to the expressed intent of the legislature. Hodges v. Rainey, 341 SC 79, 533 SE2d 578 (S.C. 2000)(quoting Norman J. Singer, Sutherland Statutory Construction § 46.03 at 94 (5th ed. 1992)).

21. Under the "plain meaning rule," it is not the court's place to change the meaning of a clear and unambiguous statute; when a statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed, and the court has no right to impose another meaning. Hodges v. Rainey, 341 SC 79, 533 SE2d 578 (S.C. 2000); Crocker v. S.C. Dept. of Health and Env. Control, 428 SC 1, 831 SE2d 924 (2019).

22. This literal meaning of Code § 8-13-320 reads harmoniously with it's purpose and with the other provisions that are part of the same general statutory law.

23. Pursuant Rule 201 SCRE, Petitioner requests this Court take Judicial Notice, of the STATE ETHICS COMMISSION's government website at <https://ethics.sc.gov/complaints>, which clearly reads on it's face:

"Anyone who suspects that a violation of the law has been committed by a public official, public member, or public employee may file a complaint to the State Ethics Commission."

<https://ethics.sc.gov/complaints>. This posting gives a very clear interpretation by the STATE ETHICS COMMISSION of the Ethics Reform Act and is contrary to the agency's decision in this case.

24. Therefore, the legislative intent of the Ethic Reform Act, supported by STATE ETHICS COMMISSION's interpretation on it's public website of the Ethics Reform Act, gives rise to, and manifest, STATE ETHICS COMMISSION jurisdiction over Petitioner's complaint against SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS State law violations, and demonstrates STATE ETHICS COMMISSION ERROR OF LAW in dismissing Petitioner's complaint.

II. SECOND ASSIGNMENT OF ERROR,
STATE ETHICS COMMISSION INACTION ON AUTHORITY TO CONSIDER

25. Subsequent Petitioner' original complaint, EXHIBIT EC-1, clearly showing where SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS, a public official of South Carolina, violated several South Carolina laws and causing injury to the Petitioner, STATE ETHICS COMMISSION April 23, 2025 determination, EXHIBIT EC-4/23, dismissing for lack of jurisdiction, based on limits to the Ethics Reform Act, Petitioners' jurisdictional contentions were reasserted in an appeal, EXHIBIT EC-5/5. Petitioners' statement of points on appeal asserted jurisdiction over his person because the SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS' violation of state laws caused injury to Petitioner. STATE ETHICS COMMISSION again dismissed, EXHIBIT EC-2, for lack of jurisdiction, based on Petitioner's complaint not alleging violation of Section 8, Chapter 13, of the S.C. Code of Laws. Petitioner amended his Complaint, EXHIBIT EC-3, amending, by interlineation, the specific allegation that SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS violated SC Code section 8-13-320, asserting exactness and emphasis on violation of S.C. Code section 8-13-320. The STATE ETHICS COMMISSION never responded to Petitioner's Amendment papers, EXHIBIT EC4, EXHIBIT-EC5, EXHIBIT EC6. Petitioner attempted a mandamus against STATE ETHICS COMMISSION, EXHIBIT EC-MANAMUS, but pro-se Petitioner did not successfully litigate the mandamus, EXHIBIT ECM-1/16.

25.5. Because the Ethics Reform Act gives the STATE ETHICS COMMISSION the duty and power to make investigations of the person alleged to have committed a violation the Ethics Reform Act and the particulars of the violation, which does not preclude prosecution of public officials for violation of any law of this State, S.C. Code § 8-13-320, and because the plain statutory language of the Ethics Reform Act gives Petitioner a clear statutory right to have his amended complaint reviewed and recommendation made by STATE ETHICS COMMISSION, 8-13-320(10)(a),(b), SOUTH CAROLINA ETHICS COMMISSION ERRED IN REFUSING TO CONSIDER PETITIONER'S AMENDED COMPLAINT, WHICH WAS PRESENTED TO THE SOUTH CAROLINA STATE ETHICS COMMISSION FOR THE REASON THAT PETITIONER'S ORIGINAL COMPLAINT DID NOT SPECIFICALLY ALLEGE THAT SUMTER COUNTY CLERK OF COURT OF COMMON PLEAS VIOLATED S.C. CODE SECTION 8-13-320.

→ ANALYSIS (OF 2nd Assignment of ERCON)

26. STATE ETHICS COMMISSION

DECISION TO DENY PETITIONER'S COMPLAINT

FOR LACK OF JURISDICTION BECAUSE

HIS COMPLAINT DID NOT CONFORM TO

THE AGENCY'S INTERPRETATION OF

SIC CODE SECTION 8-13-320 AND THE

~~ETHICS~~ REFORM ACT, AND BECAUSE

HIS COMPLAINT DID NOT ALLEG

A VIOLATION OF CODE § 8-13-320,

EXHIBIT EC-2, SHOULD HAVE BEEN

CURED BY PETITIONER'S AMENDMENT,

EXHIBIT EC-3, WHICH ADMITTED THE

§ 8-13-320 ALLEGATION REQUIREMENT ISSUE

AND RE-ASSAILED HIS COMPLAINT. HOWEVER,

THE STATE ETHICS COMMISSION REMAINED SILENT

TO PETITIONER'S AMENDMENT.

27, THE SILENCE OF THE
STATE ETHICS COMMISSION TO
PETITIONER'S AMENDMENT PAPERS
DEMONSTRATES EITHER STATE ETHICS
COMMISSION

A) NEGLIGENCE; OR

B) LEGISLATIVE ACQUIESCENCE.

A. NEGLIGENCE

28, DESPITE THE SILENCE OF THE
STATE ETHICS COMMISSION TO THE PETITIONING
AMENDMENT, ADOVERSE INFERENCE FROM
SUCH SILENCE BRINGS A PSYCHIC
PRESSURE TO BEAR ON THE STATE
ETHICS COMMISSION IMPELLING IT
TO ACT ON ITS BREACH OF DUTY.
HENCE, PETITIONER'S CAUSE FOR

MANDAMUS ACTION, EXHIBIT EC -

MANDAMUS, HOWEVER, SOUTH CAROLINA

SUPREME COURT REFERRED TO

EXHIBIT EC-1/16 THE MANDAMUS ACTION,

EXHIBIT ECM-1/16.

B. LEGISLATIVE ACQUIESCENCE.

29. Despite the silence of the STATE ETHICS COMMISSION TO THE PETITIONER'S AMENDMENT, legislative silence in the face of Agency decisions pertaining to a statute may, under certain circumstances, suggest legislative acquiescence. BROWN & WILLIAMS TOBACCO CORP. v. FOOL & DRUG ADMIN., 153 F3d 155 (1998).

30. Legislative acquiescence is a legal fiction that assumes, in any particular case, that legislative silence is meant to carry a particular meaning — as relevant here, affirmation of the judicial decision at issue.

EXHIBIT EC-2.

31. The legislative acquiescence doctrine is an estoppel doctrine designed to protect those who rely on long-standing administrative interpretation. This tool of statutory construction "provides that a long-adjured to administrative interpretation dating from

THE LEGISLATIVE ENACTMENT,
WITH NO SUBSEQUENT CHANGE
HAVING BEEN MADE IN THE STATUTE
INVOLVED, RAISES A PRESUMPTION
OF LEGISLATIVE ACQUIESCENCE WHICH
IS STRONGLY PERSUASIVE ON THE
COURTS. " B.L. REEVER TRANSPORT, INC.
V. INDIANA DEPT. OF STATE, 163 NE3d 968
(2021).

32. HOWEVER, IT SHOULD BE
NOTED, PETITIONER'S POINT HAS
NOT BEEN CHALLENGED SINCE
~~THE~~ ENACTMENT OF I.C.
CODE SECTION 8-13-320,

→ STANDARD OF REVIEW (of and Assignment of error)

33. The Court relies, as it must, on the authority of the COMMISSIONER TO INTERPRET AND APPLY STATUTE AND ON THE DEFERENCE THAT COURTS SHOULD ACCORD TO AGENCY VIEWS WITH RESPECT TO THE LEGISLATION IT IS CHARGED WITH ENFORCING. THE AMOUNT OF DEFERENCE DUE AN ADMINISTRATIVE AGENCY'S INTERPRETATION OF A STATUTE ... WILL DEPEND ON THE THOROUGHNESS EVIDENT IN ITS CONSIDERATION, THE VALIDITY OF ITS REASONING, ITS CONSISTENCY WITH EARLIER AGENCY ADOPTED PROFOUNDMENTS, AND ALL

Those factors which give it
power to ~~control~~. CBS Inc. v.
F.C.C., 101 S.Ct. 2813, 453 US 367
(1981).

34, 2 W South Carolina, an
Administrative interpretation or
construction of a state statute
is clearly not binding on the
courts, Bannister v. Ohio Cas. Ins.,
314 SC 388, ~~388~~ 444 S.E.2d 528 (1994),
Davis v. S.C. Dept. of Corr., 444
SC 138, 906 S.E.2d 569 (2024), but
the courts will generally defer
to administrative interpretations
of the statutes if it is changed

With Administering. BANNISTER, SUPRA,
DAVIS, SUPRA. Nevertheless, the courts
should NOT defer to an
Agency's construction of a statute
when the provision at issue
previously has not been subjected
to judicial scrutiny or when
the Agency's interpretation has
not been time tested. JSF promotions
INC. v. Administrator, Unemployment Comp.
ACT., 265 Conn. 413, 828 A2d 609 (2003);
MANGIAFICO v. STATE Bd. of Educ. 138
Conn. App. 677, 53 A3d 1066 (2012) (noting
standard of review is plenary).

Thus when a state Agency
charged with administration of

A STATE'S STATUTE HAS CONSTRUED
OR INTERPRETED THE STATUTE IN
A PARTICULAR WAY, THE COURTS OF
THE STATE, IN RECOGNITION OF THE
AGENCY'S EXPERTISE IN THE FIELD, GIVE
SUCH INTERPRETATION GREAT
DEFERENCE UNLESS IT IS IN
CONFLICT WITH LEGISLATIVE INTENT,
DAVIS, SUPRA., DOE V. KEEL, 440 SC 427,
892 SE2D 282 (2023), BASED ON THE
LANGUAGE USED, FOX V. MOUTRIE, 379
SC 609, 666 SE2D 915 (2008), DOE V.
KEEL, SUPRA., OR RELEVANT DECISIONAL
LAW, OR IS CLEARLY ERRONEOUS,
ARBITRARY, OR UNREASONABLE, DAVIS

SUPRA., DOE V. KEE, SUPRA. A COURT
WILL NOT UPSET THE AGENCY'S
INTERPRETATION OF A STATUTE IF
THE INTERPRETATION HAS A RATIONAL
BASIS AND DOES NOT COLLIDE WITH
THE STATUTE'S LEGISLATIVE HISTORY,
PRIOR COURT DECISIONS OR CONSTITUTIONAL
PROHIBITIONS. DAVIS, SUPRA., DOE V. KEE,
SUPRA. A LONGSTANDING ADMINISTRATIVE
CONSTRUCTION OF A STATUTE BY THE
AGENCY CHARGED WITH ITS ENFORCEMENT
IS EVIDENCE OF WHAT THE LAW IS,
UNLESS THIS VIEW, WHEN A LEGAL
QUESTION UNDER THE STATUTE IS
ONE OF FIRST IMPRESSION AND

There is nothing to suggest
that the Agency has had any
experience in interpreting the
statute to the facts or first
impression, no reference is
made to the Agency's interpretation
of the law. CHAO V. N.C. GROWERS
ASS'N, 280 F.Supp2 500 (2003).

35. HERE, in this case,
where the point of Petitioner's
complaint has never been
definitively interpreted under
code section 8-13-320 by the

COURTS OF SOUTH CAROLINA AS
JURISDICTIONAL, ANY ARGUMENT BY
THE GOVERNMENT ABOUT LEGISLATIVE
ACQUIESCENCE WOULD BE UNAVAILING
GIVEN THE ABSENCE OF ANY
JUDICIAL INTERPRETATION TO WHICH
IT COULD ACQUIESCE, EVEN IF
STATE ETHICS COMMISSION DID NOT
VSL LEGISLATIVE ACQUIESCENCE AS A
SOLE DETERMINATIVE FACTOR IN ITS
DECISION, BUT LOOKED TO OTHER
CASES TO DETERMINE WHETHER JURISDICTION
EXISTS, AND MERELY USED THE
DOCTRINE AS AN AID IN
STATUTORY CONSTRUCTION, BEING

The point has never been challenged since the enactment of the statute, the doctrine of legislative acquiescence should not apply and no agency deference afforded,

The STATE Ethics Commission decision to dismiss based on the jurisdictional limits as described:

"... limited ... to use of public office for personal financial gain, financial disclosure by public officials, members and employees, campaign finance practices and lobbying activities."

EXHIBIT EC-4/23, IS IN ~~CONFLICT~~
CONFLICT WITH THE LEGISLATIVE
INTENT OF THE ETHICS REFORM
ACT Code Section 8-13-320 BASED
ON THE LANGUAGE USED!

" ... PROSECUTION OF PUBLIC
OFFICIALS ... FOR VIOLATION
OF ANY LAW OF THIS
STATE. "

J.C. Code sect. 8-13-320(10)(n) The decision
IS CLEARLY ERRONEOUS AND UNREASONABLE,
AND IS IRRATIONAL BASED ON THE
LEGISLATIVE HISTORY OF THE ACT AND
THE CODE WHICH IS CLEARLY ROOTED
IN "OPERATION COST TRUST", SUPRA.

AND ITS ASSOCIATED LEGISLATIVE
DECISIONS.

STATE ETHICS COMMISSION TOTALLY
IGNORING THE LEGISLATIVE HISTORY
OF THE ETHICS REFORM ACT AND
CODE SECT. 8-13-320 ERRONEOUSLY
GAVE LIMITATION ON THE REACH
OF THE AGENCY'S DUTY TO
PROVIDE REASONABLE ACCESS OR
UPON THE SCOPE OF ITS
OVERSIGHT RESPONSIBILITIES - NAMELY
ITS JURISDICTION. THE STATE ETHICS
COMMISSION'S IGNORANCE PERSUADED
THE AGENCY INTO WHAT OUT JURISDICTION
OF PETITIONER'S COMPLAINT, AND
IN ADVANCING ITS DECISION TO DISMISS.

36, THIN SAYS A LEGAL
QUESTION OF FIRST IMPRESSION
AND THEN IS NOTHING TO
SUGGEST THAT THE STATE
ETHICS COMMISSION HAS HAD ANY
EXPERIENCE IN INTERPRETING
STATUTE 8-13-320 TO THE FACTS
OF FIRST IMPRESSION.

37, STATE ETHICS COMMISSION
DEFINITIVE INTERPRETATION OF THE
STATUTORY PROVISION 8-13-320 AS
JURISDICTIONAL IS WITHOUT DUE
REGARD FOR PRINCIPLES OF
STATE DECISIONS, John R. SAND
& GRAVEL Co. v. U.S., 552 U.S. 130,
128 S.Ct. 750 (2008).

38. Legislative inaction cannot

legitimize a flawed analysis and

does it then have obligation to

rely on the plain language

of a statute, Hughes on

BEHALF OF ESTATE OF HUGHES v.

BANK OF AMERICA NATH. ASSN,

442 S. 113, 898 S.E.2d 102 (S.C. 2024).

Congressional silence, no matter

how "clanging," cannot override

the words of a statute.

Sedima, SPRL v. IMPREX Co., INC.,

473 U.S. 479, 105 S. Ct. 327, 587

LED 2d 346 (1985)

CONCLUSION

39, HAD THE STATE ETHICS COMMISSION ACCEPTED AND LOYALTY CONSIDERED THE PETITIONER'S AMENDMENT, IT WOULD HAVE RECOGNIZED MRS COMPLAINT WAS PROPER, AND IT WOULD HAVE ASCERTAINED ITS EARLIER INTERPRETATION OF SECTION 8-13-320 AND ITS PRIOR DECISIONS TO DISMISS FOR LACK OF JURY'S DICTION, WERE INCORRECT IN ERROR.

PRAYER FOR RELIEF


WHEREFORE, premises considered, The Appellant/Petitioner prays that the Court award the following relief:

1. The Court acknowledge the presence of, AND ASSESS, S.C. STATE ETHICS COMMISSION Jurisdiction over the case; AND/OR
2. The Court perform de novo Review over this case;
3. The Court provide for such further or other relief as the nature of the case may require, AND AS MAY BE AGREEABLE to Equity AND Good conscience.

I declare under penalty of perjury that the foregoing is true and correct.

Brief of Appellant

April 2, 2026



~~ROBERT W. H. [unclear]~~

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