



Akil Ross &lt;aross@lexrich5.org&gt;

## The Whole Truth?

1 message

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Mon, May 9, 2022 at 6:03 PM

To: jhammond@lexrich5.org, chuddle@lexrich5.org, kloveless@lexrich5.org, mhogan@lexrich5.org, ngardner@lexrich5.org, rhines@lexrich5.org, tnmoore@lexrich5.org

Cc: aross@lexrich5.org

Over the weekend I had a chance to read Ms. Hammond's response to her ethics violations in the Irmo News (April 28 edition).

In her letter Ms. Hammond appears to take every opportunity to minimize the seriousness of her violations and make excuses for them.

We know her violations took two forms, failing to properly report income on her SEI and advocating for the election or defeat of school board candidates on her official D5 email account. The signed Consent Order is attached.

In her letter to the Irmo News with regards to her failure to report income Hammond mentions that there "were several items in the incorrect space and one year my teacher salary was left off". Is that the whole truth? Perhaps we should see what the Consent Order she signed said on the issue.

On March 26, 2018, Respondent **did not report** the source of private income for her spouse.  
 On March 4, 2019, Respondent **did not report** the source of private income for her spouse. In addition, Respondent **did not report** any income received from District Five or District Two.  
 On March 24, 2020, Respondent **did not report** the source of private income for her spouse. In addition, Respondent did not report any income received from District Two.  
 On March 11, 2022 Respondent **did not report** the source of private income for her spouse.

Seems like there was a bit more going on than Ms. Hammond eluded to in her letter.

In her letter to the Ethic Commission with regards to the SEI violations Ms. Hammond stated "As mitigation with regard to the SEIs, Respondent states that **her spouse often files her SEIs on her behalf** and that she had no intention to omit any information from her SEI's. **Respondent states that her technological skills "are not the best"** and that, as a result, she and her husband have **occasionally visited the Commission's physical office to seek assistance, though she acknowledges she did not do so from 2018-2021.**"

Her claim in her letter that "many times over the past few years, I went in person to the Ethics Commission" for help does not appear to be true for the years of the violations – 2018-2021.

What about the advocating for the election or defeat of certain candidates on her D5 email? Hammond says in her Irmo News letter that "the complaint reported a couple of emails where I was contacted on my D5 email and asked who did I think would be the best to vote for in the upcoming school board race of 2020". Is that the whole truth? Perhaps we should go back to the consent order and find out exactly which violations she admitted.

On August 13, 2020, Hammond sent an email saying "You have shared a View held by so many parents. I continue to argue the frustrations teachers and parents feel. **Sadly 3 of us are not a**



**real voice on this board. Please share the need for change. Lexington County needs to support Rebecca Hines and Catherine Huddle. In Richland County we need Matt Hogan ...".** On August 13, 2020, Hammond emailed **"Hope you will help me out with all 3 officers up for reelection. Hines and Huddle in Lexington County are my choices and if you are in Richland County please vote for Matt Hogan. I pray we can elect a board that is more accountable to the public..."**

On September 15, 2020, Hammond said **"Thank you for your support! I truly hope in November we vote GANTT and Gates out.** (emphasis in original)."

On September 16, 2020, Hammond **"I appreciate your kind words and your support. It means a great deal to me. Please spread the word to vote for Hines and Huddle in Lexington County and if you know anyone in Richland County vote for Matt Hogan. That is how we can get accountable board members."**

On September 27, 2020, Hammond **"Here you go. So great to hear from you and hope you are doing well. Please vote for Rebecca Hines and Catherine Huddle. If you know anyone in Richland please vote for Matt Hogan."**

On October 2, 2020, Hammond **"I can assure you I have stood for getting all students back into school by October 8th as was presented to the Board on July 23rd. My motion failed that would have done that. 4 to 3. I encourage you to vote in the upcoming election as the board chair and vice chair are running and have opponents that are more accountable to the public..."**

On October 5, 2020, Hammond **"Yes, I do. Please vote for 3 Hs. In Lexington please vote for Rebecca Hines and Catherine Huddle. In Richland, spread the word for Matt Hogan. Please share with friends. Thanks and love to you. Hope you are doing well."**

On October 10, 2020, Hammond **"I think Rebecca Hines and Catherine Hines [sic] are best in Lexington County and Hogan for Richland."**

The Consent Order stated **"As mitigation with regard to the emails...Respondent states that she was inundated daily with hundreds of emails from parents and concerned citizens. Respondent states that in her efforts to be responsive to as many individuals as possible, she paid no attention to which email account was being used."**

Ah...the old I couldn't be bother to pay attention excuse. I wonder if we would accept this excuse from the students of D5? Should we accept it from the Board Chair of a district with a 200+ million dollar budget?

Also, only the 9/27, 10/05, and 10/10 emails specifically asked Ms. Hammond for advice on whom to vote for, for the other emails she simply volunteered this information. Weird that she did not mention that in her letter.

We should be clear...Ms. Hammond admitted to guilt in each and every one of the ethics violations for which she was charged.

The State quoted Ms. Hammond as stating **"I made some technical mistakes which have been corrected and I sent a few emails on my own phone which technically violated rules. I was satisfied and I agreed to pay a small fine and the matter was resolved."** That "small fine" was \$2,000.

So, do you think the public got the "whole truth"?

Also, are there any plans to censure Ms. Hammond for her violations? I mean this is the board that is so concerned with ethics that it attempted to censure Ms. Hines for a policy that apparently did not even exist.

In Ms. Hammond's case Policy GBI & GBEA both contain provisions which would restrain Ms. Hammond from using the D5 email server to advocate for election or defeat of individuals. She has now admitted violating such policies on numerous occasions.

So will this board hold her accountable for these violations?

Regards,

Michael Bishop - Irmo



**HAMMOND CONSENT Highlighted.pdf**

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**RECEIVED**

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

BEFORE THE STATE ETHICS COMMISSION

IN THE MATTER OF:  
COMPLAINTS C2021-018  
C2021-060

Kim Benson  
Kristen Batchelor,  
Complainants,

**CONSENT ORDER**

Jan Hammond,  
Respondent.

This matter comes before the State Ethics Commission (Commission) by way of Complaints filed on February 26, 2021 (C2021-018) and July 30, 2021 (C2021-060). Pursuant to Section 8-13-320(10)(i) of the South Carolina Ethics, Government Accountability, and Campaign Reform Act (Ethics Act), the Complaints against Jan Hammond (Respondent) were considered by the Commission and probable cause was found to warrant an evidentiary hearing on seven (7) counts of violating Section 8-13-1120(A) for seven (7) instances of failing to report various types of income on her Statements of Economic Interests (SEI) in 2018, 2019, 2020, and 2021 and eight (8) counts of violating Section 8-13-1346 for using a government-issued email address on eight (8) separate occasions to advocate for or against the election of certain candidates for public office.<sup>1</sup> Prior to the call of the case, Respondent agreed to entry of the following:

**STATEMENTS OF FACT**

1. At all times relevant, Respondent served on the Lexington-Richland School District Five (District

<sup>1</sup> The Complainant in C2021-018 contained additional allegations related to Respondent's SEIs dating as far back as 2008. However, the Commission is limited by the four-year statute of limitations set forth in Section 8-13-320(9)(d). Accordingly, nothing that occurred prior to 2018 was considered by the Commission. The Complainant in C2021-018 also alleged that Respondent improperly paid a late-filing penalty to the Commission using campaign funds, in violation of Section 8-13-1348. In an Advisory Opinion issued on March 21, 2019, the Commission found that use of campaign funds in this manner would violate Section 8-13-1348. However, Respondent's payment was made on November 15, 2018, prior to the issuance of the Advisory Opinion. Accordingly, the Commission did not find probable cause to support this allegation.

Five) Board of Trustees (Board) and was employed by Lexington County School District Two (District Two).

2. In exchange for her service on the District Five Board, Respondent received an annual stipend of approximately \$9,600.
3. As an employee of District Two, Respondent received an annual salary averaging approximately \$55,000 during the years in question.

Statements of Economic Interests

4. On March 26, 2018, Respondent timely filed her 2018 SEI. However, Respondent did not report the source of private income for her spouse. On December 8, 2021, Respondent amended her 2018 SEI to disclose "101 Mobility" as a source of private income for her spouse.
5. On March 4, 2019, Respondent timely filed her 2019 SEI. However, Respondent did not report the source of private income for her spouse. In addition, Respondent did not report any income received from District Five or District Two. On August 30, 2021, Respondent amended her 2019 SEI to disclose income received from District Five and District Two. On September 1, 2021, Respondent amended her 2019 SEI to disclose "101 Mobility" as a source of private income for her spouse.
6. On March 24, 2020, Respondent timely filed her 2020 SEI. However, Respondent did not report the source of private income for her spouse. In addition, Respondent did not report any income received from District Two. On August 30, 2021, Respondent amended her 2020 SEI to disclose income received from District Two. On December 8, 2021, Respondent amended her 2020 SEI to disclose "101 Mobility" as a source of private income for her spouse.
7. On March 11, 2021, Respondent timely filed her 2021 SEI. However, Respondent did not report the source of private income for her spouse. On December 8, 2021, Respondent amended her 2021



SEI to disclose "101 Mobility" as a source of private income for her spouse.

Use of District Five Email

8. On August 13, 2020, a District Five parent sent an email to Respondent's District Five-issued email account expressing frustration with District Five leadership and its response to the Covid-19 virus.<sup>2</sup>

Respondent sent the following reply:

You have shared a view held by so many parents. I continue to argue the frustrations teachers and parents feel. Sadly 3 of us are not a real voice on this board. Please share the need for change. Lexington County needs to support Rebecca Hines and Catherine Huddle. In Richland County we need Matt Hogan. Please know that I do not support anymore changes to the plan and assure your daughter that teachers will honor the need to have masks removed in certain situations in her day. My advice is for you to reach out to the principal at her school and stay involved with your expectations as her needs must be met.

9. On August 13, 2020, two District Five parents emailed the Superintendent regarding District Five's response to the Covid-19 virus. Respondent was copied onto this email via her District Five-issued email account. Respondent replied, in relevant part, as follows:

Hope you will help me out with all 3 officers up for reelection. Hines and Huddle in Lexington County are my choices and if you are in Richland County please vote for Matt Hogan. I pray we can elect a board that is more accountable to the public. I teach SS and I know they [sic] government should be accountable to the majority rule and this process has circumvented the will of the people. I argued for a survey to see what more people wanted. It did not happen.

10. On September 15, 2020, a District Five parent emailed the District Five Board using their District Five-issued email addresses. In the text of the email, the parent expressed a desire to have students return to face-to-face instruction. Respondent replied, stating that she agreed with the parent's stance. The parent then thanked Respondent for acknowledging her email. Respondent replied as

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<sup>2</sup> This email was sent to the entire District Five Board of Trustees and to several District Five employees.

follows:

Thank you for your support! I truly hope in November we vote GANTT and Cates out. (emphasis in original).

11. On September 16, 2020, an individual sent an email to Respondent's District Five-issued email account and copied the remaining Board members. In the text of the email, the individual thanked Respondent for her public service. Respondent replied as follows:

I appreciate your kind words and your support. It means a great deal to me. Please spread the word to vote for Hines and Huddle in Lexington County and if you know anyone in Richland County vote for Matt Hogan. That is how we can get accountable board members.

12. On September 27, 2020, an individual sent an email to Respondent's District-issued email stating, "Hello Jan. Hope all is well with you. I don't know the candidates for District 5 so I would appreciate your guidance. I need to complete my absentee ballot." Respondent replied as follows:

Here you go. So great to hear from you and hope you are doing well. Please vote for Rebecca Hines and Catherine Huddle. If you know anyone in Richland please vote for Matt Hogan.

13. On October 2, 2020, a District Five parent emailed the Board using their District Five-issued email addresses. In the text of the email, the parent expressed frustration over District Five's response to the Covid-19 virus. Respondent replied as follows:

I can assure you I have stood for getting all students back into school by October 8th as was presented to the Board on July 23rd. My motion failed that would have done that. 4 to 3. I encourage you to vote in the upcoming election as the board chair and vice chair are running and have opponents that are more accountable to the public. I am always appreciative of input from our parents. Forgive me for not responding earlier.

14. On October 5, 2020, an individual sent an email to Respondent's District Five-issued email address stating, "I don't know any of the folks running for school board. Do you have a recommendation?" Respondent replied as follows:



Yes, I do. Please vote for 3 Hs. In Lexington[,] please vote for Rebecca Hines and Catherine Huddle. In Richland, spread the word for Matt Hogan. Please share with friends. Thanks and love to you. Hope you are doing well.

15. On October 10, 2020, an individual sent an email to Respondent's District Five-issued email address stating, "Hello Jan. Which two candidates (Lexington County) do you recommend, one should vote for? We are looking for the two candidates that are the best for Irmo High School and promise to improve the performance of Irmo High School at standardized tests and get it to be one of the best in the state again?" Respondent replied as follows:

I think Rebecca Hines and Catherine Hines [sic] are best in Lexington County and Hogan for Richland.

#### CONCLUSIONS OF LAW

Based upon the Statements of Fact, the Commission concludes, as a matter of law:

1. At all times relevant, Respondent was a "public official" pursuant to Section 8-13-100(27) and Section 8-13-1300(28). Therefore, the Commission has personal and subject matter jurisdiction.
2. Section 8-13-1120(A) of the Act requires public officials to report, in part:
  - (2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer's immediate family during the reporting period.
  - ...
  - (10) a listing of the private source and type of any income received in the previous year by the filer or a member of his immediate family...
3. Section 8-13-100(29) defines "substantial monetary value" as "a monetary value of five hundred dollars or more."
4. Section 8-13-1346(A) provides:

A person may not use or authorize the use of public funds, property, or



time to influence the outcome of an election.

5. Section 8-13-1300(31) defines "influence the outcome of an elective office" as:
  - (a) expressly advocating the election or defeat of a clearly identified candidate using words including or substantially similar to "vote for", "elect", "cast your ballot for", "Smith for Governor", "vote against", or "reject";
  - (b) communicating campaign slogans or individual words that, taken in context, have no other reasonable meaning other than to urge the election or defeat of a clearly identified candidate . . .
6. Section 8-13-320(10)(l) allows the Commission to require a public official to pay a civil penalty of up to \$2,000 for each violation of the Ethics Act.
7. Section 8-13-130 allows the Commission to "levy an enforcement or administrative fee on a person who is in violation" of the Ethics Act.

#### DISCUSSION

The Commission found probable cause to charge Respondent with seven (7) counts of violating Section 8-13-1120(A) for seven (7) instances of failing to report various types of income on SEIs in 2018, 2019, 2020, and 2021 and eight (8) counts of violating Section 8-13-1346 for using a government email address on eight (8) separate occasions to advocate for or against the election of certain candidates for public office. Through this Consent Order, Respondent acknowledges she violated the Ethics Act when she failed to report income as described herein and when she sent the above-referenced emails using her District Five-issued email accounts.

As mitigation with regard to the SEIs, Respondent states that her spouse often files her SEIs on her behalf and that she had no intention to omit any information from her SEIs. Respondent states that her technological skills "are not the best" and that, as a result, she and her husband have occasionally visited the Commission's physical office to seek assistance, though she acknowledges she did not do so from 2018-2021. Respondent states that she amended her SEIs to include the correct

information as soon as she was made aware of her errors.

As mitigation with regard to the emails, Respondent states that she maintained a personal email account, her District Two email account, and her District Five email account on the same cell phone. Respondent states that the Covid-19 virus "brought an unusual climate of fear, stress and anxiety for everyone, especially to parents who were concerned about the learning loss of students, as well as the social and mental consequences of closing our schools." Respondent states that she was inundated daily with hundreds of emails from parents and concerned citizens. Respondent states that in her efforts to be responsive to as many individuals as possible, she paid no attention to which email account was being used. Although she admits that the responses were improper, she notes that she did not initiate any of the emails in question. Respondent also points to the emails dated September 27, October 5, and October 10, all of which explicitly sought her opinion with regard to Board elections.

To be clear, the Commission finds no fault with Respondent's statements contained within the above-referenced emails. As a citizen, Respondent is permitted to advocate for the election or defeat of any candidate in any election. However, she is not permitted to do so using public resources and the Commission has held on numerous occasions that use of a government-issued email account constitutes such use. See SEC AO2003-003 (finding use of government-issued email to advocate for the election or defeat of a candidate violates Section 8-13-1348); SEC Boatwright Informal AO, October 4, 2006 (finding the use of an email account paid for with public funds in an election campaign violates of Section 8-13-1346); C2019-005, In the Matter of Rick Caporale (finding Respondent's use of his County-issued email account to send an email advocating for a candidate violated 8-13-1346).

#### **DISPOSITION**

1. The Commission hereby finds Respondent in violation of seven (7) counts of violating Section 8-13-1120(A) and eight (8) counts of violating Section 8-13-1346.



2. The Commission hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

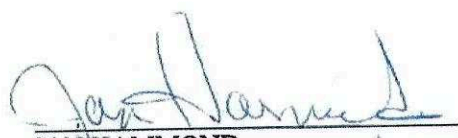
THEREFORE, the Commission hereby issues a written warning and orders the Respondent to pay the Commission, within six (6) months from receipt of this Order: (1) an administrative fee of \$300; (2) a reduced civil penalty of \$400 (\$100 for each of the four (4) years Respondent failed to report income on her SEIs); (3) a reduced civil penalty of \$300 (\$100 for each of the three (3) emails in which Respondent was specifically responding to an individual's question about the upcoming election); and (4) a reduced civil penalty of \$1,000 (\$200 for each email where Respondent raised the issue of the upcoming election without any prompt from the individual), for a total of \$2,000.

By executing this Consent Order, Respondent understands that she is not only admitting to violations of the Ethics Act, but also confessing to a judgment of \$2,000 (less any money paid to the Commission) in the event she does not make full and timely payment as provided for in this Order. In that event, the Commission shall file a Judgment against Respondent in the Clerk of Court's Office in the County of Respondent's last known residence. Upon said filing, the Clerk of Court shall enter this Order in the amount of \$2,000 (less any money paid to the Commission) in its Judgment Rolls, without cost to the Commission.

AND IT IS SO ORDERED THIS 19<sup>th</sup> DAY OF April 2022.

STATE ETHICS COMMISSION

  
A.J. HOLLOWAY, CHAIR

  
JAN HAMMOND  
RESPONDENT

  
S. JAHUE MOORE  
RESPONDENT'S ATTORNEY