

MINUTES
COMMISSION MEETING
OPEN SESSION
September 16, 2009

The meeting was called to order by Vice Chair, Mr. Philip Florence, Jr. at 9:38 a.m. Other members present were Mr. Edward E. Duryea, Mrs. Priscilla L. Tanner, Mrs. E. Kay Biermann-Brohl, Mr. JB Holeman, Mr. Jonathan H. Burnett and Dr. Richard H. Fitzgerald. Chairperson Susan P. McWilliams and Mr. G. Carlton Manley were absent.

Also present:

Mr. Herbert R. Hayden, Jr., Executive Director
Mrs. Cathy L. Hazelwood, Deputy Director/General Counsel
Mrs. Ami Franklin, Assistant Director, Administration
Mr. Donald M. Lundgren, Investigator
Ms. Kristin M. Smith, Administrative Coordinator
Ms. Regina A. Washington, Administrative Assistant
Mr. Cly Gilbert
Ms. Elizabeth Smoak
Mr. Keith McCardy
Mr. Michael Reynolds
Mr. Gene Witherspoon
Rev. Franklin Briggs
Mr. Robert Goings
Mr. Joel Collins
Mr. Jeff M. Anderson
Ms. Debra B. Summers

Mr. Florence called the meeting to order.

MINUTES

Mrs. Brohl made a motion, seconded by Mrs. Tanner to approve the amended open and executive session minutes from the July meeting, motion carried.

OFFICE OPERATIONS

COMPLIANCE REPORTS

Mr. Hayden presented the compliance reports for May and June as information only.

BUDGET FY 08/09

Mr. Hayden presented the budget report as information only.

APPEALS

C2009-087 State Ethics Commission vs. William S. Tarlton

Mr. Hayden informed the Commission that this appeal will be continued at the November meeting.

C2009-123 State Ethics Commission vs. Cly C. Gilbert

Mr. Gilbert presented his appeal to the Commission. Mr. Duryea made a motion, seconded by Mrs. Tanner to accept the appeal and reduce the penalty, motion carried.

C2009-125 State Ethics Commission vs. Elizabeth A. Smoak

Mrs. Smoak and Mr. McCardy representative presented her appeal to the Commission. Mr. Burnett made a motion, seconded by Mrs. Brohl to accept the appeal and reduce the penalty, motion carried.

Michael Reynolds

Mr. Reynolds presented his appeal to the Commission. Mr. Holeman made a motion, seconded by Mr. Duryea to accept the appeal and reduce the penalty, motion carried.

A motion was made by Mrs. Brohl, seconded by Mr. Burnett to go into Executive Session, motion carried.

LITIGATION UPDATE

Mr. Robert Goings and Mr. Joel Collins provided the Commission with the status of the current litigation proceedings.

A motion was made by Mr. Duryea, seconded by Mrs. Brohl to return to Open Session.

C2009-089 State Ethics Commission vs. Gene Witherspoon

Rev. Franklin Briggs and Mr. Witherspoon presented his appeal to the Commission. Mr. Burnett made a motion, seconded by Mr. Holeman to accept the appeal and reduce the penalty, motion carried.

C2009-105 State Ethics Commission vs. Owl's Nest Recovery House

Mrs. Hazelwood informed the Commission that this appeal will be continued at the November meeting.

EXECUTIVE SESSION

A motion was made by Mrs. Brohl, seconded by Mr. Burnett to go into Executive Session, motion carried.

A motion was made by Mr. Duryea, seconded by Mr. Holeman, to return to Open Session, motion carried.

A motion was made by Mrs. Duryea, seconded by Mrs. Brohl to adopt and ratify actions taken in Executive Session, motion carried.

A motion was made by Mr. Holeman, seconded by Mr. Burnett to adjourn, motion carried.

Respectfully submitted,

Regina A. Washington
Administrative Assistant