

MINUTES
COMMISSION MEETING
OPEN SESSION

September 21, 2011

The meeting was called to order by Chairman Phillip Florence, Jr., at 9:56 a.m. Other members present were Vice Chair E. Kay Biermann Brohl, Commissioners Edward E. Duryea, Priscilla L. Tanner, G. Carlton Manley, and JB Holeman. Commissioners Richard H. Fitzgerald and Jonathan H. Burnett were absent.

Staff present:

Mr. Herbert R. Hayden, Jr., Executive Director
Mrs. Cathy L. Hazelwood, Deputy Director/General Counsel
Mrs. Ami R. Franklin, Assistant Director, Administration
Mr. Daniel F. Choate, Investigator
Ms. Kristin M. Smith, Administrative Coordinator
Mrs. Karen A. Wiggins, Administrative Specialist

MINUTES

Motion was made by Mr. Manley to accept the Minutes as presented with compliments for the thorough information. Motion was seconded by Mrs. Brohl and Mrs. Tanner. The motion carried with no opposition to approve the Open and Executive Session Minutes from the July 20, 2011 Commission meeting.

OFFICE OPERATIONS

Compliance Reports

Mr. Hayden presented the Compliance Reports for July and August, 2011, as information only. Discussion ensued. There were no changes added.

Budget 2011/2012

Mr. Hayden presented the budget report as information only. Mr. Hayden pointed out that this is for the fiscal year July 1, 2011, to current. Discussion ensued. There were no changes added.

APPEALS

Mr. Hayden reminded the Commissioners that the policy has changed concerning appeals. Instead of someone coming before the Commission in an appeal and staff coming before the Commission to give their case, staff will now provide the Commission with a memo and recommendation, a copy of the written appeal from the appellant, any communication to and from the parties, copies of documents, etc. for the Commission's review. Mr. Hayden reminded everybody that Kristin or he will answer any questions, but won't make any presentation.

State Ethics Commission vs. Randy J. Williams

Mr. Duryea made the motion to accept the staff recommendation to deny the appeal, seconded by Mr. Manley. The motion carried.

Mr. Holeman then asked for further discussion on why the procedure changed. Mr. Hayden explained that because staff had so many appeals, people were coming in and spending 30-45 minutes talking about things that were not related to their appeal. Mr. Hayden reminded the Commission there is no appeal provided in the statute, only by policy.

State Ethics Commission vs. Raymond E. Mackey

Mr. Hayden asked for the Commission to review the facts and documents on this case. Mr. Manley made a motion to accept the staff recommendation to deny the appeal and a late filing payment of \$700 be assessed, seconded by Mrs. Brohl. The motion carried with no discussion or opposition.

OLD BUSINESS

Pursuant to Mr. Burnett's request at the last Commission meeting, Mr. Hayden presented Mrs. Hazelwood's memo to the Commission on a breakdown of the

percentages on how many of those people who had filed actually wound up being late and how many came before the Commission. In each case for lobbying forms, SEIs, and CDs, the percentage of all of the forms filed in those categories, the number that actually wound up in a complaint before the Commission was less than one percent of the filers.

LEGISLATION

Mr. Hayden presented for further discussion from the last Commission meeting the bill signed by the Governor June 7, 2011, amending the law to place a \$5,000 cap on penalties. Discussion ensued. No action was taken.

Mr. Florence asked for further discussions before going into Executive Session.

OTHER BUSINESS

Mrs. Brohl asked to go on record and recognize Mr. Florence for being chosen for induction into The Citadel Athletic Hall of Fame.

EXECUTIVE SESSION

Mr. Florence asked for a motion to go into Executive Session. A motion was made by Mr. Manley to go into Executive Session, seconded by Mrs. Brohl. Motion carried.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, a motion was made by Mr. Duryea to adopt and ratify actions taken in Executive Session, seconded by Mr. Manley. Motion carried.

ADJOURNMENT

A motion was made by Mr. Manley to adjourn, seconded by Mrs. Brohl and Mr. Holeman. Motion carried.

Respectfully submitted,

Karen A. Wiggins
Administrative Specialist