

State of South Carolina

State Ethics Commission

COMMISSIONERS

JAMES I. WARREN, III, 4th DISTRICT
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SHERRI A. LYDON, MEMBER AT LARGE,
VICE CHAIR
THOMAS M. GALARDI, 2nd DISTRICT
FRANCIS E. GRIMBALL, 1st DISTRICT



COMMISSIONERS

SANDY TEMPLETON, 3rd DISTRICT
TWANA BURRIS-ALCIDE, 5th DISTRICT
REGINA HOLLINS LEWIS, 6th DISTRICT
JULIE J. MOOSE, 7th DISTRICT
BRIAN M. BARNWELL, MEMBER AT LARGE

5000 THURMOND MALL, SUITE 250
COLUMBIA, S.C. 29201

HERBERT R. HAYDEN, JR.
EXECUTIVE DIRECTOR

MINUTES COMMISSION MEETING OPEN SESSION

March 18, 2015

The meeting was called to order by Chairman James I. Warren, III, at 9:35 a.m. Other members present were Vice Chair Sherri A. Lydon, Francis E. Grimbball, Sandy Templeton, Twana Burris-Alcide, Regina Hollins Lewis, Julie J. Moose, Thomas M. Galardi, and Brian M. Barnwell.

The news media was duly notified.

Staff present:

Herbert R. Hayden, Jr., Executive Director
James T. Bagnall, Investigator
Michael R. Burchstead, General Counsel
Daniel F. Choate, Investigator
Ami R. Franklin, Assistant Director, Administration
Kristin M. Smith, Administrative Coordinator
Karen A. Wiggins, Court Reporter

Chairman Warren welcomed everyone, noted that there was an Amended Agenda for the Open Session, and reminded the members to use their microphones when speaking for the record.

INTRODUCTION OF NEW ATTORNEY

Chairman Warren asked Mr. Hayden to introduce the Commission's new General Counsel, Michael R. Burchstead. Mr. Hayden presented Mr. Burchstead, noting his past experience and great qualifications for handling the duties of this position. Mr. Burchstead then thanked everyone for their warm welcome and expressed his eagerness to work with the staff and Commissioners.

MINUTES

Motion was made by Mrs. Moose, seconded by Mrs. Burris-Alcide, to accept the Minutes as presented. Chairman Warren asked for any discussion or opposition. There being none, the motion carried with no opposition to approve the Open and Executive Session Minutes from the January 21, 2015 Commission meeting.

OFFICE OPERATIONS

Budget 2014/2015

Mr. Hayden directed everyone to their yellow folder for the current Budget report for the fiscal year. Mr. Hayden gave a breakdown of the report. There being no questions, the Budget report was accepted as presented.

Compliance Reports

Mr. Hayden presented for information only the Compliance reports for January and February, 2015. Mr. Hayden gave a breakdown of the report, and noted that staff has met with the House Ways & Means committee requesting appropriated funds to replace what was lost back in previous years when the budget was cut. The House has approved the request and granted an extra investigator, and it now goes to the Senate. The Governor's bill has no increase for the Commission. There being no questions, the Compliance reports were accepted as presented.

APPEALS

Chairman Warren presented the Appeals and noted additional Appeals in the yellow folder.

Mr. Hayden reminded the Commissioners of the policy that staff has provided copies of a summary of each individual's background, information on the penalties and staff recommendation, copies of the letters of appeals from the individuals, and then any supportive documentation and correspondence that may be applicable to the case. The appeal statement is in writing, staff recommendation is in writing, and unless there are questions, there will be no presentation or verbal recommendation.

William Chris Faulkner

Mr. Hayden presented this matter, directed the Commissioners to their yellow folder, and requested that they take a few minutes to review the material. Mr. Grimbball made a motion, seconded by Mr. Galardi, to accept staff recommendation and deny the appeal. Chairman Warren asked for any discussion or opposition. Mrs. Lewis asked if Mr. Faulkner had attempted to file. Mr. Hayden responded he saved it, he did not file it. There being no further discussion, the motion carried with an 8 - 1 vote (Mrs. Lewis opposing).

Beatrice T. Gaines

Mr. Hayden presented this matter, directed the Commissioners to their yellow folder, and requested that they take a few minutes to review the material. Mr. Grimbball made a motion, seconded by Mr. Templeton, to accept staff recommendation and deny the appeal. Discussion ensued concerning

the two reports, and clarification on why only one was being waived. Staff responded. Mr. Grimball restated his motion, seconded by Mr. Templeton, to adopt the staff recommendation that the appeal for the Pre-election CD be denied and that the 2014 SEI penalty be waived. Chairman Warren asked for any discussion or opposition. There being no further discussion, the motion carried with an 8 - 1 vote (Mrs. Lewis opposing).

Brian Flynn

Mr. Hayden presented this matter, directed the Commissioners to their yellow folder, and requested that they take a few minutes to review the material. Mr. Barnwell stated that he knows Mr. Flynn, but their relationship would not reflect his decision in this matter. Discussion ensued concerning the penalty and the request for an appeal. Mr. Grimball made a motion, seconded by Mrs. Burris-Alcide, to accept staff recommendation and deny the appeal. Chairman Warren asked for further discussion. There being none, the motion carried with an 8 - 1 vote (Mrs. Lewis opposing).

James M. Hills

Mr. Hayden presented this matter and asked the Commissioners to take a minute and review the material. Mrs. Burris-Alcide made a motion, seconded by Mrs. Lewis, to accept staff recommendation and deny the appeal. Chairman Warren asked for any discussion or opposition. There being none, the motion carried with a 9 - 0 vote.

LEGISLATION

Chairman Warren recognized Mr. Hayden. Mr. Hayden gave an update on legislation affecting the Commission, noting that 7 bills have passed the House in their current form. Discussion ensued concerning the following legislation: S.1, S.4, S.14, H.3184, H.3187, H.3188, and H.3945.

NEW BUSINESS

Chairman Warren asked if there was any new business to be discussed. There was none.

EXECUTIVE SESSION

Chairman Warren asked for a motion to go into Executive Session and then take a five minute break. A motion was made by Mrs. Moose, seconded by Mrs. Burris-Alcide, to go into Executive Session and then take a break. The motion carried with a 9 - 0 vote.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, a motion was made by Mrs. Lewis, seconded by Mrs. Moose, to adopt and ratify actions taken in Executive Session.

Mr. Hayden asked to speak, requesting if the three Panelists for the April 22 Hearings were still able to attend. Chairman Warren, Mrs. Burris-Alcide, and Mr. Galardi were affirmative.

Mr. Hayden updated the recent audit, and then Mrs. Franklin gave details.

Chairman Warren wanted to make sure that all the Commissioners had filed their 2015 SEIs. Staff responded affirmative.

Chairman Warren reminded the Commissioners to leave their books for recycling.

ADJOURNMENT

There being no further business, Mr. Grimball made a motion, seconded by Mrs. Burris-Alcide, to adjourn. The motion carried with a 9 – 0 vote.

Respectfully submitted,

Karen A. Wiggins

Karen A. Wiggins
Administrative Specialist