

State of South Carolina

State Ethics Commission

BRIAN M. BARNWELL, CHAIR
VICTOR K. LI, VICE CHAIR
DONALD GIST
DON JACKSON



BRANDOLYN THOMAS PINKSTON
CHILDS CANTEY THRASHER
ASHLEIGH R. WILSON
SAMUEL L. ERWIN

201 EXECUTIVE CENTER DRIVE, SUITE 150
COLUMBIA, S.C. 29210

MEGHAN L. WALKER
EXECUTIVE DIRECTOR

MINUTES COMMISSION MEETING OPEN SESSION

May 17, 2018

The meeting was called to order by Chairman Brian M. Barnwell at 9:33 a.m. at the Public Service Commission's Hearing Room located at 101 Executive Center Drive, Suite 100, Columbia, South Carolina. Commission members present were Brandolyn T. Pinkston, Donald H. Jackson, Childs Cantey Thrasher, Ashleigh R. Wilson, and newly-appointed Commission member Samuel L. Erwin. Vice Chair Victor K. Li arrived at 9:55 a.m. Commissioner Donald Gist had an excused absence for this meeting.

The news media was duly and timely notified.

Staff present: Meghan L. Walker, Ami Franklin, Jimmy Bagnall, RYANNE CALDWELL, Kristin Nabors, Kevin Hinson, Courtney Laster, and Reggie Gaymon.

Others present: Michael R. Burchstead, Esquire, and Jo Wheat.

Director Meghan Walker welcomed everyone and thanked the Public Service Commission for the use of their Hearing Room. Director Walker recognized two new staff members, Courtney Laster, General Counsel, and Reggie Gaymon, Investigator.

NEW BUSINESS

Director Walker presented to each Commissioner a copy of the new "white book" entitled *The Ethics, Government Accountability, and Campaign Reform Act of 1991 as Amended and 1997 Regulations*. The commissioners were asked to review the book and report back to staff any comments. Discussion ensued concerning a future training date for the

Commissioners and plans for partnering with government entities and associations for training candidates, elected officials, appointed board/commission members, and government employees.

MINUTES

Chairman Barnwell called for approval of the Minutes. A motion was made by Commissioner Wilson, seconded by Commissioner Jackson, to accept the Minutes. Chairman Barnwell asked for any discussion or opposition. There being none, the motion carried with no opposition to approve the Open Session Minutes and the Executive Session Minutes from the March 15, 2018 Commission meeting. The motion was carried unanimously with a 5 - 0 vote. Commissioner Erwin and Commissioner Thrasher were not present. Commissioner Donald Gist had an excused absence for this meeting.

FORMAL OPINION – Beaufort County

Director Walker called this matter. Courtney Laster presented a draft of a request from Beaufort County for a formal and informal opinion concerning *Questions 1 and 1(A)* actions taken when the County presents a referendum matter at a public meeting; *Question 2* communications allowed by a Councilmember regarding a referendum matter in their private capacity; and *Question 3* restrictions of Section 8-13-765 and 8-13-1346 on “influencing elections” do not apply to “proposed” referendums which have not yet been submitted to the voters. Lengthy discussion ensued concerning Miss Laster’s proposed draft.

Chairman Barnwell called Attorney Michael R. Burchstead. Mr. Burchstead gave a history and presented the issues for requesting the informal and formal opinion on behalf of Beaufort County, noting the Commission’s action will apply to anyone subjected to the Ethics Act; clarification concerning the use of expressed advocacy in the request; and determining objective standards vs. subjective standards. Mr. Burchstead also noted that the Commission could decide on all questions at one time or individually, part now and part later. Discussion ensued concerning the details of the County’s actions to bring this matter before the Commission. Mr. Burchstead responded. Chairman Barnwell asked for further discussion. Further discussion ensued concerning the public’s voting on the referendum in the November elections vs. meetings of the County until the election. Chairman Barnwell asked for a motion. Commissioner Jackson made a motion, seconded by Commissioner Thrasher, to adopt Miss Laster’s draft for *Questions 2 and 3* as written, and table *Questions 1 and 1(A)*. Chairman Barnwell asked for further discussion or opposition. Discussion ensued. Chairman Barnwell asked for further discussion or opposition. There being none, the motion carried with no opposition to approve Miss Laster’s written draft responses for *Questions 2 and 3*, and to table until the July, 2018 Commission meeting *Questions 1 and 1(A)*. The motion carried with a 7 – 0 vote. Commissioner Donald Gist had an excused absence for this meeting.

OFFICE OPERATIONS

Review and Approve Proposed Commission's Hearing Room Plan and Budget

Chairman Barnwell called this matter. Mrs. Nabors and Mr. Hinson updated the Commissioners on the proposed Hearing Room plans and budget. Discussion ensued concerning furniture, sound/recording system, cameras/live streaming, and completed timeframe. Chairman Barnwell asked for a motion to approve this presentation. Commissioner Thrasher made a motion, seconded by Commissioner Pinkston, to approve the plans and budget as presented for the State Ethics Commission Hearing Room. Chairman Barnwell asked for further discussion or opposition. There being none, the motion carried with a 7 – 0 vote. Commissioner Donald Gist had an excused absence for this meeting.

2017-2018 Budget and Compliance Report

Director Walker presented for information only the 2017-2018 Budget and Compliance Report. The reports were approved as presented.

EXECUTIVE SESSION

Chairman Barnwell asked for a motion to go into Executive Session for the purpose of discussing an advisory opinion and probable cause matters. ~~A motion was made by~~ Commissioner Wilson, seconded by Commissioner Pinkston, to go into Executive Session. There being no discussion or opposition, the motion carried with a 7 – 0 vote. Commissioner Donald Gist had an excused absence for this meeting.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, Chairman Barnwell noted an advisory opinion and probable cause matters were discussed in Executive Session. A motion was made by Vice Chair Li, seconded by Commissioner Jackson, to adopt and ratify actions taken with regard to probable cause matters in Executive Session. The motion carried unanimously with a 7 – 0 vote. Commissioner Donald Gist had an excused absence for this meeting.

POINT OF ORDER

Discussion ensued concerning a training session date. Chairman Barnwell stated that the agreed date would be May 30, 2018.

POINT OF ORDER

Chairman Barnwell noted for the record the resignation of staff employee Frank Schumpert, former Investigator for the Commission, and thanked him for his professional investigative services, and noted that he was a sharp investigator.

ADJOURNMENT

Chairman Barnwell asked for further discussion. There being none, a motion was made by Commissioner Pinkston, seconded by Commissioner Erwin, to adjourn. The motion carried with a 7 – 0 vote. Commissioner Donald Gist had an excused absence for this meeting.

Respectfully Submitted,



Ami R. Franklin
Assistant Director