

State of South Carolina State Ethics Commission

BRIAN M. BARNWELL, CHAIR
VICTOR K. LI, VICE CHAIR
DONALD GIST
SAMUEL L. ERWIN



DON JACKSON
BRANDOLYN THOMAS PINKSTON
CHILDS CANTEY THRASHER
ASHLEIGH R. WILSON

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COLUMBIA, S.C. 29210

MEGHAN L. WALKER
EXECUTIVE DIRECTOR

MINUTES COMMISSION MEETING OPEN SESSION

March 21, 2019

The meeting was called to order by Chairman Brian M. Barnwell at the State Ethics Commission's Hearing Room located at 201 Executive Center Drive, Suite 150, Columbia, South Carolina. Commission members present were Samuel L. Erwin, Donald H. Jackson, Vice Chair Victor K. Li, and Childs Cantey Thrasher. Commission members absent were Brandolyn T. Pinkston and Ashleigh R. Wilson. Commissioner Donald Gist had an excused absence for this meeting but did join the meeting via phone.

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, Reggie Gaymon, Richard Provencher, Susan Bickley, and Karen A. Wiggins.

Others present: E. A. Finney, Michael Burchstead, Linda S. Woods, Ken Roper, Vivah Nahi, and Randle Stevens.

Director Meghan Walker gave an opening statement.

MINUTES

Chairman Barnwell called for approval of the Minutes. A motion was made by Commissioner Erwin, seconded by Commissioner Thrasher, 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 January 17, 2019 Commission meeting. The motion was carried unanimously with a 5 - 0 vote.

MOTIONS TO DISMISS

C2016-088 State Ethics Commission vs. Linda Woods

Director Walker called this matter. Respondent's attorney, Michael Burchstead, gave an opening statement and presented a timeframe of events and a history of Respondent's campaign activities in support of the motion. General Counsel Laster responded. Discussion ensued. Chairman Barnwell thanked the Respondent and Mr. Burchstead for attending, and stated that the Commission would take this matter under advisement.

C2018-006 State Ethics Commission vs. James Rozier

General Counsel Courtney Laster gave an opening statement concerning the Order of Dismissal in this matter and the passing of the Respondent. Discussion ensued. A motion was made by Commissioner Thrasher, seconded by Commissioner Erwin, to dismiss this complaint. The vote carried 5 – 0.

APPEALS

C2017-035 Arnold Garulio vs. Randle Stevens

Director Walker called this matter. Commissioners Erwin, Gist, and Thrasher submitted Statements of Recusal, having served on the original hearing panel. Respondent gave an opening statement and presented his history of events in this matter and asked for a jury trial. Director Walker asked the Respondent for a waiver of confidentiality. The Respondent did so. General Counsel Laster replied to Respondent's arguments and noted that the Ethics Act allows for a hearing, and Respondent had that. Lengthy discussion ensued. Chairman Barnwell thanked the Respondent for attending and stated that the Commission would take this matter under advisement.

Chairman Barnwell asked for a break. All agreed.

EXECUTIVE SESSION

Commissioner Gist joined the meeting via telephone. General Counsel Laster asked for a motion to go into Executive Session for the purpose of discussing legal advice. A motion was made by Commissioner Jackson, seconded by Commissioner Thrasher, to go into Executive Session. There being no discussion or opposition, the motion carried unanimously with a 6 – 0 vote.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, Chairman Barnwell noted there was no action taken in Executive Session to adopt and ratify.

ADVISORY OPINION

Request by State Ethics Commission Staff

General Counsel Laster presented two advisory opinion drafts concerning Section 8-13-1348--a request by staff to provide clarity on whether campaign funds may be used to pay fines or penalties imposed by the State Ethics Commission for violations of the Ethics Act. Commission staff asks

that this opinion be issued on a prospective basis only. Discussion ensued. There being no further discussion, a motion was made by Commissioner Gist, seconded by Commissioner Jackson, to find that no campaign funds can be used to pay fines or penalties imposed by the State Ethics Commission for violations of the Ethics Act. The motion carried with a 6 – 0 vote.

OFFICE OPERATIONS

2018-2019 Budget Report, Compliance Report, and Pending and Paid Orders Report

Director Walker presented for information only the 2018-2019 Budget Report, Compliance Report, and the Pending and Paid Orders Report. The reports were approved as presented.

NEW BUSINESS

Senate Oversight Report

Director Walker presented for information only the Senate Legislative Oversight Subcommittee report for the Commission's review. Discussion ensued concerning the Commission's response with changes.

EXECUTIVE SESSION

Chairman Barnwell asked for a motion to go back into Executive Session for the purpose of discussing probable cause matters. A motion was made by Commissioner Erwin, seconded by Commissioner Thrasher, to go back into Executive Session. There being no discussion or opposition, the motion was carried unanimously with a 5 – 0 vote.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, Chairman Barnwell noted probable cause matters were discussed in Executive Session. A motion was made by Commissioner Thrasher, seconded by Vice Chair Li, to adopt and ratify actions taken in Executive Session with regard to probable cause. The motion carried unanimously with a 6 – 0 vote.

ADJOURNMENT

Chairman Barnwell asked for further discussion. There being none, a motion was made by Commissioner Thrasher, seconded by Commissioner Erwin to adjourned. The motion carried with a 5 – 0 vote. Commissioner Gist was no longer connected to the meeting.

Respectfully Submitted,


Karen A. Wiggins