

## **MINUTES**

### **OPEN SESSION COMMISSION MEETING**

**January 19, 2005**

The meeting was called to order by Vice Chairman Kenneth C. Krawcheck, at 9:35 a.m. Other members present were Mr. Pete G. Diamaduros, Mr. Flynn T. Harrell, Mr. Edward E. Duryea, Mr. Duane G. Hansen, Mr. Marvin D. Infinger, Mr. John L. Cannon and Mrs. Priscilla L. Tanner.

Also present:

Mr. Herbert R. Hayden, Jr., Executive Director  
Ms. Cathy L. Hazelwood, Assistant Director/General Counsel  
Mr. Donald M. Lundgren, Investigator  
Ms. Regina A. Washington, Administrative Assistant  
Ms. Linda M. Gray  
Mr. James Conner  
Mr. Clifford Smith  
Mr. Joel E. Hodges  
Mr. C. W. Ulmer, Jr.  
Ms. Doris Corley

Mr. Krawcheck called the meeting to order.

## **MINUTES**

Mr. Harrell made a motion, seconded by Mr. Diamaduros to approve the open and executive session minutes, motion carried.

## **OFFICE OPERATIONS**

### **COMPLIANCE REPORTS**

Mr. Hayden presented the compliance reports for November and December 2004 as information only.

### **BUDGET FY04 and FY05**

Mr. Hayden presented the budget information as information only.

### **OTHER MATTERS**

Appeals:

C2004-082 State Ethics Commission vs. Doris Corley

Mr. Diamaduros and Mr. Harrell recused themselves, having been members of the hearing panel. Ms. Corley presented her appeal to the Commission. Mr. Infinger made a motion, seconded by Mrs. Tanner to accept the Respondent's appeal and reduce the late filing penalty, motion carried.

C2005-033 State Ethics Commission vs. Linda M. Gray

Ms. Gray presented her appeal to the Commission. Mr. Duryea made a motion, seconded by Mr. Hansen to accept the Respondent's appeal and reduce the late filing penalty, motion carried.

C2005-021 State Ethics Commission vs. Clifford Smith, II

Mr. Smith presented his appeal to the Commission. Mr. Harrell made a motion, seconded by Mr. Diamaduros to accept the Respondent's appeal and reduce the late filing penalty, motion carried.

C2005-041 State Ethics Commission vs. Joel E. Hodges

Mr. Krawcheck recused himself. Mr. Hodges presented his appeal to the Commission. Mr. Hansen made a motion, seconded by Mr. Infinger to accept the Respondent's appeal and reduce the late filing penalty, motion carried.

C2005-029 State Ethics Commission vs. C. W. Ulmer, Jr.

Mr. Ulmer presented his appeal to the Commission. Mr. Duryea made a motion, seconded by Mr. Harrell to accept the Respondent's appeal and waive the entire penalty, motion carried.

Jeffrey E. Varn

Mr. Hayden presented this memorandum to the Commission. Mr. Duryea made a motion, seconded by Mr. Diamaduros to accept the staff recommendation and deny the appeal, motion carried.

**ADVISORY OPINIONS**

AO2005-002 Public Service Commission and the Judicial Code of Conduct

Mrs. Hazelwood presented this advisory opinion to the Commission. Mr. Diamaduros made a motion, seconded by Mrs. Tanner to approve the advisory opinion.

AO2002-012 Military, Civil Defense, Veterans Code

Mrs. Hazelwood presented this advisory opinion to the Commission. The Commission decided to continue discussions regarding this advisory opinion in the March 2005 Commission meeting.

**EXECUTIVE SESSION**

A motion was made by Mr. Harrell to go into Executive Session, seconded by Mr. Hansen, motion carried.

A motion was made by Mr. Harrell to return to open session, seconded by Mr. Duryea, motion carried

Upon return to open session, Mr. Duryea made a motion, seconded by Mr. Diamaduros to adopt and ratify actions taken in Executive Session, motion carried.

Respectfully Submitted,

Regina A. Washington  
Administrative Assistant

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