

Amended
MINUTES
COMMISSION MEETING
OPEN SESSION
January 16, 2008

The meeting was called to order by Vice Chairman, Mr. Marvin D. Infinger at 9:30 a.m. Other members present were Mr. Edward E. Duryea, Mrs. Priscilla L. Tanner, Mr. Johnnie Walters, Mr. G. Carlton Manley, Mr. Robert A. Bruce and Mrs. E. Kay Biermann-Brohl. Mrs. Susan P. McWilliams and Mr. Phillip Florence, Jr. were absent.

Also present:

Mr. Herbert R. Hayden, Jr., Executive Director
Mrs. Cathy L. Hazelwood, Assistant Director/General Counsel
Mr. Donald M. Lundgren, Investigator
Mr. Dan F. Choate, Investigator
Ms. Regina A. Washington
Mrs. Ami R. Franklin
Ms. Kristin M. Smith
Ms. Rebecca Bradham
Mr. Kit Chappell
Mr. Carl J. Smith
Mr. Steve Wukela, Jr.
Mr. Joseph H. Robertson, Jr.
Mr. Donovan Doviety
Mr. Edward Poliakoff

Mr. Infinger called the meeting to order.

MINUTES

Mr. Manley made a motion, seconded by Mrs. Tanner to approve the open and executive session minutes from the November 2007 meeting, motion carried.

OFFICE OPERATIONS

COMPLIANCE REPORTS

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

BUDGET FY07

Mr. Hayden presented the budget report as information only.

APPEAL

Carolinas AGC

Ms. Bradham presented her appeal to the Commission. Mr. Bruce made a motion, seconded by Mr. Manley to accept the appeal and reduce the penalty, motion carried.

C2008-035 State Ethics Commission vs. Kirk Chappell

Mr. Chappell presented his appeal to the Commission. Mr. Duryea made a motion, seconded by Mr. Manley to accept the appeal and reduce the penalty, motion carried.

C2005-035 State Ethics Commission vs. Paul Max Malphrus

C2005-064 State Ethics Commission vs. Paul Max Malphrus

Mr. Hayden this appeal to the Commission. Mr. Walters made a motion, seconded by Mr. Manley to accept the appeal and waive all penalties, motion carried.

C2007-037 State Ethics Commission vs. Kenneth L. Smalls, Jr.

Mr. Hayden presented this appeal to the Commission. Mr. Manley made a motion. Mr. Manley withdrew the motion. Mr. Manley made a second motion, seconded by Mr. Walters to accept the appeal and reduce the penalty, motion carried. Mr. Duryea and Mr. Infinger did not participate in the discussion of this appeal.

ADVISORY OPINIONS

AO2008-004 Large Class Exception

Mrs. Hazelwood presented the Opinion. Mayor Carl J. Smith made a presentation to the Commission. Mr. Duryea made a motion, seconded by Mrs. Brohl to accept the Opinion, motion carried.

AO2008-005 Post-Employment

Mrs. Hazelwood presented the Opinion. Mr. Manley made a motion, seconded by Mr. Bruce to accept the Opinion, motion carried.

DISCUSSION

Electronic Filing Demonstration

Mrs. Hazelwood demonstrated the new electronic filing system to the Commission as information only.

EXECUTIVE SESSION

A motion was made by Mr. Manley, seconded by Mr. Duryea to go into Executive Session to discuss complaint matters, motion carried.

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

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

A motion was made by Mrs. Brohl, seconded by Mr. Bruce to adjourn, motion carried.

Respectfully submitted,

Regina A. Washington
Administrative Assistant