

MINUTES
COMMISSION MEETING
OPEN SESSION

May 19, 2010

The meeting was called to order by Chairperson Susan P. McWilliams at 9:35 a.m. Other members present were Mr. Edward E. Duryea, Mrs. E. Kay Biermann-Brohl, Mr. Phillip Florence, Jr., Mr. G. Carlton Manley, Mr. Jonathan H. Burnett and Dr. Richard H. Fitzgerald. Mrs. Priscilla L. Tanner and Mr. JB Holeman were absent.

Also present:

Mr. Herbert R. Hayden, Jr., Executive Director
Mrs. Cathy L. Hazelwood, Deputy Director/General Counsel
Mrs. Ami Franklin, Assistant Director, Administration
Mr. Donald M. Lundgren, Chief Investigator
Mr. Dan Choate, Investigator
Ms. Kristin M. Smith, Administrative Coordinator
Ms. Regina A. Washington, Administrative Assistant
Mr. William S. Tarlton
Mr. Trey Cockrell
Mr. Kenneth Ruffin
Ms. Jan Hammond
Mr. Robert L. Gathers
Mr. Adrian Scott
Ms. Lisa Carter
Mr. Carter
Ms. Tammy Williams
Mr. Terry Williams
Mr. Ulysses Sweeney
Ms. Sandra Tindall
Ms. Terry Davis
Mr. Edward Robinson

Mr. Charles Dibble
Ms. Lisa Cox
Ms. Jackie Stasner

Mrs. McWilliams called the meeting to order.

APPEALS

Jan Roberts Hammond

Mrs. Hammond presented this appeal to the Commission. Mr. Manley made a motion, seconded by Mr. Burnett to deny the appeal, motion carried.

C2009-087 State Ethics Commission vs. William S. Tarlton

Mr. Cockrell and Mr. Tarlton presented this appeal to the Commission. Mr. Duryea made a motion, seconded by Dr. Fitzgerald to waive the penalty, motion failed. Mr. Duryea made a second motion to amend the staff recommendation and deny the appeal and waiver the balance of the penalty, motion carried.

C2009-096 State Ethics Commission vs. Tammy C. Williams

Mrs. Williams presented this appeal to the Commission. Mr. Manley made a motion, seconded by Dr. Fitzgerald to deny the appeal but refund 60% of the penalty paid, motion carried.

C2010-011 State Ethics Commission vs. Kenneth M. Ruffin

Mr. Ruffin presented this appeal to the Commission. Mr. Burnett made a motion, seconded by Mrs. Brohl to deny the appeal, motion failed. Mr. Manley made a motion, seconded by Mr. Florence to deny and reduce the penalty to the amount paid, motion carried.

C2010-061 State Ethics Commission vs. Kenneth M. Ruffin

Mr. Ruffin presented this appeal to the Commission. Mr. Manley made a motion, seconded by Dr. Fitzgerald to deny and reduce the penalty, motion failed. Mr. Duryea made a motion, seconded by Mr. Manley to deny and reduce the penalty to \$400 if paid in 90 days, motion carried.

C2010-052 State Ethics Commission vs. Elisa C. Carter

Ms. Carter presented this appeal to the Commission. Mr. Manley made a motion, seconded by Mr. Duryea to deny the appeal but reduce the penalty to the amount paid, motion carried.

C2010-053 State Ethics Commission vs. Lisa A. Cox

Ms. Cox presented this appeal to the Commission. Mr. Florence made a motion, seconded by Mr. Manley to deny the appeal and reduce the penalty to \$200 if paid within 30 days, motion carried.

C2010-054 State Ethics Commission vs. Terry D. Davis

Ms. Davis presented this appeal to the Commission. Mr. Manley made a motion, seconded by Mr. Florence to deny the appeal and reduce the penalty to \$200 if paid within 30 days, motion carried.

C2010-056 State Ethics Commission vs. Robert Gathers

Mr. Gathers and Mr. Scott presented this appeal to the Commission. Mr. Florence made a motion, seconded by Mr. Manley to deny and reduce the penalty to \$500 if paid within 30 days, motion carried.

C2010-059 State Ethics Commission vs. Marion County Democratic Party

Mr. Sweeney and Ms. Tindall presented this appeal to the Commission. Mrs. Brohl made a motion, seconded by Mr. Manley to deny the appeal and reduce the penalty to \$150 if paid within 30 days, motion carried.

C2010-071 State Ethics Commission vs. Johnny E. Wright, III

Mr. Hayden informed the Commission that this appeal had been continued to the July Commission meeting.

C2010-082 State Ethics Commission vs. Susan C. Dibble

Mr. Dibble presented this appeal to the Commission. Mr. Burnett made a motion, seconded by Mrs. Brohl to deny the appeal, motion failed. Mr. Florence made a motion, seconded by Mr. Manley to deny and reduce the penalty to \$1000 if paid within 30 days, motion carried.

C2010-085 State Ethics Commission vs. Edward Robinson

Mr. Robinson presented this appeal to the Commission. Dr. Fitzgerald made a motion, seconded by Mrs. Brohl to deny and reduce the penalty to \$5000 if paid within 60 days, motion carried.

OFFICE OPERATIONS

COMPLIANCE REPORTS

Mr. Hayden presented the compliance reports for March and April as information only.

BUDGET FY 09/10

Mr. Hayden presented the budget report as information only.

MINUTES

Dr. Fitzgerald made a motion, seconded by Mrs. Manley to approve the open and executive session minutes from the March meeting with one modification, motion carried. Dr. Fitzgerald requested that it be noted that he had an excused absence from the March 2010 Commission Meeting.

ELECTION OF NEW CHAIRMAN

Mr. Manley made a nomination, seconded by Mr. Burnett to elect Mr. Florence to be the new Commission Chairman and Mrs. Biermann-Brohl as Vice Chair, nominations passed.

AWARD PRESENTATION

Mr. Florence presented Mrs. McWilliams with a congratulatory award for her service on the Commission.

ADVISORY OPINION

AO2010-004 Conflict of Interest

Mrs. Hazelwood presented this opinion to the Commission. Mr. Manley made a motion, seconded by Mr. Holeman to accept the opinion, motion carried.

A motion was made by Mr. Manley, seconded by Dr. Fitzgerald to go into Executive Session, motion carried.

A motion was made by Dr. Fitzgerald, seconded by Mr. Burnett to go out of Executive Session, motion carried.

A motion was made by Mr. Manley, seconded by Dr. Fitzgerald to adopt and ratify actions taken in Executive Session, motion carried.

Respectfully submitted,

Regina A. Washington
Administrative Assistant