

MINUTES
COMMISSION MEETING
OPEN SESSION

March 16, 2011

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

Staff present:

Mr. Herbert R. Hayden, Jr., Executive Director
Mrs. Cathy L. Hazelwood, Deputy Director/General Counsel
Mrs. Ami R. Franklin, Assistant Director, Administration
Mr. Daniel F. Choate, Investigator
Ms. Kristin M. Smith, Administrative Coordinator
Mrs. Karen A. Wiggins, Administrative Specialist

MINUTES

Mr. Manley made a motion, seconded by Mrs. Tanner to approve the Open and Executive Session Minutes from the January 19, 2011, meeting. The motion carried.

OFFICE OPERATIONS

COMPLIANCE REPORTS

Mr. Hayden presented the compliance reports for January, 2011, and February, 2011, as information only.

BUDGET FY 2010/2011

Mr. Hayden presented the budget report as information only.

APPEALS

C2008-109 State Ethics Commission vs. Anthony G. Mizzell

Mr. Hayden informed the Commission that Mr. Mizzell appeared at the Commission's office on March 15, 2011, for his Appeal, only to find out he was a day early. He was unable to attend today, so Mr. Mizzell asked for a continuance until the May Commission meeting. Mr. Mizzell's Appeal is continued until May 18, 2011.

C2010-061 State Ethics Commission vs. Kenneth M. Ruffin (Second Appeal)

Mr. Hayden presented this Appeal to the Commission. There was considerable discussion on the history of this case and how the amount was reduced from the initial penalty of \$26,500 to \$400 to be paid within 90 days. It was noted that Mr. Ruffin did not pay the \$400 until well past the 90-day deadline. Garnishments are now being taken via the Department of Revenue. Mr. Manley made a motion to call a question, seconded by Mr. Holeman that the penalty be reduced through garnishments up to \$400 via Department of Revenue by March 18, 2011, with a public reprimand. The motion carried 4 – 3. Ms. Brohl, Mr. Burnett, and Dr. Fitzgerald opposed.

LEGISLATION

H.3573 and S.593

Mr. Hayden presented the Legislation updates as information only.

A motion was made by Mr. Holeman, seconded by Mr. Burnett to go into Executive Session. The motion carried.

A motion was made by Mr. Duryea, seconded by Mr. Burnett to return to Open Session. The motion carried.

A motion was made by Mr. Duryea, seconded by Mr. Burnett to adopt and ratify actions taken in Executive Session. The motion carried.

A motion was made by Mr. Burnett, seconded by Mr. Manley to adjourn. The motion carried.

Respectfully submitted,

Karen A. Wiggins
Administrative Specialist