

MINUTES
COMMISSION MEETING
OPEN SESSION

May 18, 2011

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

MINUTES

Mr. Burnett made a motion, seconded by Mrs. Tanner to approve the Open and Executive Session Minutes from the March 16, 2011 meeting. The motion carried.

OFFICE OPERATIONS

COMPLIANCE REPORTS

Mr. Hayden presented the compliance reports for March 2011, and April 2011, as information only.

BUDGET FY 2010/2011

Mr. Hayden presented the budget report as information only.

APPEALS

All appeals were presented during Open Session. Deliberations occurred during Executive Session. All motions and decisions were made in Open Session.

State Ethics Commission vs. Franklin E. "Gene" Wilbur

Mr. Wilbur was in attendance and spoke on his own behalf. He also brought Mr. Dean Crepes, Director of the Lexington County Registration and Elections; however, he did not speak. Mr. Hayden presented this appeal to the Commission. A motion was made by Mr. Holeman, to deny the appeal but waiving the \$100 late filing penalty, seconded by Mr. Manley, motion carried with Mr. Burnett opposed.

State Ethics Commission vs. Stephen C. Whaley

Mr. Hayden presented information to the Commission regarding this appeal status. This appeal has been continued.

State Ethics Commission vs. Constance M. Walker

Ms. Walker was in attendance and spoke on her on behalf. Mr. Hayden presented this appeal to the Commission. A motion was made by Mr. Burnett, seconded by Mrs. Tanner to accept staff recommendation to deny appeal and issue no refund of the late filing penalty, motion carried.

C2010-042 State Ethics Commission vs. Stanley S. Pasley

Mr. Pasley was in attendance and was represented by Attorney Bill Coates. Mr. Hayden presented this appeal to the Commission. A motion was made by Mr. Holeman, seconded by Mr. Manley to combine a previous case with this case for a penalty of \$74,500.

Ms. Hazelwood suggested that the Commission take legal advice in Executive Session.

ELECTIONS

Mr. Manley made a motion to nominate Mr. Florence for chair, seconded by Mr. Burnett, motion carried. Dr. Fitzgerald made a recommendation for Mr. Florence to be elected by acclamation. Mr. Burnett made a motion to nominate Mrs. Biermann-Brohl for vice-chair, seconded by Mr. Holeman, motion carried. Dr. Fitzgerald made a recommendation for Ms. Biermann-Brohl to be elected by acclamation. Mr. Dureya asked that Mr. Hayden vote his proxy for Mr. Florence and Mrs. Biermann-Brohl.

LEGISLATION

Mrs. Hazelwood presented the Legislation updates as information only.

Mr. Florence made a suggestion to go into Executive Session to deliberate the appeals.

A motion was made by Mrs. Biermann-Brohl, seconded by Mr. Holeman to go into Executive Session. The motion carried.

APPEALS

State Ethics Commission vs. Anthony Mizzell

Mr. Mizzell was in attendance and spoke on his own behalf. Mr. Hayden presented this appeal to the Commission. A motion was made by Mr. Burnett, seconded by Mrs. Tanner to accept staff recommendation and deny the appeal and the \$100.00 penalty upheld to be paid within 30 days, motion carried.

C2009-124 State Ethics Commission vs. Cindy J. Jordan

Ms. Jordan was in attendance and spoke on her own behalf. Mr. Hayden presented this appeal to the Commission. A motion was made by Mr. Manley, seconded by Mrs. Tanner to accept the staff recommendation and deny the appeal however, stop garnishment proceedings as of May 18, 2011 and waive further penalties, motion carried.

A motion was made by Mr. Holeman, seconded by Mr. Manley to return to Executive Session. The motion carried.

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

A motion was made by Mr. Burnett, seconded by Mrs. Biermann-Brohl to adjourn. The motion carried.

Respectfully submitted,

Lessie A. Cheeseboro
Administrative Specialist

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