

**MINUTES**  
**COMMISSION MEETING**  
**OPEN SESSION**

**July 18, 2012**

The meeting was called to order by Chairman Phillip Florence, Jr. at 9:48 a.m. Other members present were Vice Chair E. Kay Biermann Brohl, Edward E. Duryea, JB Holeman, and Priscilla L. Tanner. G. Carlton Manley arrived at 9:56. Absent were Richard H. Fitzgerald and Jonathan H. Burnett.

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

Mr. Hayden presented to the Commission an Amended Agenda and an evaluation form in the supplemental folders.

**MINUTES**

Motion was made by Vice Chair Brohl, seconded by Mr. Duryea, to accept the Minutes as presented. The motion carried to approve the Open and Executive Session Minutes from the May 16, 2012 Commission meeting.

## **OFFICE OPERATIONS**

### **Budget 2011/2012**

Mr. Hayden presented the budget information for July 1, 2011 to July 16, 2012. Mr. Hayden then updated the Commissioners on budget legislation passed this year. Discussions ensued concerning accumulated money, breakdown of budget passed, and appropriation money.

### **Compliance Reports**

Mr. Hayden presented the Compliance reports for May and June, 2012, as information only. Discussion ensued as to how the Commission could keep track of the dollar amount of those matters which are waived. Staff responded as to how and why this was problematic.

## **POINT OF ORDER**

Mr. Hayden presented information to the Commission concerning the joint investigation by the State Ethics Commission and SLED of the Retirement System Investment Commission at the request of the Attorney General. Discussion ensued as to why the Commission was involved. Staff responded that by statute the Commission had to conduct an investigation when requested by the Attorney General. Further discussion ensued as to the activities involved in conducting this investigation.

## **APPEALS**

Mr. Hayden reminded the Commissioners of the new policy that staff has provided copies of a summary of each individual's background, information on the penalties and staff recommendation, copies of the letters of appeals from the individuals, and then any supportive documentation and correspondence that may be applicable to the case. The appeal statement is in writing, staff recommendation is in writing, and unless there are questions, there will be no presentation or verbal recommendation.

### **Ronnie L. McAlister**

Documentation was reviewed. Discussion ensued as to Mr. McAlister's health issues and finances. Mr. Duryea made a motion, seconded by Mr. Holeman, to grant Mr. McAlister an appeal. Chairman Florence asked for further discussion. There being none, the motion carried with no opposition.

### **Dorothy C. Tatum**

Documentation was reviewed. Discussion ensued as to the incomplete SEI and whether the penalty had already been paid. Mr. Holeman made a motion, seconded by Mr. Manley, to

accept staff recommendation to deny Ms. Tatum's appeal. Chairman Florence asked for further discussion. There being none, the motion carried with no opposition.

## **DISCUSSION**

### **Legislation**

Mr. Hayden presented a status on the passage of S.1088 concerning the new 7<sup>th</sup> Congressional District and Board and Commission appointments. Mr. Hayden stated that he has been in contact with the Governor's Boards and Commissions office concerning this issue. Discussion ensued.

### **Appointments**

Mr. Hayden presented to the Commission for information only that The State Ethics Commission will now have a 9 member Commission (one for each of the seven Congressional Districts and two At-Large.) Discussion ensued as to how many of the current Commission members will be replaced. Mr. Hayden responded that the bill's language says that persons currently serving a term will finish out that term. Mr. Hayden further stated that the Governor—with confirmation of the Legislature—will possibly fill five Ethics Commission vacancies in 2013. The terms for Vice Chair Brohl, Dr. Fitzgerald, Mr. Burnett, and Mrs. Tanner end in 2013. Mr. Duryea cannot be re-appointed. Chairman Florence, Mr. Manley, and Mr. Holeman have completed their terms.

## **POINT OF ORDER**

Ms. Hazelwood presented for information only the status of SC for Responsible Government and the court's ruling on the definition of committee. Discussion ensued as to the attorneys' fees, payment of the fees, and any appeal. Chairman Florence asked for a copy of the Order. Ms. Hazelwood responded.

## **MOTION**

### **State Ethics Commission vs. Alexander**

Ms. Hazelwood presented this matter. Mr. Manley made a motion, seconded by Mr. Holeman, to dismiss this matter since Mr. Alexander had resigned from the Oolency River Watershed Conservation District, and there should have been no complaint. Chairman Florence asked for further discussion, there being none, the motion carried with no opposition.

## **EXECUTIVE SESSION**

Chairman Florence asked for a motion to go into Executive Session. A motion was made by Mr. Manley, seconded by Vice Chair Brohl, to go into Executive Session. The motion carried.

**RETURN FROM EXECUTIVE SESSION**

Upon return from Executive Session, a motion was made by Mr. Duryea, seconded by Mr. Holeman, to adopt and ratify actions taken in Executive Session. The motion carried.

**ADJOURNMENT**

A motion by consensus was made to adjourn. There was unanimous consent. The motion carried with no opposition.

Respectfully submitted,

Karen A. Wiggins  
Administrative Specialist