

MINUTES
COMMISSION MEETING
SPECIAL OPEN SESSION

August 27, 2014

The August 27, 2014 called meeting was called to order by Chairman James H. Burns at 9:34 a.m. Chairman Burns did a roll call of commissioners since this meeting was via telephone. Present were Francis E. Grimball, James I. Warren, III, Julie J. Moose, Sandy Templeton, Thomas M. Galardi, and Twana Burris-Alcide. Chairman Burns also acknowledged Statements of Recusal from Vice Chair Sherri A. Lydon and Regina Hollins Lewis.

Chairman Burns stated for the record that the news media was duly notified.

Staff present:

Herbert R. Hayden, Jr., Executive Director
Cathy L. Hazelwood, Deputy Director/General Counsel
Ami R. Franklin, Assistant Director, Administration
Karen A. Wiggins, Court Reporter

Others present:

Greg Harris
Clif LeBlanc
LaDonna Beeker
Chris Trainor
Jennifer Bellamy
Crandall Sims
Matt Perron

Chairman Burns welcomed everyone, noting that members of the press were in attendance. Chairman Burns then asked the commissioners to give their name when asking a question, and to speak into their telephone to be heard for the record.

Chairman Burns presented the matter of Steve Benjamin, and asked Mr. Hayden to make a brief statement. Mr. Hayden stated that the purpose of this meeting was to take up the question of whether or not Steve Benjamin, Mayor of Columbia, is required to disclose the value of a December, 2010 trip to Florida that he was provided.

Mr. Hayden noted that the commissioners had already received a letter from Mr. Benjamin's attorney, Greg Harris, detailing the position that staff has taken on the matter, and then directed everyone's attention to the statute at 8-13-1120 (A)(9)(a) (that a public official is required to disclose the source and a brief description of any gifts, including transportation, lodging, food, or entertainment from a person, if there is reason to believe the donor would not give the gift, but for the official's position).

Mr. Hayden further stated that this means that if the trip had been offered, and Mr. Benjamin had been invited, if he were not the mayor, then it is not disclosable. If the trip would be offered only if he was the mayor, and because he was the mayor, then the trip would be disclosable. Part (b)(i) of said statute states that if a person has some contractual or other business before the employee's agency—in this case the City of Columbia—or if that person is seeking to obtain a contractual relationship or other business, or there is some regulatory relationship between the donor and the official, the trip is disclosable.

Mr. Hayden further noted that the letter from Attorney Harris clearly states that the trip was offered not by Mr. Zahn but by Mr. Pinson, and offered not because he was the mayor, but because of other business relationships between Mr. Pinson and Mr. Benjamin. There was no evidence to indicate that there was any contractual relationship between Mr. Zahn and the City of Columbia, nor was he seeking any such relationship at the time the trip took place. You have to ask these two questions to determine whether or not the statute requires disclosure. Mr. Benjamin had previously contacted Ms. Hazelwood, presented the same information as in the letter from Attorney Harris, and she opined at that time that the trip was not disclosable. There being no further statements, Mr. Hayden then turned the matter back over to Chairman Burns.

Chairman Burns said he wanted to make sure the commissioners understood two things: (1) that they knew what matter was before them; and (2) that they understood the facts. All stated they were clear for going ahead with the discussion, and Chairman Burns then opened the floor for any questions for staff or Attorney Harris. Mr. Grimball stated that he had a concern with the e-mail of December 17, where it appeared to him that Mr. Zahn is using the relationship established at that trip to then seek some business opportunity with the mayor, and wanted to make sure he understood Mr. Hayden that when you look at the trip, the reason for the trip, then a post-trip communication like that e-mail would not factor into it. Mr. Hayden responded he was correct.

Chairman Burns then asked for any further questions or discussion. Mrs. Burris-Alcide asked Attorney Harris to tell them more about the business relationship that Mr. Benjamin had with Mr.

Pinson. Attorney Harris responded that Mr. Benjamin and Mr. Pinson have a long-standing relationship that has been based on a friendship that they have had involving some hotels, some restaurants in town, as well as other business opportunities throughout the state of South Carolina, and primarily based out of Columbia. Mrs. Burris-Alcide then asked how long they have had this relationship. Attorney Harris responded 7 to 10 years.

Chairman Burns then asked Ms. Hazelwood that the two times that she was sought out for opining on this matter, was her recollection consistent with what Attorney Harris stated. Ms. Hazelwood responded yes.

Chairman Burns then asked for any further questions. There being none, he asked for a motion that, based on this information, was Steve Benjamin's 2011 Statement of Economic Interest report filed consistent with the requirements contained in Section 8-13-1120(A)(9)? Mr. Grimball made a motion, seconded by Mrs. Burris-Alcide, that Steve Benjamin properly filed in relationship to that statute with regard to this trip in December, 2010. For the record, Chairman Burns did a roll call for approval of the motion. There was no opposition. The motion carried with a 7 – 0 vote.

ADJOURNMENT

There being no additional matters to be taken up at this time, a motion was made by Mr. Grimball, seconded by Mrs. Burris-Alcide, to adjourn. There was no opposition, so with unanimous consent, the motion carried with a 7 – 0 vote.

Respectfully submitted,

Karen A. Wiggins
Administrative Specialist