

MINUTES
COMMISSION MEETING
OPEN SESSION

July 16, 2014

The meeting was called to order by Chairman James H. Burns at 9:30 a.m. Other members present were Vice Chair Sherri A. Lydon, Sandy Templeton, James I. Warren, III, Regina Hollins Lewis, Julie J. Moose, Thomas M. Galardi, Francis E. Grimball, and Twana Burris-Alcide.

The news media was duly notified.

Staff present:

Herbert R. Hayden, Jr., Executive Director
Cathy L. Hazelwood, Deputy Director/General Counsel
Daniel F. Choate, Investigator
James T. Bagnall, Investigator
Ami R. Franklin, Assistant Director, Administration
Kristin M. Smith, Administrative Coordinator
Karen A. Wiggins, Court Reporter

Others present:

Bill Rogers
Jay Bender
Taylor M. Smith, IV
Jamie Self
Tim Miles
Ali O'Hara
Joseph Melchers
Randall Dong
Jocelyn Boyd
Jeremy Borden

Chairman Burns welcomed everyone, noting that a number of members of the press were in attendance, and reminded the members to use their microphones when speaking for the record. Chairman Burns thanked Mr. Grimball for taking a leave from his vacation to attend the meeting and welcomed Mrs. Burris-Alcide back from the birth of her daughter, Isabella Grace Alcide.

MINUTES

Motion was made by Mrs. Moose, seconded by Mrs. Burris-Alcide, to accept the Minutes as presented. Chairman Burns asked for any discussion or opposition. There being none, the motion carried with no opposition to approve the Open and Executive Session Minutes from the June 18, 2014 Commission meeting.

OFFICE OPERATIONS

Budget 2014/2015

Mr. Hayden directed everyone to the yellow folder for information on the budget for the fiscal year July 1, 2014, through July 15, 2014, noting that everything was in line, nothing different than what is normally presented. Discussion ensued. The Budget report was accepted as presented.

Compliance Reports

Mr. Hayden presented for information only the Compliance reports for May and June, 2014. The Compliance reports were accepted as presented.

ADVISORY OPINION

SEC AO2015-001

Ms. Hazelwood presented to the Commission a matter concerning the Public Service Commission's request to review its staff briefings to insure compliance with the Code of Judicial Conduct and the Freedom of Information Act. An opening statement was given by Joseph Melchers. Questions and clarification were asked by the Commissioners concerning any opinions from the Attorney General's office on this issue; the need for staff briefings at least twice a week; duties of administrative assistant; FOIA requests are not appropriate for staff meetings; no decisions are made at staff meetings; and judges meeting with staff for upcoming issues. Discussions and responses ensued. Chairman Burns asked for further statements, and there being none, thanked Mr. Melchers for coming and presenting their comments in this matter. Chairman Burns then asked if everyone had read and agreed with the Advisory Opinion as written. There were no comments. Chairman Burns noted that Jay Bender, a media attorney sitting in the audience, asked to speak. Discussion ensued between the Commission and staff that the recent court decisions and FOIA decisions mandated that any questions or comments be submitting in writing; the Commission would then accept the comments; and then the Commission would make a decision on the Advisory Opinion. There being no further comments or questions, it was agreed that the matter be held over for further discussion at the September Commission meeting.

APPEALS

Chairman Burns presented the Appeals and noted that Ashley S. Hunter had been granted a continuance until the September Commission meeting.

Mr. Hayden reminded the Commissioners of the 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.

Tripp Clark

Mr. Hayden presented this matter. Mr. Grimball made a motion, seconded by Mrs. Moose and Mr. Galardi, to accept staff recommendation and deny the appeal. Chairman Burns asked for further discussion or opposition. There being none, the motion carried with a 9 - 0 vote.

Ralph Tucker

Mr. Hayden presented this matter. Mr. Grimball made a motion, seconded by Mrs. Lewis and Mr. Templeton, to accept staff recommendation and deny the appeal. Chairman Burns asked for further discussion or opposition. There being none, the motion carried with a 9 - 0 vote.

MEDIA RELATIONS

Chairman Burns presented this matter noting that the Commission does not have a media policy or public information officer. Chairman Burns further stated that instead of getting into a discussion, he has instructed Mr. Hayden to review and determine the policies of other state agencies similar to the Commission and present a proposal to the Commission at the September Commission meeting. Chairman Burns then asked Mr. Hayden to look at Rules 3.6 and 3.8 of the *Rules of Professional Responsibility* which may provide some guidance, adding that the Commission's nine new commissioners need to know what the media policies are, and as a quasi-judicial body, the process has to be fair that people get due process. Chairman Burns praised Mr. Hayden and Ms. Hazelwood on their efforts to educate the public on the Ethics Reform Act. Chairman Burns then asked that until a policy is in place as to what the law says and what the law provides, in the interim, all FOIA requests and all media matters go through Mr. Hayden for comments. Chairman Burns reminded the Commission not to comment, discuss, or give a personal opinion on matters of a confidential nature as directed in the Ethics Reform Act, nor comment on specific matters which are before or which may come before the Commission or the Commission staff, nor any personal comment or personal opinion about a matter that is coming before or pending before the Commission or staff. Chairman Burns asked Mr. Hayden if he had any questions. Mr. Hayden stated he did not.

EXECUTIVE SESSION

Chairman Burns then asked for a motion to go into Executive Session. A motion was made by Mrs. Lewis, seconded by Mr. Grimball, to go into Executive Session. The motion carried with a 9 - 0 vote.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, a motion was made by Mrs. Moose, seconded by Mrs. Burris-Alcide, to adopt and ratify actions taken in Executive Session. The motion carried with a 9 - 0 vote.

POINT OF ORDER

Staff asked the members to leave their meeting book, stating that the contents would be destroyed except material needed for the next meeting.

ADJOURNMENT

A motion by consensus was made to adjourn. There was unanimous consent. The motion carried with a 9 – 0 vote.

Respectfully submitted,

Karen A. Wiggins
Administrative Specialist