

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

**September 17, 2014**

The meeting was called to order by Chairman James H. Burns at 9:36 a.m. Other members present were Vice Chair Sherri A. Lydon, Sandy Templeton, James I. Warren, III, Julie J. Moose, Thomas M. Galardi, Francis E. Grimbball, and Twana Burris-Alcide. Absent was Regina Hollins Lewis.

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:**

Joseph Melchers  
Randall Dong  
Jocelyn Boyd  
John Reagle  
Darrell Newsome

Chairman Burns welcomed everyone, and reminded the members to use their microphones when speaking for the record.

## **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 July 16, 2014 and August 27, 2014 Commission meetings.

## **OFFICE OPERATIONS**

### **Budget 2014/2015**

Mr. Hayden directed everyone to the yellow folder for information on the budget for the fiscal year, noting a correction that it should read July, 2014, through September, 2015. The Budget report was accepted as presented.

### **Compliance Reports**

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

## **ADVISORY OPINION**

### **SEC AO2015-001 Public Service Commission**

Chairman Burns presented to the Commission a continuance in the matter concerning the Public Service Commission's (PSC) request to review its staff briefings to ensure compliance with the Code of Judicial Conduct and the Freedom of Information Act. Opening statements were given by Ms. Hazelwood for the Commission, and Joseph Melchers and John Reagle for the PSC. Lengthy questions and clarification ensued by the Commission and responses were given by Messrs. Melchers and Reagle. After no further discussion, Chairman Burns thanked the PSC staff for coming and presenting their comments in this matter. Ms. Hazelwood then stated that she would provide a draft Advisory Opinion and distribute it within 24 hours to the Commission. The opinion was later issued.

## **POINT OF ORDER**

Mr. Hayden asked at this time to make a change in the Open Session Agenda to take up the Motion for Trip Newsome since he was present. All agreed.

## **MOTION TO APPEAL DECISION AND ORDER**

### **C2013-118 State Ethics Commission vs. Tripp Newsome**

Chairman Burns and Mr. Warren submitted Statements of Recusal for this matter. Acting Chair Lydon then presented Respondent's matter for review. Ms. Hazelwood gave an opening statement,

reminding the Commission that Respondent did not appear for his hearing on March 19, and this is not the appropriate time to take up this matter. Mr. Newsome gave a statement, responding that he was working out of town and could not attend the hearing, and noted his written appeal asking for some leniency on the \$20,000 fine. Questions and clarification were asked by the Commission, and Mr. Newsome responded. After no further discussions, Acting Chair Lydon thanked Mr. Newsome for taking the time to come, and noted that they would take this matter under advisement. The decision was made to take up this matter at this time. Considerable discussion ensued concerning Respondent using his own money; Respondent had paid the \$100 penalty; first time running and filing reports; failing to show up for hearing; and the options Mr. Newsome and the Commission have at this time for the request to appeal for leniency on the fine. After no further discussion, Mr. Grimball made a motion, seconded by Mr. Galardi, to reduce the penalty to \$10,000, paying \$1,000 a month for 10 months, and fine will revert back to \$20,000 if not paid by the deadline. Mr. Hayden asked for clarification on any missing payments or not making the deadline. Mr. Grimball then amended his motion, seconded by Mr. Galardi, that Respondent can miss a payment during the 10 months, but at the end of 10 months, if Respondent fails to pay said amount by the deadline, it reverts back to the original \$20,000. Mr. Hayden asked for clarification on other charges in this matter, and all agreed that the motion was only for the \$20,000 fine. After no further discussions, Acting Chair Lydon reminded everyone of the amended motion and second, and asked for any opposition. There being none, the motion carried on a 6 - 0 vote (Mr. Burns and Mr. Warren abstaining).

## **APPEALS**

Chairman Burns now presented the Appeals.

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.

### **Terry Holmes**

Documentation was reviewed. Discussion ensued concerning previous penalties and late filings. Mr. Galardi made a motion to accept staff recommendation to deny the appeal. Further discussion ensued concerning the timeframe for payment. Mr. Galardi amended his motion, seconded by Mrs. Burris-Alcide, that Respondent pay \$1,400 in 90 days, and if Respondent fails to pay said amount by the deadline, it reverts back to the original \$3,800. Chairman Burns asked for further discussion. There being none, the amended motion carried on an 8 – 0 vote.

### **Michael Letts**

Mr. Warren submitted a Statement of Recusal for this matter. Vice Chair Lydon stated for the record that she knows the Respondent, but the relationship does not impair her vote in this matter. Documentation was reviewed. Discussion ensued concerning the unpaid penalty fee, previous penalties, and previous late filings. Mr. Grimball made a motion, seconded by Mrs. Moose, to accept staff recommendation to deny the appeal. Chairman Burns asked for further discussion. There being none, the motion carried on a 7 – 0 vote (Mr. Warren abstaining).

**Barbara Nwokike**

Documentation was reviewed. Discussion ensued concerning payment of the \$100 penalty, written reprimand, statute violations, and administrative penalties. Vice Chair Lydon made a motion, seconded by Mrs. Burris-Alcide, to accept staff recommendation to deny the appeal. Chairman Burns asked for further discussion. There being none, the motion carried on an 8 – 0 vote.

**POINT OF ORDER**

Mr. Hayden advised the Commission of a change concerning the Travel Vouchers.

Chairman Burns then asked for clarification adding items to the agenda during a commission meeting vs. the new Supreme Court FOIA decision. Discussion ensued and staff responded. It was agreed that “New Business” would be considered for future agendas.

**EXECUTIVE SESSION**

Chairman Burns then asked for a motion to go into Executive Session. A motion was made by Mrs. Moose, seconded by Mrs. Burris-Alcide, to go into Executive Session. The motion carried with an 8 - 0 vote.

**RETURN FROM EXECUTIVE SESSION**

Upon return from Executive Session, a motion was made by Mr. Grimball, seconded by Vice Chair Lydon, to adopt and ratify actions taken in Executive Session. The motion carried with an 8 - 0 vote.

**ADJOURNMENT**

There being no further business, a motion was made by Mr. Galardi, seconded by Mr. Templeton, to adjourn. The motion carried with an 8 – 0 vote. Staff asked the members to leave their meeting book, stating that the contents would be destroyed except material needed for the next meeting.

Respectfully submitted,

Karen A. Wiggins  
Administrative Specialist