

# *State of South Carolina*

## *State Ethics Commission*

### COMMISSIONERS

JAMES I. WARREN, III, 4<sup>th</sup> DISTRICT  
CHAIR  
SHERRI A. LYDON, MEMBER AT LARGE,  
VICE CHAIR  
THOMAS M. GALARDI, 2<sup>nd</sup> DISTRICT  
FRANCIS E. GRIMBALL, 1<sup>st</sup> DISTRICT



### COMMISSIONERS

SANDY TEMPLETON, 3<sup>rd</sup> DISTRICT  
TWANA BURRIS-ALCIDE, 5<sup>th</sup> DISTRICT  
REGINA HOLLINS LEWIS, 6<sup>th</sup> DISTRICT  
JULIE J. MOOSE, 7<sup>th</sup> DISTRICT  
BRIAN M. BARNWELL, MEMBER AT LARGE

5000 THURMOND MALL, SUITE 250  
COLUMBIA, S.C. 29201

HERBERT R. HAYDEN, JR.  
EXECUTIVE DIRECTOR

### MINUTES COMMISSION MEETING OPEN SESSION

July 15, 2015

The meeting was called to order by Vice Chair Sherri A. Lydon, at 9:34 a.m. Other members present were Sandy Templeton, Twana Burris-Alcide, Regina Hollins Lewis, Julie J. Moose, Thomas M. Galardi, and Brian M. Barnwell. Absent were Chairman James I. Warren, III, and Francis E. Grimball.

The news media was duly notified.

#### Staff present:

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

#### Others Present:

Kenneth E. Sowell, Esquire  
Phyllis Lollis  
Betty Greene

Vice Chair Lydon welcomed everyone, noting the Amended Agendas for the Open and Executive Sessions in the yellow folders, and reminded the members to use their microphones when speaking for the record.

## MINUTES

Motion was made by Mrs. Moose, seconded by Mr. Templeton, to accept the Minutes as presented. Vice Chair Lydon 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 May 20, 2015 Commission meeting.

## OFFICE OPERATIONS

### **Budget 2015/2016**

Mr. Hayden directed everyone to their yellow folder for the current Budget report for the new fiscal year. Mr. Hayden gave a breakdown of the report and gave a status of the Legislature's actions on the Commission's budget that was passed and now in the hands of Governor Haley. There being no questions, the Budget report was accepted as presented.

### **Compliance Reports**

Mr. Hayden presented for information only the Compliance reports for May and June 2015. Mr. Hayden stated that everything is in line as it should be. There being no questions, the Compliance reports were accepted as presented.

## APPEALS

Vice Chair Lydon called for the Appeals.

Mr. Hayden noted that a copy of the Appeal Policy was attached to the front of each case, and there would be no witness testimony.

### **Phyllis Lollis**

Attorney Kenneth E. Sowell presented his appeal, stating that there was no evidence to support the Hearing Panel's decision that Mrs. Lollis was involved in the decision for payment of the increase to officers of the Williamston Police Department Academy. Questions and clarification ensued from the Commissioners concerning errors in any factual findings of the Commission in the Decision and Order of the Hearing Panel.

Mr. Burchstead explained the two decisions issued by the Hearing Panel in the Decision and Order, and asked the Commission not to disturb that ruling, that Mrs. Lollis only talked to the mayor after the fact.

Mr. Sowell then gave a closing statement. Again, Mr. Sowell was asked by the Commission if he had actual disagreements with any of the facts presented in the Order. Mr. Sowell gave a history of old complaints against Mrs. Lollis. Mr. Burchstead objected. Vice Chair Lydon asked for further questions, and there being none, thanked Mr. Sowell and Mrs. Lollis for coming, and stated that the Commission would take this matter under advisement and get back to them with their decision.

The Commission deliberated. Mrs. Lewis made a motion, seconded by Mrs. Moose, to deny the appeal. The motion carried with a 7 – 0 vote. (Note: None of the 7 members hearing this appeal were members of the hearing panel.)

**David F. Whittemore, Jr.**

Mr. Hayden presented this matter, and requested everyone to take a few minutes to review the material. Mr. Hayden gave a history of events concerning the violation of not filing "upon assuming the duties," and noted that Mr. Whittemore had paid the fine. Mrs. Moose made a motion, seconded by Mr. Galardi, to accept staff recommendation and deny the appeal. Vice Chair Lydon asked for any discussion or opposition. There being none, the motion carried with a 7 - 0 vote.

**DISCUSSION**

**Legislation**

Vice Chair Lydon recognized Mr. Hayden. Mr. Hayden gave an update on bills of importance to the Commission which did not make it through the first year of the two-year session. Mr. Hayden advised that a bill did pass which brought all employees of charter schools under the jurisdiction of the Commission; previously only board members filed. Mr. Hayden asked the Commissioners to let staff know of any language or legislation that needed to be changed in preparing for the 2016 session.

**NEW BUSINESS**

**Motions Prior To Probable Cause**

Mr. Hayden presented this matter, asking everyone to review in their yellow folders the draft which Mr. Burchstead put together on the proposed Policy on Motions to Dismiss Prior to Probable Cause. Discussion ensued concerning adopting a decision today, clarification on several items; the absence of Chairman Warren and Mr. Grimball; and needing more time to red-line concerns. Mr. Hayden advised the Commission that after further consideration, the staff requests that a timeframe be given for any motions given the same day prior to a hearing, since preparation for the hearing would need to be made. Further discussion ensued. All agreed that Mr. Burchstead will send in word format a draft for the Commissioners to review and submit their comments. This matter is continued.

**POINT OF ORDER**

**Motion to Extend Time to Pay**

C2014-147 State Ethics Commission vs. City of Cayce/ Rebecca Rhodes

Mr. Burchstead presented this matter. Respondent has requested a 30-day extension to pay the amount of \$3,500 in the Commission's recent Order. The original due date was July 21, 2015, and the requested extension date is August 20, 2015. Vice Chair Lydon asked for a motion. Mrs. Lewis made a motion, seconded by Mrs. Burris-Alcide, to grant the Respondent the additional time of August 20, 2015, to pay the \$3,500. Vice Chair Lydon asked for any discussion or opposition. There being none, the motion carried with a 7 - 0 vote.

**EXECUTIVE SESSION**

Vice Chair Lydon 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 to hear investigative matters. The motion carried with a 7 - 0 vote.

**RETURN FROM EXECUTIVE SESSION**

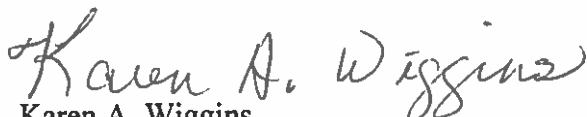
Upon return from Executive Session, a motion was made by Mrs. Lewis, seconded by Mrs. Burris-Alcide, to adopt and ratify actions taken in Executive Session. The motion carried unanimously.

Vice Chair Lydon reminded the Commissioners to leave their books for recycling.

**ADJOURNMENT**

There being no further business, a motion was made, with unanimous consent, to adjourn. The motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen A. Wiggins".

Karen A. Wiggins  
Administrative Specialist