

State of South Carolina

State Ethics Commission

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JULIE J. MOOSE, 7th 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

January 20, 2016

The meeting was called to order by Chairman Jim Warren at 9:31 a.m. Other members present were Vice Chair Sherri A. Lydon, Francis E. Grimbball, Sandy Templeton, Twana Burris-Alcide, Thomas M. Galardi, Brian M. Barnwell, and Julie J. Moose. Regina Hollins Lewis was absent.

The news media was duly notified and present at today's meeting.

Staff present:

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

Others present:

Maya Prabhu
Glenn Miller

Chairman Warren welcomed everyone, and reminded the members to use their microphones when speaking for the record. Chairman Warren then directed everyone to their yellow folder for the Amended Open Session Agenda.

MINUTES

Motion was made by Mr. Grimball, seconded by Mrs. Burris-Alcide, to accept the Minutes as approved. Chairman Warren asked for any discussion or opposition. There being none, the motion carried with no opposition to approve the Open Session Minutes and the Executive Session Minutes from the November 18, 2015 Commission meeting.

OFFICE OPERATIONS

Budget 2015/2016

Chairman Warren then directed everyone to their yellow folder. Mr. Hayden presented the budget for information only, and gave a status on Governor Haley's proposed budget. The Budget report was accepted as presented.

Compliance Reports

Mr. Hayden presented the Compliance reports for November and December, 2015 for information only. The Compliance reports were accepted as presented. Mr. Grimball asked for clarification on the Training section. Staff responded.

POINT OF ORDER

Mr. Hayden asked to take up the matter of Frank Wright at this time. There was no opposition.

C2013-012 In The Matter Of Frank Wright

Mr. Hayden presented this matter, and gave a history of events concerning this matter being submitted to the Department of Revenue for collection, and Mr. Wright's request to the Commission to withdraw a lien against him. Discussion ensued concerning the Commission's options, the Judgment being a result of the Commission's Decision and Order, and that any withdrawal would have to come from the Commission. Chairman Warren submitted a Recusal Statement for not voting on this matter. There being no further discussion, Mrs. Moose made a motion, seconded by Vice Chair Lydon, to deny the request. The motion carried with a 7 – 0 vote. Chairman Warren not voting.

NEW BUSINESS

Mr. Hayden directed everyone to their yellow folders for the Commission's 2016 Calendar of events, the 2016 Hearing Panel list, and a letter from Mrs. Franklin concerning the amount to be reported on the Annual 2016 Statement of Economic Interests report. Mr. Hayden also gave a status on security improvements in the front office entrance.

ADVISORY OPINIONS

AO2016-004 Club Membership Dues Paid With Campaign Funds

Chairman Warren presented this matter. Mr. Burchstead directed everyone to their yellow folder for an updated draft opinion concerning a request from staff on candidates using campaign

funds at membership clubs. Mr. Burchstead further stated that the drafted opinion was in response to the Commission's request for more details. Chairman Warren asked for further discussion. There being none, Mr. Grimball made a motion, seconded by Mrs. Burris-Alcide, to approve and adopt the Advisory Opinion as drafted by staff. There being no opposition, the motion carried with an 8 - 0 vote.

AO2016-005 Department of Commerce – Economic Development Efforts and Lobbyist's Principals

Mr. Burchstead stated that the Department of Commerce requested that this matter be deferred until later, and that no action be taken at this time. He stated that the Department of Commerce was not withdrawing their request, but that they needed to have further internal collaboration on their policy before coming before the Commission.

EXECUTIVE SESSION

Chairman Warren asked for a motion to go into Executive Session, advising that a recent court ruling required that a motion had to indicate the purposes for going into Executive Session. A motion was made by Mrs. Moose, seconded by Mr. Grimball, to go into Executive Session to review the Complaint Docket and the Hearing Docket, do a preliminary legal overview of an advisory opinion, and submit complaint matters for probable cause determination. There being no discussion, 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 Mr. Templeton, to adopt and ratify actions taken in Executive Session. Chairman Warren reminded everyone that if they recused themselves on a matter in Executive Session, they were still recused on that matter with this vote. The motion carried with an 8 - 0 vote.

ADJOURNMENT

Chairman Warren asked for any further discussion. There being no further business, Mr. Grimball made a motion, seconded by Mrs. Moose, to adjourn at 10:52 a.m. The motion carried with a 8 - 0 vote.

Respectfully submitted,



Karen A. Wiggins
Administrative Specialist