

State of South Carolina

State Ethics Commission

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VICE CHAIR
THOMAS M. GALARDI, 2nd DISTRICT
FRANCIS E. GRIMBALL, 1st DISTRICT



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TWANA BURRIS-ALCIDE, 5th DISTRICT
REGINA HOLLINS LEWIS, 6th DISTRICT
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

March 16, 2016

The meeting was called to order by Chairman Jim Warren at 9:43 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 Regina Hollins Lewis. Julie J. Moose arrived at 9:44 a.m.

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
Ami R. Franklin, Assistant Director, Administration
Ryenne Gillum, Investigator
Kristin S. Nabors, Administrative Coordinator
Karen A. Wiggins, Court Reporter

Others present:

Gavin Jackson
Jeremy Borden
Andy Shain
Miriam Green
Robert Green
Walton J. McLeod, IV

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. Mrs. Moose arrived.

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 January 20, 2016 Commission meeting.

OFFICE OPERATIONS

Budget 2015/2016

Chairman Warren then directed everyone to their yellow folder. Mr. Hayden presented the budget for information only. The Budget report was accepted as presented.

Compliance Reports

Mr. Hayden presented the Compliance reports for January and February, 2016 for information only. The Compliance reports were accepted as presented.

APPEALS

Freddie Justin Strickland

Mr. Hayden presented this matter, noting it was a late filing penalty appeal in which Mr. Strickland failed to file a Statement of Economic Interests report "upon assuming the duties" of his appointment. Clarification ensued on any regulation or statute requiring the Commission to notify filers to file electronically "upon assuming the duties." Staff responded that the burden was on the filer for any requirements, but when information is received on new appointments, the Commission has a policy of sending a notice to the filer to file electronically. Mr. Grimball made a motion, seconded by Mr. Galardi, to accept staff recommendation and deny the appeal. Chairman Warren asked for further discussion or opposition. There being none, the motion carried with a 9 - 0 vote.

C2015-017 Miriam C. Green

Mr. Hayden presented this matter. Mr. Burchstead asked for a Point of Order, stating that Mr. Green and her husband were present, but her attorney was still traveling. Mr. Burchstead made a request to move this matter, and for the Commission to go forward with the amended agenda. There was no opposition.

ADVISORY OPINIONS

AO2016-006 Campaign Services Performed by Candidate's or Family Member's Business AO2016-007 Public Official Causing or Influencing Caucus to Hire His Own Business

Chairman Warren presented this matter. Vice Chair Lydon submitted a Statement of Recusal in this matter. Mr. Burchstead directed everyone to material on this matter in their yellow folder and gave an overview. A lengthy discussion ensued on responding to a request for an opinion on two issues: (#1) AO2016-006 - Campaign Services Performed by Candidate's or Family Member's Business; and (#2) AO2016-007 - Public Official Causing or Influencing Caucus to Hire His Own Business. It was agreed that each issue needed its own response. Further discussion ensued on value of opinions on issues

involving personal gain by candidates and political leaders, and that issue #1 pertained to candidates under the Commission's jurisdiction. As for issue #2, while it was agreed that caucuses were not under the Commission's jurisdiction, discussion ensued as to whether analogous entities existed over which the Commission had authority. Discussion ensued about the appropriateness of issuing an opinion under the circumstances. Chairman Warren stated that after listening to all the comments, this matter needed further consideration, and asked Mr. Burchstead to draft suggested changes and have it available at the next Commission meeting. Mr. Grimbball then made a motion, seconded by Mrs. Lewis, to table this matter until the May 18, 2016 meeting, so the Commissioners could have time to further review Mr. Burchstead's draft. Mr. Grimbball noted that he may not make the May meeting, and requested the draft be mailed to him. It was agreed. There being no further discussion or opposition, the motion carried with an 8 – 0 vote. Vice Chair Lydon not voting.

POINT OF ORDER

Mr. Burchstead asked at this time to take up the Miriam C. Green Appeal. There was no opposition.

APPEAL

C2015-017 Miriam C. Green

Chairman Warren presented this matter. Statements of Recusals were submitted by Mrs. Burris-Alcide, Mrs. Moose, and Mr. Templeton, who served on the Hearing Panel in this matter. Walton J. McLeod, IV, representing Mrs. Green, gave an opening statement concerning her position and grounds for her appeal. Discussion ensued clarifying due process of service and the Commission's procedures notifying respondents of their hearing. Mr. Burchstead then gave an opening statement, noting that Mr. Green signed for the Notice of Hearing, but Mrs. Green did not appear. Questions and clarification ensued concerning mitigating circumstances, a request for a reduction in the amount of the judgment, and whether to allow the parties to work on a consent order. After closing statements, Chairman Warren asked for further discussion or questions. There being none, Mr. Grimbball made a motion, seconded by Mr. Galardi, that this matter be taken under advisement. There was no opposition. Chairman Warren thanked everyone, and stated that this matter would be taken under advisement, and a decision would be made later that day.

After returning from Executive Session, Chairman Warren asked for discussion or a motion in this matter. Discussion ensued concerning procedures for due process of Notice of Hearing, and Mrs. Green's attempt for a re-scheduled hearing. Chairman Warren asked for further discussion. There being none, Mr. Barnwell made a motion, seconded by Mr. Galardi, to deny the appeal. There being no further discussion or opposition, the motion carried with a 5 – 0 vote. Mrs. Burris-Alcide, Mrs. Moose, and Mr. Templeton not voting. Vice Chair Lydon was not present.

POINT OF ORDER

Chairman Warren asked to take a break at this time. All agreed.

LEGISLATION

Chairman Warren recognized Mr. Hayden. Mr. Hayden gave an update on two active legislative bills affecting the Commission: H.3722 and H.3184.

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. Lewis, seconded by Mr. Templeton, to go into Executive Session to review the Complaint Docket and the Hearing Docket, deliberate on an Appeal, and submit complaint matters for probable cause determination. There being no discussion, the motion carried with an 8 - 0 vote. Vice Chair Lydon left at 11:50 a.m.

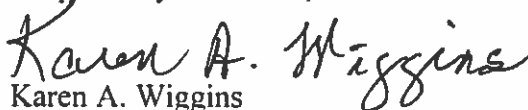
RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, a motion was made by Mrs. Lewis, seconded by Mrs. Moose, 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. Lewis, to adjourn at 1:05 p.m. The motion carried with an 8 - 0 vote.

Respectfully submitted,



Karen A. Wiggins
Administrative Specialist