

State of South Carolina

State Ethics Commission

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



COMMISSIONERS

SANDY TEMPLETON, 3rd DISTRICT
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

September 21, 2016

The meeting was called to order by Chairman James I. Warren, III, at 9:38 a.m. Other members present were Vice Chair Sherri A. Lydon, Julie J. Moose, Sandy Templeton, Thomas M. Galardi, Twana Burris-Alcide, Regina Hollins Lewis, and Brian M. Barnwell. Absent was Francis E. Grimbball.

The news media was duly notified.

Staff present: Herbert R. Hayden, Jr., James T. Bagnall, Michael R. Burchstead, Dan Choate, Don Lundgren, Ami R. Franklin, Kristin S. Nabors, Ryanne G. Caldwell, Sandra McClellan, Lessie Cheeseboro, Linda Sightler, and Karen A. Wiggins.

Others present: Stewart Rodman, Suzanne D. Moore, Roxanne D. Wilson, and S. Jahue Moore, Esquire.

Chairman Warren welcomed everyone and presented the Amended Open Session Agenda.

POINT OF ORDER

Chairman Warren called on Mr. Herb Hayden. Mr. Hayden asked to change the order of the meeting and noted that the Commission's staff was in attendance. Mr. Hayden then presented special employee service awards to Kristin Nabors, Sandra McClellan, Ami Franklin, Jimmy Bagnall, and Dan Choate. Mr. Hayden then presented retirement plaques to Linda Sightler, Don Lundgren, and Dan Choate.

MINUTES

Chairman Warren returned to the Amended Agenda and called for approval of the Minutes. A motion was made by Mrs. Moose, seconded by Mr. Templeton, 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 June 28, 2016 and July 20, 2016 Commission meetings.

OFFICE OPERATIONS

Budget 2016/2017

Chairman Warren called for the Office Operations reports. Mr. Hayden directed everyone to their yellow folder and presented the Budget reports for the Fiscal Year 2017. The Budget report was accepted as presented.

Compliance Reports

Mr. Hayden directed everyone to their yellow folder and presented the Compliance reports for July and August, 2016. The Compliance reports were accepted as presented.

POINT OF ORDER

Mr. Burchstead asked to take the Agenda out of order and call for Suzanne Moore's Motion to Vacate. There was no opposition.

MOTION TO VACATE

C2015-089 State Ethics Commission vs. Suzanne Moore

Chairman Warren called on Mr. Burchstead to present this matter. Mr. Burchstead gave an opening statement and history of events leading up to a default hearing, then a Decision and Order, and then an Appeal from the Respondent. Mr. Burchstead further stated that after receiving and reviewing campaign bank records, Commission staff did not oppose granting this Motion. Attorney S. Jahue Moore gave an opening statement, thanked the Commission for this opportunity, and noted that the Respondent will be filing the required reports, and requested another hearing in this matter. Chairman Warren then asked for any discussion. Clarification ensued concerning recusals from those who were on the Hearing Panel in this matter. Vice Chair Lydon, Mrs. Moose, and Mr. Barnwell submitted Statements of Recusals. Chairman Warren then asked for further discussion. There being none, a motion was made by Mrs. Lewis, seconded by Mrs. Burris-Alcide, to accept and grant the Motion to Vacate in this matter. The motion carried with a 5 - 0 vote. Mr. Grimball was absent. Vice Chair Lydon, Mrs. Moose and Mr. Barnwell not voting.

MOTION TO DISMISS

C2015-098 State Ethics Commission vs. Stewart H. Rodman

Chairman Warren called on Mr. Burchstead to present this matter and noted that Mr. Burchstead's Reply was in the yellow folder. Vice Chair Lydon stated that she knows the Respondent,

but she can be fair in her decision in this matter. Mr. Burchstead gave an opening statement. Respondent gave an opening statement, and highlighted facts from his perspective in his Motion to Dismiss. Discussion ensued concerning whether Respondent provided justification to dismiss this matter or whether it should proceed to a hearing. Chairman Warren asked for further discussion or clarification. Further discussion ensued concerning the importance of hearing further facts from both sides. Mr. Barnwell made a motion, seconded by Mr. Galardi, to deny the Motion to Dismiss. Chairman Warren asked for further discussion or opposition. There being none, the motion carried with an 8 – 0 vote. Mr. Grimball was absent.

POINT OF ORDER

At 10:38 a.m. Chairman Warren asked to take a break at this time. All agreed. Chairman Warren noted for the record that he, Mrs. Burris-Alcide, Mr. Templeton, Mrs. Franklin and Mr. Hayden would be leaving the meeting to attend another matter, but would return.

After the break, Vice Chair Lydon stated for the record that she, Mrs. Moose, Mrs. Lewis, Mr. Barnwell, and Mr. Galardi represented a quorum to continue the meeting. Vice Chair Lydon then called for any Appeals.

APPEAL

Bonnie S. Knight

Kristin Nabors presented this matter, giving a history of events, noting that there was a payment for the first penalty, but there was no payment for the second penalty. Discussion and clarification ensued concerning procedures for Ms. Knight not being able to make today's meeting, and no proof of receipt for the second penalty letter which was in the envelope with the first letter. Vice Chair Lydon asked for further discussion or clarification. There being none, Mrs. Moose made a motion, seconded by Mr. Galardi, to deny the Motion to Appeal. The motion carried with a 5 – 0 vote. Chairman Warren, Mrs. Burris-Alcide, and Mr. Templeton were at another appointment. Mr. Grimball was absent.

NEW BUSINESS

SC State Ethics Commission – Recovery Audit

Vice Chair Lydon called for any new business. Investigator Bagnall presented for information only a report from American Utility Auditors, LLC concerning an audit of the Commission between fiscal years 2013 – 2016, and finding no overpayment or underpayment to vendors for goods and services. There being no questions, the Audit was accepted as presented.

EXECUTIVE SESSION

Vice Chair Lydon asked for a motion to go into Executive Session for the purpose of hearing probable cause matters and an employment issue. A motion was made by Mrs. Moose, seconded by Mrs. Lewis, to go into Executive Session. There being no discussion or opposition, the motion carried with a 5 – 0 vote. Chairman Warren, Mrs. Burris-Alcide, and Mr. Templeton were at another appointment. Mr. Grimball was absent.

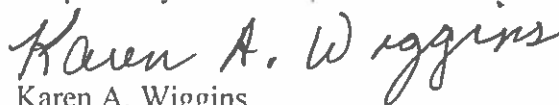
RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session, a motion was made by Vice Chair Lydon, seconded by Mrs. Lewis, 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 a 7- 0 vote. Mr. Grimball and Mr. Templeton were absent.

ADJOURNMENT

Chairman Warren asked for any further discussion. There being no further business, Mrs. Burris-Alcide made a motion, seconded by Vice Chair Lydon, to adjourn at 1:09 p.m. The motion carried with a 7 – 0 vote. Mr. Grimball and Mr. Templeton were absent.

Respectfully submitted,



Karen A. Wiggins
Administrative Specialist