

State of South Carolina
State Ethics Commission

BRIAN M. BARNWELL, CHAIR
VICTOR K. LI, VICE CHAIR
DONALD GIST
DON JACKSON



BRANDOLYN THOMAS PINKSTON
RICK REAMES III
CHILDS CANTEY THRASHER
ASHLEIGH R. WILSON

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

STEVEN W. HAMM
INTERIM EXECUTIVE DIRECTOR

MINUTES
COMMISSION MEETING
OPEN SESSION

September 21, 2017

The meeting was called to order by Chairman Brian M. Barnwell at 9:42 a.m. Commission members present were Donald Gist, Donald H. Jackson, James F. Reames, III, Brandolyn T. Pinkston, and Childs Cantey Thrasher. Ashleigh R. Wilson arrived at 9:44 a.m. Victor K. Li arrived at 11:31 a.m.

The news media was duly and timely notified.

Staff present: Steven W. Hamm, Ami R. Franklin, James T. Bagnall, Michael R. Burchstead, Kristin S. Nabors, Karen A. Wiggins, Frank Schumpert, and Kevin Hinson.

Others present: Donna Foster and Gary Cannon.

MINUTES

Chairman Barnwell called for approval of the Minutes. Mr. Hamm asked Mrs. Wiggins to comment on the Amended Minutes found in the yellow folders. Mrs. Wiggins noted that there was a correction in the Minutes for Executive Session found on page 9. A motion was made by Commissioner Thrasher, seconded by Commissioner Pinkston, to accept the Minutes as amended. Chairman Barnwell asked for any discussion or opposition. There being none, the motion carried with no opposition to approve the Open Session Minutes and the amended Executive Session Minutes from the July 18, 2017 Commission meeting. The motion was carried unanimously with a 7 - 0 vote. Commissioner Li was not present at this part of the meeting.

EXECUTIVE SESSION

A motion was made by Commissioner Gist, seconded by Commissioner Wilson, to go into Executive Session for a personnel matter and legal briefings. There being no discussion or opposition, the motion carried with a 7 – 0 vote. Commissioner Li was not present at this part of the meeting.

POINT OF ORDER

Upon return from Executive Session at 11:23 a.m., Chairman Barnwell asked for a motion to adopt and ratify all actions taken with regard to a personnel matter and the appointment of a Search Committee consisting of Commissioners Pinkston, Reames, Thrasher, and Gist. The Search Committee will gather to consider candidates for the full time Director's position for the State Ethics Commission. There was unanimous consent to adopt and ratify these actions with a 7 - 0 vote. Commissioner Li was not present at this part of the meeting.

POINT OF ORDER

Mr. Hamm asked at this time to change the order of the Agenda to take up the Workers' Compensation Commission Advisory Opinion since a representative was present. There was no opposition.

ADVISORY OPINIONS

AO2018- Workers' Compensation Commission Request Regarding Service on Non-Profit Organizations in Official Capacity

Mr. Hamm introduced Gary Cannon. Mr. Burchstead gave an overview of the Commission's current formal opinions on "business with which associated" and "individual with whom associated." Discussion ensued concerning the entities involved and the difference in the decision found in the Loftis matter. Chairman Barnwell asked for further discussion. There being none, Commissioner Thrasher made a motion, seconded by Commissioner Gist, to adopt the draft opinion presented by Mr. Burchstead. There being no further discussion or opposition, the motion carried with a 7 - 0 vote. Commissioner Li was not present at this part of the meeting.

POINT OF ORDER

Because of time restraints, Mr. Hamm presented for informational purposes only the Ethics Commission's proposed Budget for the Fiscal year 2017–2018. Commissioner Li arrived at 11:31 a.m.

POINT OF ORDER

Mr. Hamm passed out to the commissioners a federal complaint filed by Julian E. Rochester. Chief Investigator Bagnall received the complaint which names the State Ethics commissioners as defendants, as well as other government officials. Mr. Hamm stated that this matter would be taken up at a later date.

EXECUTIVE SESSION

A motion was made by Commissioner Pinkston, seconded by Commissioner Wilson, at 11:37 a.m. to go into Executive Session to deliberate probable cause matters. There being no discussion or opposition, the motion carried with an 8 – 0 vote.

RETURN FROM EXECUTIVE SESSION

Upon return from Executive Session at 1:47 p.m., a motion was made by Commissioner Gist, seconded by Vice Chair Li, to adopt and ratify all actions taken with regard to probable cause cases in Executive Session. Chairman Barnwell 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 unanimously. Commissioners Jackson and Reames had previously left the meeting.

ADJOURNMENT

Chairman Barnwell asked for further discussion. Mr. Hamm stated that if any of the Commissioners wanted to sign Terri Connor's Retirement Resolution, please see Mrs. Nabors. Mr. Hamm also stated that October 6 was Mr. Burchstead's last day with the Commission as he had accepted a position with the Collins & Lacey Law Firm. Mr. Burchstead delivered a brief statement, and the Commissioners gave praising remarks for the great job he has performed at the Ethics Commission. Chairman Barnwell asked for any further business. There being none, a motion was made by Commissioner Wilson, seconded by Commissioner Gist, to adjourn at 1:52 p.m. The motion carried unanimously. Commissioners Jackson and Reames had previously left the meeting.

Respectfully Submitted,


Karen A. Wiggins