

PROPOSED DRAFT/SUBJECT TO REVISION

Discussion and possible action on Amendment 2017-06 of the Constitutional Ethics Rules.

Commissioner Long made the following motion: Moved to adopt Amendment 2017-06 of the Constitutional Ethics Commission.

Easterling seconded.

Any Discussion. None.

Roll was called and the vote was as follows: Long – yes, Easterling – yes, Pettigrew– yes, Hawkins – yes, Stocker – yes.

Motion carried.

Consideration of Amendment 2017-07. This amendment modifies the Campaign Finance Rules in Rule 2 of the Constitutional Ethics Rules concerning State Questions.

Explanation of Amendment 2017-07 by Executive Director Kemp.

Comments by Commissioner Long. Commissioner Long made comments.

Public Comment. None.

Comments and questions by Commissioners and staff. Chair Pettigrew, Commissioner Stocker, Director Kemp, General Council Geoff Long, and Glenn Coffee, Attorney.

Discussion and possible action on Amendment 2017-07 of the Constitutional Ethics Rules.

Commissioner Long made the following motion: Moved to adopt Amendment 2017-06 of the Constitutional Ethics Commission.

Stocker seconded.

Roll was called and the vote was as follows: Long – yes, Stocker – yes, Pettigrew – yes, Hawkins – yes, Easterling – yes.

Motion carried.

Consideration of Amendment 2017-05 and Amendment 1 to Amendment 2017-05, amending Rule 5 of the Constitutional Ethics Rules

Explanation by Executive Director Kemp of Amendment 2017-05 sponsored by Commissioner Long and Amendment 1 to Amendment 2017-05 sponsored by Commissioner Pettigrew.

Comments by Commissioner Long. None.

Comments by Chair Pettigrew. Chair Pettigrew commented and explained Amendment 1 to Amendment 2017-05.

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Public comment. Jim Dunlap, Lobbyist, commented thanking the Commission for work since the rewrite in 2014 making what occurs out at the Capitol transparent and having rules with which lobbyists can comply. The tweaks proposed are ones that need to be done.

Comments and questions by Commissioners. Commissioner Hawkins, Chair Pettigrew, Commissioner Long and Director Kemp commented.

Commissioner Long comments the only reason I voted "yes" in 2013 was for a compromise. I am much more closely associated with the no gift opinion. Anytime you have an opportunity for gifts it begins to look to the public it is tit for tat. In 2013, it made sense to me that there are times of personal significance when people who know one another fairly well and like to show respect for a serious illness, retirement, a birth, a marriage but not birthdays which come around all the time. The idea that in defending our position to the public that we are able to say we have limited the types of things that can be commemorated are the types of things that most reasonable people would also recognize as special occasions. I can defend providing a gift for a major life event but not providing one for any reason. A no gifts rule is easy to defend and an easy rule to enforce. But there is this other issue that people struggle with which is to obtain compliance with the Rules and that means completing honest and timely expenditure reports. We have felt there was a significant benefit to the public and there is great value to transparency where the public and the press can identify what gifts are given. 2017-05 clarifies the timing of gifts must be when or near when an occasion occurs. The proposed amendment 1 to 2017-05 makes sense to me with the exception of the gift for any reason. For me, it loses the control and ability to tap into what the public expects from the individuals that represent them in their governmental capacity. With regards to enforcement, people with integrity will follow the rules whether they like them or not. People who don't want to follow the Rules won't follow the Rules but there are two people involved in the transaction, the giver and the receiver. I don't think we can make rules based upon whether someone will comply. The issue is can we find a place where we can be satisfied that the Rules provide opportunities to commemorate significant events and can that position be defended to the public without providing the opportunity for a person to walk into an office and give gifts to everyone in there for no reason.

Chair Pettigrew comments the majority of lobbyist spending is on meals. On this one thing Commissioner Long and I differ slightly. The public thinks of gifts like providing something extravagant when a lot of the time it's providing something that really is not very significant like a book on legislative process. I think it is difficult to try to identify

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everything which is valuable and tie it to a special event. I think there needs to be a little more freedom. The transparency that we have developed with the lobbyists and the others we regulate provide the ability for the public to make the determination on whether a gift is appropriate. I considered trying to come up with a variety of occasions for which gifts could be given but then it turns into a list that becomes unmanageable. Instead it seems better to have an option with a little more leeway and leaves it up to the giver and receiver to do what is in compliance with the rules.

Director Kemp explained in operation how Amendment 1 and 2017-05 would each operate. Amendment 1 would allow \$100 for anything and an additional \$100 for one of the listed events. 2017-05 intends to change the limit to \$100 for an infrequently occurring occasion of personal significance and clarify that it does not include an annual event like a birthday. It also clarifies the gift must be contemporaneous with the event so you avoid situations like now where gifts are being given in March for a birthday that occurs in November.

Chair Pettigrew made the following motion: Moved to adopt Amendment 1 to 2017-05 to replace the language of Amendment 2017-05 of the Constitutional Ethics Commission.

Easterling seconded.

Roll was called and the vote was as follows: Pettigrew – yes, Easterling – yes, Hawkins – yes, Stocker – no, Long – no.

Motion carried.

Chair Pettigrew moved to adopt Amendment 2017-05 as amended.

Easterling seconded.

Roll was called and the vote was as follows: Pettigrew – yes, Easterling – yes, Hawkins – no, Stocker – no, Long – no.

Motion fails.

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Discussion by Commissioner Long, Chair Pettigrew, Commissioner Hawkins, Director Kemp and General Counsel Geoff Long.

Commissioner Long comments there was virtually no public comment on the proposed amendment. This indicates there wasn't the level of interest in this that we had hoped.

Commissioner Long moved to approve Amendment 2017-05 as originally proposed.

Stocker seconded.

Roll was called and the vote was as follows: Long – yes, Stocker – yes, Pettigrew– yes, Hawkings – no, Easterling – no.

Motion carried.

Consideration, discussion and possible action on minutes for regular meeting, public hearing and executive session held November 18, 2016.

Long moved to approve the regular meeting, public hearing and executive session minutes as presented, held November 18, 2016.

Easterling seconded.

Roll was called and the vote was as follows: Long – yes, Easterling – yes, Pettigrew - yes, Hawkins – abstain, Stocker – abstain

Motion carried.

Discussion of agency expenditures for November 1 through November 30, 2016.

Question from Commissioner Hawkins.

Executive Director's Report.

Report was provided by Executive Director Kemp on the continuing education programs and outreach, Post-Election Candidate Committee Information, Software Update, COGEL Conference, Purchase Card (P-card) Audit, Capitol renovation update.

General Counsel's Report

Recent developments in ethics law by General Counsel Long. None

Consideration, discussion and possible action on Closed/Executive session.

Commissioner Long moved to go into Closed/Executive session.

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Stocker seconded.

Roll was called and the vote was as follows: Long – yes, Stocker - yes, Pettigrew - yes, Hawkins - yes, and Easterling - yes.

Motion was carried to go into Executive/Closed session at 11:20 a.m.

Executive session was held in the Conference Room located within the Ethics Commission office in the Capitol basement, Rm. B-5.

Vice Chair Hawkins moved to reconvene in Open Session at 12:24 p.m.

Possible Action to return to Open Session

Stocker seconded.

Roll was called and the vote was as follows: Hawking - yes, Stocker - yes, Pettigrew - yes, Long – yes, Easterling - yes.

Motion carried.

Consideration, discussion and possible action on items considered

Commissioner Long moved to open a formal investigation into Complaint C-16-06.

Hawkins seconded.

Discussion on the motion. None.

Roll was called and the vote was as follows: Long – yes, Hawkins - yes, Pettigrew – yes, Stocker - yes, Easterling - yes

Motion carried.

New Business

None

Adjournment

Commissioner Stocker moved to adjourn.

Long seconded.

Minutes of Regular Meeting held December 9, 2016
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Roll was called and the vote was as follows: Stocker - yes, Long – yes, Pettigrew – yes, Hawkings - yes, and Easterling - yes

Motion carried.

Meeting ended at 12:27 p.m.



ASHLEY KEMP, Executive Director

Approved on Behalf of the Commission:



JO PETTIGREW, Chair