

# STATE ETHICS COMMISSION

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## COMMISSION MEETING MINUTES SEPTEMBER 2, 2010 | 1:30 PM | TELECONFERENCE

### **Present:**

Kent Alexander, Commission Member  
Josh Belinfante, Commission Member  
Kevin Abernethy, Commission Member

### **Absent:**

Patrick N. Millsaps, Commission Member  
Hillary S. Stringfellow, Commission Member

### **Others Present:**

Stacey Kalberman, Executive Secretary  
Sherilyn Streicker, Deputy Executive Secretary

### • **Call to Order:**

The meeting was called to order by Mr. Belinfante at 1:35 P.M.

### • **General Comments:**

Ms. Kalberman stated that the approval of the August 17, 2010 meeting minutes would be tabled due to the absence of two Commission members.

*Mr. Belinfante motioned, due to Mr. Millsaps absence, to table the election of Commission Chairman and Vice Chairman till the next meeting when all the Commissioners would be present.*

*Seconded by. Mr. Abernethy                      Carried 3 – 0                      Abstain: None*

Ms. Kalberman welcomed Josh Belinfante and Kevin Abernethy to the Commission.

Mr. Alexander noted that this would be his last Commission meeting as he accepted a new employment position with a travel schedule that would not provide the time necessary to dedicate to the Commission.

- **Advisory Opinions:**

**Advisory Opinion 2010-04:**

Presented by Stacey Kalberman, Executive Secretary

Ms. Kalberman requested that Advisory Opinion 2010-04 be removed from the agenda until the issuance of the pending advisory opinion from the Federal Elections Commission on the same topic.

The Advisory Opinion Request 2010-04 was considered; whether a federally-registered PAC of a regulated entity may contribute to a candidate for an elected executive office which regulates such entity. The Advisory Opinion Request was submitted by Michael Zolandz of Sonnenschein Nath & Rosenthal, LLP on July 30, 2010.

*Motion made by Mr. Abernethy to table the discussion of Advisory Opinion 2010-04 until the release and review of the Federal Elections Commission advisory opinion:*

*Seconded by: Mr. Alexander                      Carried 3 – 0                      Abstain: None*

**Advisory Opinion 2010-05:**

Presented by Stacey Kalberman, Executive Secretary

Discussion and consideration for adoption of response to Advisory Opinion Request 2010-05 regarding whether Advisory Opinion 2001 32 is still valid and whether the GA campaign finance laws apply to activity limited to independent spending that does not use express words of advocacy was conducted. The Advisory Opinion Request was submitted by Jan Witold Baran and Caleb P. Burns of Wiley Rein LLP on August 5, 2010 and supplemental submission to initial request on September 23, 2010.

Mr. Alexander discussed the issue of “functional equivalent” under the McConnell decision and asked that staff to determine what bearing functional equivalent might have on Advisory Opinion 2010-05.

*Mr. Belinfante motioned that this Advisory Opinion be tabled till the next meeting to allow the Commission staff to investigate Mr. Alexander’s question.*

*Seconded by: Mr. Abernethy                      Carried 3 – 0                      Abstain: None*

**Advisory Opinion 2010-06:**

Presented by Stacey Kalberman, Executive Secretary

Discussion and consideration for adoption of response to Advisory Opinion Request 2010-06 regarding whether there is a limit on campaign/candidate to candidate contributions.

Mr. Belinfante noted that, although he agreed with the Advisory Opinion, this is another situation where the Commission’s rule making authority is needed to address any gaps in the Act regarding this topic.

*Motion to approve Advisory Opinion 2010-06 made by Kent Alexander.*

*Seconded by: Mr. Belinfante                      Carried 3 – 0                      Abstain: None*

- **Other Comments**

Mr. Bill Bozarth, of Common Cause Georgia, asked the Commission if in light of the Commission's decisions and the dismissal of the Charles Chalk case at the August 17, 2010 meeting would 1) the Commission investigating the lack of reports filed by the Walker Campaign or 2) is a complaint necessary to initiate the investigation of the lack of reports?

Ms. Kalberman responded that more information will be available shortly regarding Mr. Bozarth's request.

- **Future Commission Meeting Date**

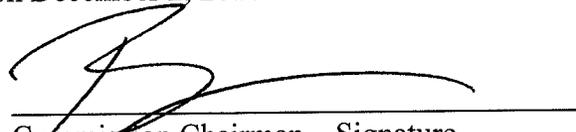
A date for the next Commission meeting was discussed but not finalized. An exact date and time will be determined at a later date.

The Meeting was adjourned at approximately 2:36 p.m.

**Official Minutes Statement**

The foregoing Minutes for the September 2, 2010 meeting of the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on December 2, 2010.

  
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Stacey Kalberman, Executive Secretary

  
\_\_\_\_\_  
Commission Chairman – Signature

Patrick N. Millsaps  
\_\_\_\_\_  
Commission Chairman – Print Name

December 2, 2010  
\_\_\_\_\_  
Date