

Patricia L. West, Chair
Pete W. Stout, III, Vice-Chair
G. Stewart Petoe, Executive Director



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Meeting Minutes
November 21, 2016, 2:00 p.m.
Senate Room B, General Assembly Building

Council members present:

The Honorable Patricia L. West, Chair
The Honorable Pete W. Stout, III, Vice-Chair
Senator Thomas K. Norment, Jr.
Senator Janet D. Howell
Delegate Todd Gilbert
Delegate Jennifer L. McClellan
Bernard L. Henderson, Jr.
Walter C. Erwin
Sharon E. Pandak

Staff present:

Stewart Petoe, Executive Director
Rebekah Stefanski, Attorney
Michelle LeGates, Filing Coordinator

Summary:

- I. Judge West called the meeting to order at 2:07 p.m.
- II. Judge West requested a motion to approve meeting minutes from the October 3, 2016, Council meeting. Senator Howell made a motion to approve. The motion was seconded by Mr. Henderson and unanimously approved by the Council.
- III. Ms. Stefanski presented proposed Formal Advisory Opinions A through F.
 - A. Judge West asked if the Council wanted the Formal Advisory Opinions to be approved in a block. Mr. Henderson asked that Formal Advisory Opinion F be considered separately.
 - B. Delegate Gilbert made a motion to approve Formal Advisory Opinions A-E. The motion was seconded by Mr. Erwin and unanimously approved by the Council.
 - C. After discussion, Senator Norment made a motion to approve Formal Advisory Opinion F. The motion was seconded by Delegate Gilbert and approved by Council vote, with Mr. Henderson and Ms. Pandak voting against the motion.

- IV. Mr. Petoe presented Council staff's recommendations for legislative changes.
- A. Delegate Gilbert made a motion to approve Proposals 1 and 2. The motion was seconded by Senator Norment and unanimously approved by the Council.
 - B. Senator Norment made a motion to approve Proposal 3. The motion was seconded by Ms. Pandak and unanimously approved by the Council.
 - C. Senator Norment made a motion to approve Proposals 4 and 5. The motion was seconded by Delegate Gilbert and unanimously approved by the Council.
 - D. Delegate Gilbert made a motion to approve Proposal 6. The motion was seconded by Mr. Erwin and unanimously approved by the Council.
 - E. Ms. Pandak made a motion to approve Proposal 7. The motion was seconded by Senator Norment and unanimously approved by the Council.
 - F. Ms. Pandak made a motion to approve Proposal 8. The motion was seconded by Judge Stout and unanimously approved by the Council.
 - G. Ms. Pandak made a motion to approve Proposal 9. The motion was seconded by Senator Howell and unanimously approved by the Council.
 - H. Ms. Pandak made a motion to amend Proposal 10 by removing the time requirement for mandatory refresher sessions that legislators attend. The motion was seconded by Judge Stout, and both the amendment and the amended proposal were unanimously approved by the Council.
 - I. Ms. Pandak made a motion to approve Proposal 11. The motion was seconded by Senator Howell and unanimously approved by the Council.
 - J. Delegate McClellan made a motion to approve Proposal 12. The motion was seconded by Senator Howell and unanimously approved by the Council.
 - K. Delegate McClellan made a motion to approve Proposal 13. The motion was seconded by Senator Howell and unanimously approved by the Council.
 - L. Judge Stout made a motion to approve Proposals 14 and 15. The motion was seconded by Senator Howell and unanimously approved by the Council.
 - M. Senator Norment made a motion to approve Proposal 16. The motion was seconded by Senator Howell and unanimously approved by the Council.
 - N. Mr. Erwin made a motion to approve Proposal 17. The motion was seconded by Senator Norment and unanimously approved by the Council.
 - O. Ms. Pandak made a motion to approve Proposal 18. The motion was seconded by Delegate McClellan and unanimously approved by the Council.
 - P. Delegate McClellan made a motion to amend Proposal 19 to include a requirement that there also be a history of reciprocal gift giving between the parties. Ms. Pandak seconded that motion, and it was approved unanimously. Delegate McClellan then moved to approve the amended proposal. The motion

was seconded by Senator Norment and approved by Council vote, with Mr. Henderson voting against the motion.

- Q. Ms. Pandak made a motion to approve Proposal 20. The motion was seconded by Senator Norment and unanimously approved by the Council.
 - R. Senator Norment made a motion to approve Proposal 21. The motion was seconded by Judge Stout. Delegate McClellan, Mr. Henderson, Ms. Pandak, and Mr. Erwin voted against the motion, the motion failed, and the Council did not recommend Proposal 21. Delegate Gilbert and Senator Howell were not present and did not vote on this proposal.
 - S. Ms. Pandak made a motion to amend Proposal 22 so that reliance on the written informal advice of the Council or its designee would not create a complete bar to prosecution but the advice itself could be offered at trial as evidence that the person did not knowingly violate the law. Senator Norment made a motion to approve the amended Proposal 22. The motion was seconded by Judge Stout and unanimously approved by the Council.
 - T. Mr. Erwin made a motion to approve Proposals 23, 24, and 25. The motion was seconded by Senator Norment and unanimously approved by the Council.
 - U. Ms. Pandak made a motion to amend Proposal 26 by including a sentence that judges may not accept any gift, that would constitute a violation of the Canons of Judicial Conduct. This motion was seconded by Senator Norment and was unanimously approved by the Council. Senator Norment then made a motion to approve the amended Proposal 26. The motion was seconded by Judge Stout and unanimously approved by the Council. Senator Norment then requested that Council staff work on possible legislation that would completely remove the judiciary from the State and Local Government Conflict of Interests Act. Senator Norment stated he would consider this on his own.
 - V. Senator Norment made a motion to approve Proposal 27. The motion was seconded by Judge Stout and unanimously approved by the Council.
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- V. Mr. Henderson proposed a legislative change that the \$100 gift cap apply to a gift from a Political Action Committee. After consideration, Mr. Henderson withdrew his motion with the expectation that the Council will return to the issue at a later meeting.
 - VI. Mr. Petoe presented a draft of the Council's Annual Report. Ms. Pandak made a motion to approve the Annual Report. The motion was seconded by Mr. Henderson and unanimously approved by the Council.
 - VII. Judge West asked for public comment. Mr. Philip Abraham provided public comment regarding the Lobbyist's Disclosure Form and the Statement of Economic Interests.
 - VIII. Judge West adjourned the meeting at 4:26 p.m.