Regular Meeting:

Roll Call:

X Chair Mr. Gilbert Castro
E Member Dr. J. Anthony Snorgrass, PhD.
X Member Mr. John Zawacki
X Member Ms. Janey Humphries
X Member Mr. Robert Frey
X Ruth Benien, Administrator

X (Present)
E (Excused)
U (Unexcused)

Call to Order:

Chairperson Castro called the meeting to order at 4:02 p.m. Commissioners Zawacki, Humphries and Frey were present. Commissioner Snorgrass was absent and excused. Administrator Benien was present.

Public Comment: No members of the public appeared.

Old Business:

a). Approval of Minutes:

Proposed Minutes of the February 4, 2010 meeting were reviewed. A motion to approve the minutes as corrected and amended was made by Commissioner Zawacki and seconded by Commissioner Frey. The motion passed unanimously.

b). Monthly Administrator’s Report:
Administrator Benien provided a written copy of the February, 2010 monthly report to the Commission which outlined the training provided in February, 2010 and the nature of the ethics opinions rendered and complaints received.

The ethics training sessions for the UG Commissioners scheduled for February 16, 2010 and February 18, 2010 were canceled due to non-receipt of the codified Ethics Code. The codified UG Ethics Code was finally received in mid-February, 2010. Robin Hicks with the Legislative Auditor’s Office has been provided a copy of the codified code and is assisting with the preparation of a training copy of the code and update of the training materials. A Continuing Ethics training session was held February 24, 2010 from 1:30 p.m. to 2:30 p.m. at the Human Resources Training room. A Basic Ethics training session is scheduled from 1:00 p.m. to 3:00 p.m. on March 16, 2010 at the Health Department Auditorium.

Two new e-mail complaints were received. Five complaints were closed after investigation or review with no violation found. Two complaints were closed due to lack of jurisdiction. Twenty-six complaints are pending awaiting investigation, under investigation or determination. Twelve verbal advisory opinions were provided. Two written e-mail advisory opinions were provided. Twenty requests for an advisory opinion are pending.

No new requests for information were received in February, 2010. One request for information is pending. The Ethics Administrator is working on the November 10, 2009 formal written request under the Kansas Open Records Act for all letters and correspondence involving the UG Ethics Code revisions. Each Ethics Commissioner was asked in January, 2010 to provide any e-mails in their possession relating to the request. Materials were provided by former Chairperson Smiley.

Motion to accept the Administrator’s report as amended or corrected was made by Commissioner Zawacki and seconded by Commissioner Frey.


The codified version of the UG Ethics Code and its revisions which became effective October 15, 2009 was received from the codifier in Florida in mid-February, 2010. Training materials are being updated and a training format of the UG Ethics Code prepared with page numbers and indexing.

d). Report on status of anti-retaliation memorandum:

The Administrator has not had opportunity to prepare a memorandum for distribution regarding the anti-retaliation provisions of the UG Ethics Code due to the priority given to the UG Ethics Code revisions and the substantial time commitment required for the same. The Ethics Administrator does, however, advise in any investigative memorandums, letters or communication of the anti-retaliation provisions.
New Business:

Administrator Benien distributed a Certificate of Appreciation for signing by the UG Ethics Commissioners for outgoing Chairperson Smiley.

Administrator Benien advised that in training sessions and through a memorandum employees were being reminded of the prohibitions of the UG Ethics Code with respect to the sales tax election and health care reform.

A proposed revision to the UG Ethics Code with respect to the ownership of stock and/or status as a debtor and disqualification of voting under Sec. 2-259(C) was taken under consideration. A motion by Commissioner Zawacki to accept a proposed amendment to the proposed revision died for lack of a second. A motion by Commissioner Zawacki to table a vote on the matter until the April 1, 2010 meeting due to absence of one of the Commissioners and to allow additional time for consideration was seconded by Commissioner Frey and passed unanimously.

Discussion with respect to the prestige of the office provision of the UG Ethics Code was had with Administrator Benien advising that provision of advisory opinions relating to that provision of the Code which has been in existence and not revised since 1998 would not be given preference unless a time constraint was involved. The Office of the Ethics Administrator is reviewing files and seeking the assistance of the Office of the UG Administrator in determining prior history regarding some of the issues.

Executive Session:

Executive Session was held for the purpose of reviewing a personnel matter of a non-elected official. Motion to enter Executive Session from 4:50 p.m. – 5:00 p.m. was made by Commissioner Zawacki and seconded by Commissioner Humphries. Motion passed unanimously. Motion to extend the Executive Session from 5:00 p.m. to 5:10 p.m. was made by Commissioner Zawacki and seconded by Commissioner Humphries. Motion passed unanimously. Executive Session ended at 5:10 p.m.

Adjournment:

Motion for adjournment by Commissioner Humphries.

Seconded by Commissioner Zawacki.

Motion passed Unanimously.

Meeting Adjourned at 6:15 p.m.

Next Meeting is April 1, 2010 at 4:00 p.m.
Respectfully Submitted,

s/Ruth M. Benien

Ruth M. Benien
Ethics Administrator