

Georgia Government Transparency and Campaign Finance Commission

200 Piedmont Avenue, SE | Suite 1402, West Tower | Atlanta, Georgia 30334
404-463-1980 | www.ethics.georgia.gov

COMMISSION MEETING AGENDA

Regular Meeting | Monday, July 23, 2012 | 9:00 AM

**Location: Paul D. Coverdell Legislative Office Building, Room 606
18 Capitol Square SW, Atlanta, GA 30334**

Meeting Called to Order	
Opening Comments of the Chair	
Reading and approval of June 15, 2012 Commission Meeting Minutes	1

CONSENT ORDER Presented by: Meron Dagnew, Esq., Assistant Attorney General

In the Matter of Roberta Abdul-Salaam, Case No. 2008-0011PC	2
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ADVISORY OPINIONS

Reexamination of Advisory Opinion 2012-01 <ul style="list-style-type: none">Submitted by: Chief Judge David Motes Hearing for ClarificationPoints of reexamination presented by: Elisabeth Murray-Oberstein, Staff AttorneyTopics for Reexamination : Qualifying Fee, Election Cycle	3
Advisory Opinion 2012-02 <ul style="list-style-type: none">Submitted by: Barry A. Bostrom, General Counsel for ActRight FundReceived: June 12, 2012Presented by: Jonathan E. Hawkins, Esq.Summary of Advisory Opinion Request:<ol style="list-style-type: none">Does Georgia law permit ActRight to register a separate segregated fund (ActRight Georgia) to accept designated contributions from individuals for Georgia candidates? Fund (ActRight Fund and the ActRight.com website, is an online clearinghouse for conservative action. The goal is to permit donors to contribute to state and federal candidates nationwide)May ActRight Georgia distribute these contributions to each candidate as a contribution from ActRight Georgia?Each donor will be identified and reported on ActRight Georgia reports. Should the candidates report the individual donors or do they simply report the contribution amount as a single contribution from ActRight Georgia to each candidate?Are there any errors in the summary of Georgia campaign finance law in this advisory opinion request?	4

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ADVISORY OPINIONS, Continued

Advisory Opinion 2012-03

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- Submitted by: Holly LaBerge, Executive Secretary, GGT&CFC
Elisabeth Murray-Obertein, Staff Attorney, GGT&CFC
- Received: June 14, 2012
- Presented by: Jonathan E. Hawkins, Esq.
- Summary of Advisory Opinion Request:

The Advisory Opinion Request seeks clarification regarding the proper application of the Georgia Government Transparency and Campaign Finance Act to factual situations involving campaign expenditures for attorney's fees associated with the defense of a candidate for statewide office.

Specifically, the request seeks additional guidance from the Commission regarding the treatment of legal fees paid from a campaign for a Georgia candidate for legal fees from a federal investigation that arose from conduct that occurred when the candidate was in federal office.

Advisory Opinion 2012-04

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- Submitted by: Holly LaBerge, Executive Secretary, GGT&CFC
Elisabeth Murray-Obertein, Staff Attorney, GGT&CFC
- Received: June 14, 2012
- Presented by: Jonathan E. Hawkins, Esq.
- Summary of Advisory Opinion Request:

The Advisory Opinion Request seeks clarification regarding the proper application of the Georgia Government Transparency and Campaign Finance Act to factual situations involving campaign expenditures for use of aircraft for campaign purposes pursuant to an arrangement where the candidate is a part-owner in a company that owns aircraft for which all owners pay a fixed monthly fee to use the aircraft.

1. Does the Georgia Government Transparency and Campaign Finance Act allow campaign expenditures for use of aircraft for campaign purposes under circumstances where the candidate or the candidate's spouse own an interest in an airplane or when the candidate has entered into an aircraft sharing arrangement where all owners pay a fixed monthly fee to use the aircraft?
2. If the above expenditure is permissible under The Act then what is the proper manner in which to report the expenditure on a Campaign Contribution Disclosure Report?
3. Would a candidate be required to report the expense pursuant to Commission Rules 189-3.06 (2), 189-3.06(4) and 189-3.06(5)?

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ADVISORY OPINIONS, Continued

Advisory Opinion 2012-05

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- Submitted by: J. Randolph Evans, McKenna Long & Aldridge, LLP
- Received: June 14, 2012
- Presented by: Jonathan E. Hawkins, Esq.
- Summary of Advisory Opinion Request:

What is the appropriate methodology for evaluating the acceptability of attorney fee expenditures by the state campaign committee of a current or past federal office holder when such costs are clearly made in connection with the candidate's active campaign for state office, but also bear some relationship to the candidate's current or past federal position? How should a state campaign committee assess the treatment of particular attorney fee expenditures in factual scenarios where the legal services provided fundamentally relate to the candidate's run for state elective office, but cannot be cast in a light that is wholly segregated from the candidate's present or former federal office? For the purposes of the above inquiries, please assume that the candidate at issue is a present or former federal office holder currently seeking state office, but no longer seeking re-election at the federal level. Likewise, please assume that the legal fees at issue would not have accrued *but for* the particular candidate's pursuit of state office. Also, to the extent possible, please provide guidance on how the analysis changes under the Act (if at all) in the following scenarios: (1) where the candidate at issue has only one active principal campaign committee operating at the state level; and (2) where the candidate at issue has separate principal campaign committees operating at both the federal and state levels.

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ADVISORY OPINIONS, Continued

Advisory Opinion 2012-06

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- Submitted by: J. Randolph Evans, McKenna Long & Aldridge, LLP
- Received: June 14, 2012
- Presented by: Jonathan E. Hawkins, Esq.
- Summary of Advisory Opinion Request:
 1. Given the nature of the regulatory framework set forth by the Act, Commission Rule 189-3-.06 and Commission Advisory Opinion 2007-07 with regard to the purchase of non-commercial air transportation services, what guidelines (if any) exist for a state campaign committee seeking to utilize its contribution funds to pay the costs associated with private air travel when such services are purchased in accordance with the terms of a fair-market, commercially-reasonable transaction? Due to the fact that the Commission's regulatory structure appears to address the payment of non-commercial air transportation service costs only in settings involving either an in-kind contribution of such services or the reimbursement of a party who provides such services free of charge, what guidelines (if any) exist for a state campaign committee seeking to purchase such services on the open market in accordance with the terms of a commercially-reasonable contract, lease, or other similar agreement? Also, in light of the current regulatory framework for the purchase of noncommercial air transportation services, does the provided analysis at all change if the private air travel is being purchased from an entity for which the candidate, candidate's spouse, or candidate's relative has an ownership interest (fractional or otherwise)? In such an ownership interest scenario, please assume that the state campaign committee is paying the entity at issue fair market rates for the non-commercial air transportation services provided.
 2. When a state campaign committee utilizes its campaign funds to pay the costs associated with non-commercial air transportation services that are purchased in accordance with the terms of a fair-market, commercially-reasonable transaction rather than in settings involving either an in-kind contribution of such services or the reimbursement of a party who provides such services free of charge, what is the appropriate disclosure methodology for such expenditures on the committee's periodic CCDRs filed with the Commission? Given that the Act, Commission Rule 189-3-.06 and Commission Advisory Opinion 2007-07 only appear to provide a standard means of valuation and disclosure for noncommercial air transportation service expenditures made in situations where no actual market transaction took place and no true market value was set, how should a campaign committee that purchases such services on the open market through a commercially-reasonable contract, lease or other similar agreement report its private aircraft expenditures for the purposes of its CCDRs filed with the Commission?

PRELIMINARY HEARINGS Presented by: Elisabeth Murray-Obertein, Esq., Staff Attorney

In the Matter of Nathan Deal, Case No. 2010-0033 (a), (b), (c)	9
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STATE GOVERNMENT COMPLEX



CAPITOL HILL

ATLANTA, GEORGIA

GEORGIA BUILDING AUTHORITY
1 Martin Luther King, Jr. Dr. SW, Atlanta, GA 30334

CLOB Building

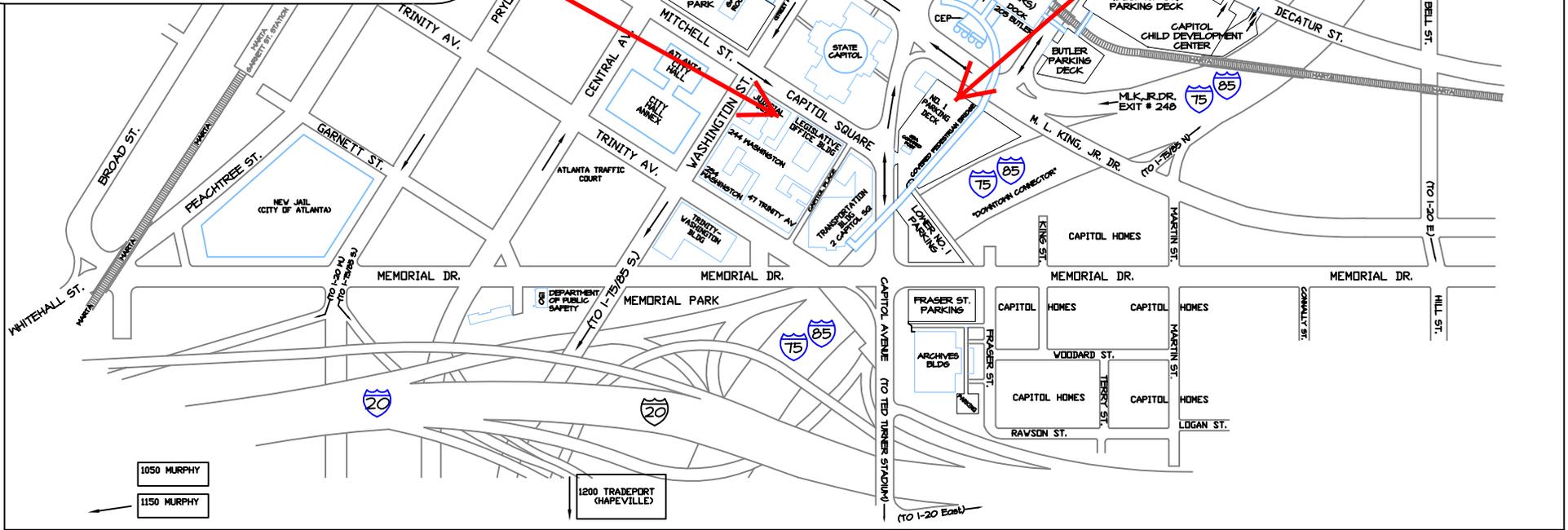
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1200 TRADEPORT (HAPEVILLE)