

Georgia Government Transparency and Campaign Finance Commission

200 Piedmont Avenue | Suite 1402, West Tower | Atlanta, Georgia 30334

404-463-1980 | www.ethics.georgia.gov

Teleconference Meeting | Friday, April 20, 2012 | 10:00 AM

Hearing for Clarification - Commission Meeting Minutes

Location: 200 Piedmont Avenue SE, Suite 1402 – West Tower, Atlanta, GA 30334

PRESENT:

Commission Members:

Kevin Abernethy, Chair (via conference call)
Hillary Stringfellow, Vice Chair (via conference call)
Kent Alexander, Commission Member (via conference call)
Heath Garrett, Commission Member (via conference call)
Dennis Cathey, Commission Member (via conference call)

Commission Staff Present:

Holly LaBerge, Executive Secretary
Elisabeth Murray-Obertein, Staff Attorney (via conference call)

Office of the Attorney General Staff Present:

Meron Dagnew, Assistant Attorney General

OPENING COMMENTS OF THE CHAIR:

- Chair Abernethy:
 - Opened the meeting at 10:03 AM, Friday, April 20, 2012.
 - Expressed his appreciation of the work the Commission, its staff, the Attorney General's office and the public put into working to find a solution to very challenging issues.
 - Expressed the reason for this meeting is to have the Commission provide clarification to both the staff and those subject to the Campaign Finance Act of what their obligations are for reporting violations that occurred during the period of January 1, 2011 through April 11, 2012.
 - The Chair sees five categories for potential fines currently pending before the Commission:
 1. Late filed and non filed campaign contributions disclosure reports.
 2. Late filed and non filed campaign contributions disclosure reports of non-candidate committees.
 3. Late filed and non filed lobbyist reports.
 4. Late filed and non filed personal financial disclosures.
 5. Hardship waiver authority for the Executive Director.
 - The Chair expressed that he is going to move with each respective category to withdraw the Commission's April 11, 2012 motions and replace those motions with a clarified motion today.

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- The Chair emphasized that the Commission's actions are limited only to those reports that would have been due between the time period of January 1, 2011 through April 11, 2012 for late filers and non-filers of those reports.
- The clarified motions today should not be considered or relied upon as precedent for future action.

HARDSHIP WAIVER AUTHORITY TO EXECUTIVE SECRETARY:

Motion to withdraw the Commission's April 11, 2012, motion on hardship waiver authority to the Executive Director of the Commission.

Motion made by: Chair Abernethy

Seconded by: Commissioner Alexander

Carried 5-0

Chair Abernethy moved to allow the Executive Secretary to handle hardship waiver request cases as she sees fit. In the event that there is a filer who is dissatisfied with the Executive Secretary's decision we allow that filer to make a written appeal to the Commission.

Motion made by: Chair Abernethy

Seconded by: Vice Chair Stringfellow

Carried 5-0

- Chair Abernethy stated that the Commission will post procedures on the Commission's website on how to submit a hardship waiver and how to make a written appeal to the Commission should the filer be dissatisfied with the outcome of the decision on the hardship waiver.

CANDIDATES AND ELECTED OFFICIALS LATE FILED AND NON FILED CAMPAIGN CONTRIBUTION DISCLOSURE REPORTS WHICH WERE DUE BETWEEN JANUARY 1, 2011 AND APRIL 11, 2012:

Motion to withdraw the Commission's April 11, 2012, motion on candidates and elected officials late filed and non-filed campaign contribution disclosure reports and personal financial disclosure reports.

Motion made by: Chair Abernethy

Seconded by: Commissioner Alexander

Carried 5-0

Chair Abernethy moved that candidates and elected officials who late filed or non-filed campaign contribution disclosure report(s) which were due between January 1, 2011 and April 11, 2012 that:

1. This motion only applies to campaign contribution disclosure reports that had nothing to report during the applicable filing period which fell between January 1, 2011 and April 11, 2012.
2. This motion only applies to those candidate's or elected official's reports due between January 1, 2011 and April 11, 2012 that have outstanding late fees owed and had nothing to report.

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3. This motion shall not retroactively apply to those who have already paid their late fees or to any individual who entered into a consent or compliance order involving campaign contribution disclosure reports due between January 1, 2011 and April 11, 2012.
4. A single \$125.00 late fee will be assessed to each individual candidate or elected official that, as of April 11, 2012, incurred late fee(s) for report(s) due between January 1, 2011 and April 11, 2012 which had nothing to report.
5. Candidates or elected officials that have incurred late fee(s) for late or non-filed reports due between January 1, 2011 and April 11, 2012, will receive a statutorily required notice of the late or non-filed report(s) stating that a \$125.00 late fee is owed.
6. This motion does not relieve candidates or elected officials that have not filed the statutorily required campaign contribution disclosure reports due between January 1, 2011 and April 11, 2012 from the statutory requirement of filing the required campaign contribution disclosure reports.
7. This motion does not relieve candidates or elected officials from any other enforcement action available to the public or the Commission under the Georgia Government Transparency and Campaign Finance Act.

Motion made by: Chair Abernethy

Seconded by: Commissioner Alexander

Carried 5-0

NON-CANDIDATE COMMITTEES LATE FILED AND NON FILED CAMPAIGN CONTRIBUTION DISCLOSURE REPORTS WHICH WERE DUE BETWEEN JANUARY 1, 2011 AND APRIL 11, 2012

Motion to withdraw the Commission's April 11, 2012, motion on non-candidate committees late filed and non-filed campaign contribution disclosure reports and personal financial disclosure reports.

Motion made by: Chair Abernethy

Seconded by: Commissioner Garrett

Carried 5-0

Chair Abernethy moved that non-candidate committees who late filed or non-filed campaign contribution disclosure report(s) which were due between January 1, 2011 and April 11, 2012 that:

1. This motion only applies to campaign contribution disclosure reports that had nothing to report during the applicable filing period which fell between January 1, 2011 and April 11, 2012.
2. This motion only applies to those non-candidate committee's reports due between January 1, 2011 and April 11, 2012 that have outstanding late fees owed and had nothing to report.
3. This motion shall not retroactively apply to those who have already paid their late fees or to any non-candidate committee that entered into a consent or compliance order involving campaign contribution disclosure reports due between January 1, 2011 and April 11, 2012.
4. A single \$125.00 late fee will be assessed to each individual non-candidate committee that, as of April 11, 2012, incurred late fee(s) for report(s) due between January 1, 2011 and April 11, 2012 which had nothing to report.
5. Non-candidate committees that have incurred late fee(s) for late or non-filed reports due between January 1, 2011 and April 11, 2012, will receive a statutorily required notice of the late or non-filed report(s) stating that a \$125.00 late fee is owed.

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6. This motion does not relieve non-candidate committees that have not filed the statutorily required campaign contribution disclosure reports due between January 1, 2011 and April 11, 2012 from the statutory requirement of filing the required campaign contribution disclosure reports.
7. This motion does not relieve non-candidate committees from any other enforcement action available to the public or the Commission under the Georgia Government Transparency and Campaign Finance Act.

Motion made by: Chair Abernethy

Seconded by: Vice Chair Stringfellow

Carried 5-0

CANDIDATES AND ELECTED OFFICIALS LATE FILED AND NON FILED PERSONAL FINANCIAL DISCLOSURE REPORTS WHICH WERE DUE BETWEEN JANUARY 1, 2011 AND APRIL 11, 2012

Motion to withdraw the Commission's April 11, 2012, motion on personal financial disclosures.

Motion made by: Chair Abernethy

Seconded by: Commissioner Cathey

Carried 5-0

Chair Abernethy moved that candidates and elected officials who late filed or non-filed their personal financial disclosure report which was due between January 1, 2011 and April 11, 2012 that:

1. This motion only applies to those candidate's or elected official's personal financial disclosure report due between January 1, 2011 and April 11, 2012 that have outstanding late fees owed.
2. This motion shall not retroactively apply to those who have already paid their late fees or to any individual who entered into a consent or compliance order involving the personal financial disclosure report due between January 1, 2011 and April 11, 2012.
3. A single \$125.00 late fee will be assessed to each individual candidate or elected official that, as of April 11, 2012, incurred late fee(s) for personal financial disclosure report due between January 1, 2011 and April 11, 2012.
4. Candidates or elected officials that have incurred late fee(s) for late or non-filed personal financial disclosure report due between January 1, 2011 and April 11, 2012, will receive a statutorily required notice of the late or non-filed report stating that a \$125.00 late fee is owed.
5. This motion does not relieve candidates or elected officials that have not filed the statutorily required personal financial disclosure report due between January 1, 2011 and April 11, 2012 from the statutory requirement of filing the required personal financial disclosure report.
6. This motion does not relieve candidates or elected officials from any other enforcement action available to the public or the Commission under the Georgia Government Transparency and Campaign Finance Act.

Motion made by: Chair Abernethy

Seconded by: Commissioner Garrett

Carried 5-0

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LOBBYISTS LATE FILED AND NON FILED LOBBYIST DISCLOSURE REPORTS WHICH WERE DUE BETWEEN JANUARY 1, 2011 AND APRIL 11, 2012

Motion to withdraw the Commission's April 11, 2012, motion on late filed lobbyist reports.

Motion made by: Chair Abernethy

Seconded by: Commissioner Cathey

Carried 5-0

Chair Abernethy moved that lobbyists who late filed or non-filed lobbyist disclosure reports which were due between January 1, 2011 and April 11, 2012 that:

1. This motion only applies to lobbyist disclosure reports that had nothing to report during the statutorily required filing periods which fell between January 1, 2011 and April 11, 2012.
2. This motion only applies to those lobbyist's reports due between January 1, 2011 and April 11, 2012, have outstanding late fees owed and had nothing to report.
3. This motion shall not retroactively apply to those who have already paid their late fees and/or to any lobbyist who entered into a consent or compliance order involving lobbyist disclosure reports due between January 1, 2011 and April 11, 2012.
4. A \$275.00 late fee per late filed and non-filed report will be assessed to each individual lobbyist that, as of April 11, 2012, incurred late fee(s) for report(s) due between January 1, 2011 and April 11, 2012 which had nothing to report.
5. This motion does not relieve lobbyists that have not filed the statutorily required lobbyist disclosure reports due between January 1, 2011 and April 11, 2012 from the statutory requirement of filing the required lobbyist disclosure reports.
6. Lobbyists who late filed or non-filed lobbyist disclosure reports which were due between January 1, 2011 and April 11, 2012 will receive an electronic notice of this late fee(s) owed.
7. This motion does not relieve lobbyists from any other enforcement action available to the public or the Commission under the Georgia Government Transparency and Campaign Finance Act.

Motion made by: Chair Abernethy

Seconded by: Commissioner Cathey

Carried 5-0

CLOSING COMMENTS OF THE CHAIR

Chair Abernethy again thanked all that have been involved with these issues for their hard work and diligence and reaching a workable solution to very challenging issues.

Motion to adjourn meeting at 10:24 AM

Motion made by: Chair Abernethy

Seconded by: Commissioner Alexander

Carried 5-0

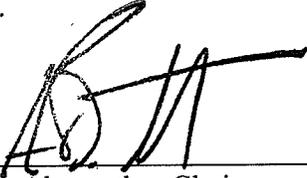
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Official Minutes Statement

The foregoing Minutes for the April 20, 2012, meeting of the Georgia Government Transparency and Campaign Finance Commission were approved and adopted by the Commission at the Commission's meeting on June 15, 2012.



Kevin Abernethy, Chair

June 15, 2012

Date



Holly LaBerge, Executive Secretary

June 15, 2012

Date