

Hillary S. Stringfellow
Chair

R. Lawton Jordan III
Vice Chair

Heath Garrett
Member



Dennis T. Cathey
Member

Mary Paige Adams
Member

Stefan Ritter
Executive Secretary

Georgia Government Transparency and Campaign Finance Commission

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**Regular Meeting | Tuesday, December 15, 2015 at 10:00 AM
And Wednesday, December 16, 2015 at 10:00 AM**

Minutes of Commission Meeting

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

PRESENT:

Commission Members:

Hillary Stringfellow, Chair
R. Lawton Jordan III, Vice-Chair
Dennis Cathey, Commission Member
Mary Paige Adams, Commission Member

Office of the Attorney General:

Christian Fuller, Assistant Attorney General

Commission Staff and contractors:

Stefan Ritter, Executive Secretary
Robert Lane, Staff Attorney
Bethany Whetzel, Staff Attorney
Nancy Sandberg, Legal Administrative
Assistant
Joel Perkins, IT /Videographer
Andrew Booth, Videographer (Tuesday)
Maria Bazille, CIT Manager (Tuesday)
Natalie Harper, Auditor (Wednesday)
Vonzella Martin, Court Reporter
(Wednesday)

MEETING CALLED TO ORDER:

The meeting was called to order at 10:05 AM on Tuesday, December 15, 2015.

OPENING COMMENTS OF THE CHAIR:

Chair Stringfellow welcomed the public and stated that Commissioner Adams would be arriving late and Commissioner Garrett would not be attending the meeting either day. She noted that the Commission has a quorum.

APPROVAL OF COMMISSION MEETING MINUTES:

Minutes of the September 24, 2015 Commission Meeting were motioned and approved as prepared with no corrections or revisions.

*Motioned by: Commissioner Cathey
Seconded by: Commissioner Jordan
Carried: 3 to 0 Unanimously*

Minutes of the November 12, 2015 Commission Meeting were motioned and approved as prepared with no corrections or revisions.

*Motioned by: Commissioner Cathey
Seconded by: Commissioner Jordan
Carried: 3 to 0 Unanimously*

2016 SCHEDULE OF QUARTERLY MEETINGS:

Chair Stringfellow commented that it has served them well to have a meeting schedule set out in advance to meet quarterly and then allow as needed for teleconference meetings between scheduled meetings. The quarterly commission meeting schedule for 2016 is as follows: Thursday, March 24; Thursday, June 23; Thursday, September 22 and Thursday, December 15.

COMMENTS BY THE EXECUTIVE SECRETARY:

Executive Secretary, Stefan Ritter, spoke on his expectations for the end of the year in regards to the staff and facilities. That while the General Assembly was quite generous in providing funds to hire additional staff, it did not provide for space for the new hires, so the Commission is in the process of refurbishing/modifying its office spaces to accommodate them. Doing so required the elimination of the Commission's training space. This project is being funded by surplus funds, so we are not using budgeted funds, except for a very small amount. The construction project should be finished by the end of the month. We have new cubicles that will be coming in and at this time, he didn't have a firm timeframe, but feels they should be done sometime by the end of January.

He then introduced the two new hires, Ariel Gilliam and Angie Braziel. Angie is doing a variety of work with Maria's group in catching up on data entry and Ariel is working with Erwin Yap doing a variety of work on account balances and internal office policies.

Mr. Ritter stated that as General Assembly starts in a few weeks, that we implement policy for them, we do not create policy for them. He referenced the Amnesty Bill being brought forward by the Local Filing Officers.

Mr. Ritter stated that he will not be able to attend all of the meeting tomorrow, Wednesday, since he has a long standing VRAG/GEOA conference in which he is a presenter at in Athens. These are a

critical part of our work since they serve as local filing officers, and so he will need to leave to attend that meeting.

Mr. Ritter then gave a presentation on the status of the case count from July 1, 2014, when the Staff Attorneys came on board to the present. He addressed money owed to the State coffers that has been uncollected from cases still at the Attorney General's office. He then talked about collection methods of fines, unfiled and late filed reports and late fees.

CONSENT ORDER HELD OVER FROM SEPTEMBER 24, 2015 MEETING:

Chair Stringfellow stated the Consent Order 2015-0040: In the Matter of Robert James, will be cancelled from this Agenda, since Commissioner Adams and Cathey have to recuse themselves as they serve on the same Judicial Board as Robert James, and Commissioner Garrett could not attend the meeting, therefore leaving two remaining commissioners to hear the case and no Quorum.

ADVISORY OPINION:

Advisory Opinion 2015-03 was removed at the request of the legal counsel for the Speaker of the House and Legislative Counsel. The Executive Secretary reported that there have been 3 Advisory Opinions filed this year and the other two have been completed.

QUESTION RAISED BEFORE THE COMMISSION FROM MIKE BEAUDREAU:

Mike Beaudreau stated that he received a hearing notice to appear before the commission today, December 15, 2015 in regards to the complain that had been lodged against him in case number 2014-0069, but that it was not on the agenda and that he had not received a notice cancelling the request to appear. Attorney Lane and Mr. Beaudreau exited the meeting to look into and resolve the issue and will return at that point. They returned later to the meeting and reported that the Notice of Probable Cause Hearing failed to be recalled. Chair Stringfellow asked the Mr. Beaudreau use the time to try to come to a resolution through Consent Order before the next meeting and if it could not be resolved, then it will be heard at the March meeting.

RULES:

Executive Secretary Ritter presented a power point with the background on the rules and a breakdown of the amended and new rules being presented. Commissioner Adams arrived at 10:37 AM during the hearing of Rule 189-1-.07.

The following Amended Rules were motioned and approved as follows:

- 189-1-.07 Adjustment of Contribution Limits Based Upon Inflation.
Motioned by: Chair Stringfellow
Seconded by: Commissioner Jordan
Carried: 4 to 0

- 189- 2-.01 Definitions.
Adopted as amended in its totality with following changes:
 - Subpart (12) Strike the “,” and add “or” where it says “of a candidate, candidate’s authorized committees.”
 - Subpart (13) Delete “are bona fide accounting errors, such as” and insert “includes” between “defects if they” and “obvious errors” in the third sentence.
Motioned by: Commissioner Adams
Seconded by: Commissioner Jordan
Carried: 4 to 0

- 189- 2-.03 Complaints
Adopted with the following amendments:
 - Subpart (2) Delete the last sentence, which reads: “The failure of a respondent to assert in writing within thirty (30) days of transmittal of the complaint that the alleged violations of the Campaign Finance Act are technical defects or to correct the alleged technical defects within that period waives any future claim that the asserted errors were technical defects.”.
Motioned by: Chair Stringfellow
Seconded by: Commissioner Cathey
Carried: 3 to 1 (Commissioner Adams)

- 189- 2- .04 Initiation of Investigations by the Commission.
Adopted with the following with the following amended language in the first sentence:
 - ...may initiate, “on reasonable belief that probable cause exists,” an investigation into...
Motioned by: Chair Stringfellow
Seconded by: Commissioner Adams
Carried: 4 to 0

- 189- 2-.05 Contested Cases; Hearing; Record.
Motioned by: Commissioner Jordan
Seconded by: Commissioner Adams
Carried: 4 to 0 as presented

- 189-2-.07 Investigations, Administrative Subpoenas, and Notices for Hearings.
Motioned by: Commissioner Cathey
Seconded by: Commissioner Adams
Carried: 4 to 0 as presented

- 189-3-.06 Flight on Noncommercial Aircraft by Candidate, Public Officer, or Person Traveling on Behalf of Candidate or Committee for Campaign Purposes.
Motioned by: Commissioner Cathey
Seconded by: Commissioner Adams

Carried: 4 to 0 as presented

The following New Rules were motioned and approved as presented:

- 189-3-.12 Acceptance of Facsimile Signatures on Lobbyist Renewals.
Motioned by: Commissioner Adams
Seconded by: Commissioner Jordan
Carried: 4 to 0

- 189-6-.10 Filing of a Declaration of Intention to Accept Campaign Contributions before Campaign Contributions May be Accepted.
Motioned by: Commissioner Jordan
Seconded by: Commissioner Cathey
Carried: 4 to 0

- 189-6-.11 When Campaign Contributions Made via Check or Negotiable Instrument are Deemed Received
Motioned by: Commissioner Jordan
Seconded by: Commissioner Cathey
Carried: 4 to 0

- 189-6-.12 Notice to Commission of Anonymous Campaign Contributions
Motioned by: Commissioner Lawton
Seconded by: Commissioner Cathey
Carried: 4 to 0

It was motioned and approved to address new rule 189-3-.11 and the effective date of the approved rules on Day 2, Wednesday, December 16, 2016.

Motioned by: Commissioner Adams
Seconded by: Commissioner Jordan
Carried: 4 to 0

MEETING ADJOURNED FOR DAY 1:

Motioned and approved to adjourn the meeting at 2:30 PM and reconvene on Wednesday, December 16, 2015 at 10 AM,

Motioned by: Commissioner Adams
Seconded by: Commissioner Cathey
Carried: 4 to 0

MEETING CALLED TO ORDER, DAY 2:

The meeting was reconvened and called to order at 10:05 AM on Wednesday, December 16, 2015.

Commissioner Stringfellow identified Commissioners Jordan, Cathey and Adams as present.

Noted for the Record:

Chair Stringfellow stated that there will be two amendments to today's agenda:

1. Hear recommendations in adjustment of raising campaign contribution on limits in relation to rule 189-1-.07, since one has not been done since 2010.
2. Address Rule 189-3-.11, held over from yesterday.

At the end of hearing the rules the commissioners will set the effective day of the adjustment of inflation.

RULES (continued) AND ADJUSTMENT OF INFLATION:

- Motioned and approved: Attorney Bethany Whetzel gave a presentation on how she came up with the proposed adjustment amounts for Campaign Contribution Limits for Statewide Offices and for All Other Offices using the Consumer Price Index and the inflation calculator.

Campaign Contribution Limits for Statewide Offices			
Election Type	Limit as of 12/2/2010	Adjustment for Inflation	New Limit
Primary	\$6,300	\$6,647.21	\$6,000
Primary Run-Off	\$3,700	\$3,903.92	\$3,900
General	\$6,300	\$6,647.21	\$6,600
General Run-Off	\$3,700	\$3,903.92	\$3,900

Campaign Contribution Limits for All Other Offices			
Election Type	Limit as of 12/2/2010	Adjustment for Inflation	New Limit
Primary	\$2,500	\$2,637.78	\$2,600
Primary Run-Off	\$1,300	\$1,371.68	\$1,400
General	\$2,500	\$2,637.78	\$2,600
General Run-Off	\$1,300	\$1,371.65	\$1,400

The proposed amounts were motioned and approved pursuant to rule 189-1-.07

Motioned by: Commissioner Cathey

Seconded by: Commissioner Adams

Carried: 4 to 0

- 189-3-.11 Lobbying Expenditures Made To or For the Family Members of Public Officials and Public Employees.

Motioned by: Commissioner Jordan
Seconded by: Chair Stringfellow
Carried: 3 to 1 (Commissioner Adams)

- The effective date for adjustment of inflation was motioned and approved as January 1, 2016.

Motioned by: Commissioner Adams
Seconded by: Commissioner Cathey
Carried: 4 to 0

LATE FEE HARDSHIP WAIVER APPEAL:

The Late Fee Hardship Waiver Appeal was heard In the Matter of Billy Adams.

It was motioned and approved to deny the appeal, but to reduce the fee by fifty percent (50%). Instead of paying the fine of \$825 in late fees, he will be required to pay \$412.55.

Motioned by: Commissioner Adams
Seconded by: Commissioner Jordan
Carried: 4 to 0 to Deny Appeal, but reduce fees

PROBABLE CAUSE HEARINGS:

The following cases were motioned and approved as follows:

- 2015-0037PC: In the Matter of William “Bill” Edwards (RL) – Counsel for and William Edwards has failed to appear for hearing. Robert Lane is ordered to proceed forward, communicating by email and forward to the Commission. Motioned and approved to find reason grounds to believe (probable cause) that the remaining 11 documented violations have occurred.

Motioned by: Chair Stringfellow
Seconded by: Commissioner Cathey
Carried: 4 to 0

- 2012-0079 & 2010-0012: In the Matter of Earnest G. Smith (RL) - Motioned and approved to find reasonable grounds to believe (probable cause) that the documented 88 violations have occurred. The Commission is not prepared to send the case to the Department of Law for criminal investigation, thereby giving him an initial pause (extending courtesy) to come back with all documentation at a call meeting within a week of the end of legislative session, but if all documentation is not provided PC finding will go forward with remanding of the case to the Department of Law.

Motioned by: Chair Stringfellow
Seconded by: Commissioner Adams
Carried: 3 to 1 (Commissioner Jordan)

- 2009-0007: In the Matter of Wole Ralph (BW):
Motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred.

Motioned by: Commissioner Jordan
Seconded by: Commissioner Cathey
Carried: 4 to 0

MOTIONS:

The following Motions were heard for case number 2009-0007: In the Matter of John Oxendine:

1. Respondent's Motion to Quash Subpoenas:

- ♦ Motioned and approved to quash the Subpoena to BB&T Bank containing a clerical error, with the notation that the record is to be clear that the error was corrected and all records were returned to counsel.

Motioned by: Commissioner Adams
Seconded by: Commissioner Jordan
Carried: 4 to 0 to quash BB&T subpoena

- ♦ Motioned and approved to Deny the Motion to Quash Subpoenas served on John Oxendine

Motioned by: Commissioner Jordan
Seconded by: Commissioner Cathey
Carried: 4 to 0 to Deny motion to quash Oxendine Subpoena

- ♦ Motioned and approved for John Oxendine to produce documents in 45 days.

Motioned by: Commissioner Adams
Seconded by: Commissioner Cathey
Carried: 4 to 0

2. Respondent's Amended Motion to Sever, *et al.*

- ♦ Motioned and approved to Deny Motion for Reconsideration of decision of 2012, Anderson complaint is still viable, with reasonable belief to believe violations occurred.

Motioned by: Commissioner Adams
Seconded by: Chair Stringfellow
Carried: 4 to 0 to Deny motion for reconsideration

- ♦ Motioned and approved to Deny Motion of Sever.

Motioned by: Commissioner Jordan
Seconded by: Commissioner Adams
Carried: 4 to 0 to Deny motion of sever

- ♦ Motioned and approved to Dismiss allegations specified in ¶19 thru 37 and ¶41 & 42 as barred by the Statute of Limitations because the alleged acts occurred before January 9, 2011.

Motioned by: Chair Stringfellow
Seconded by: Commissioner Jordan
Carried: 3 to 1 (Commissioner Adams)

- ♦ Motioned and approved to Deny Motion to Dismiss allegations specified in ¶39 can go proceed forward with further investigation of complaint. Clarified that ¶38 and 40 are statements of law.

Motioned by: Commissioner Cathey

Seconded by: Commissioner Jordan

Carried: 4 to 0 to Deny Motion to dismiss

- ♦ Motioned and approved to Deny Respondent's Motion to Dismiss ¶39 as being barred by the Statute of Limitations.

Motioned by: Commissioner Adams

Seconded by: Commissioner Jordan

Carried: 4 to 0 to Deny motion

3. Response in Opposition of the Commission to Oxendine's Motion to Sever, to Deny Probable Cause and to Dismiss.

- ♦ Responses were given during the hearing of the above respondent's motions.

ATTORNEY GENERAL'S COMMENTS:

There were no comments

PUBLIC COMMENTS:

There were no comments

MEETING ADJOURNED:

The meeting was motioned and approved to adjourn the meeting at 5:38 PM.

Motioned by: Commissioner Jordan

Seconded by: Chair Stringfellow

Carried: 4 to 0

Official Minutes Statement

The foregoing Minutes for the December 15 & 16, 2015 meeting of the Georgia Government Transparency and Campaign Finance Commission were approved and adopted by the Commission at the Commission's meeting on March 24, 2016.


Hillary Stringfellow, Chair

3.24.16

Date