



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

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

Summary 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, Attorney General's Office

Commission Staff:

Stefan Ritter, Executive Secretary
Robert Lane, Attorney
Bethany Whetzel, 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)

SUMMARY OF SUBJECTS ACTED UPON:

Subject	Summary
Meeting Called to Order	<ul style="list-style-type: none"> Meeting was called to order at 10:05 AM on Tuesday, December 15, 2015.
Opening Comments of the Chair	<ul style="list-style-type: none"> Chair Stringfellow welcomed the public and stated that Commissioner Adams would be arriving late as her daughter has a raging ear infection. Commissioner Garret would not be attending the meeting either day. They have a quorum. Commissioner Adams then arrived at 10:37 AM. She stated that they have a weighty agenda that will serve well and enter into the New Year and the legislative session that will finish up the rules and regulations that are still pending and as we get the first opportunity to make rules.
Approval of Commission Meeting Minutes	<ul style="list-style-type: none"> Motioned and approved to adopt the Commission Meeting minutes of September 24, 2015 and November 12, 2015 as prepared with no corrections or revisions.

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Subject	Summary
2016 Schedule of Quarterly Meetings	<ul style="list-style-type: none"> 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.
Comments from the Executive Secretary	<ul style="list-style-type: none"> 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, they failed to provide for space for the new hires, so we are in the process of refurbishing/modifying our office space to accommodate them. It required the elimination of our training space. This project is being funded by surplus funds, so we are not using budgeted funds, except for a very small amount. And that 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 doesn't have a firm timeframe, but feels they should be done sometime by the end of January. Stefan 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. He stated that as General Assembly starts in a few weeks and that we implement policy for them except bureaucratically bad legislation, we do not create policy for them. He reference the Amnesty Bill being brought forward by the Local Filing Officers. He stated that he will not be able to attend all of the meeting tomorrow, Wednesday, since he has a long standing EEOA conference that he is presenting at in Athens and will need to leave. He then gave a presentation on the status of the case count from July 1, 2014, when the Staff Attorneys came on board to present and talked about collection methods of fines, unfiled and late filed reports and late fees.
Consent Order Held Over from September 24, 2015 Meeting	<ul style="list-style-type: none"> Chair Stringfellow stated that Consent Order – <ul style="list-style-type: none"> 2015-0040 In the Matter of Robert James: Will be cancelled from this Agenda, since Commissioners 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	<ul style="list-style-type: none"> Advisory Opinion 2015-03 was removed at the request of the requestor. The Executive Secretary reported that there have been 3 Advisory Opinions filed this year and the other 2 have been completed.

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Subject	Summary
Question raised before the Commission from Mike Beaudreau	<ul style="list-style-type: none"> • Mike Beaudreau stated that he received a hearing notice to appear before the commission today, December 15, 2015 in regards to the complaint that had been lodged against him in case no. 2014-0069, but that it was not on the agenda and he had not received a notice cancelling the request for his appearance. Attorney Lane and Mr. Beaudreau exited the meeting to look into and resolve the issue and will return at that point.
Rules	<ul style="list-style-type: none"> • Executive Secretary Stefan 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. <p><u>Amended Rules:</u></p> <ul style="list-style-type: none"> • Motioned & Approved: <ul style="list-style-type: none"> ○ 189-1-.07 Adjustment of Contribution Limits Based Upon Inflation ○ 189-2-.01 Definitions Adopted in its totality with the following changes: <ul style="list-style-type: none"> ▪ (12) Strike the “,” and add “or” where it says “of a candidate, candidate’s authorized committees.” ▪ (13) Delete “are bona fide accounting errors, such as” and insert “includes” between “defects if they” and “obvious errors” in the third sentence.
Mike Beaudreau Resolution of Previous Question	<ul style="list-style-type: none"> • Mike Beaudreau and Attorney Robert Lane returned to the meeting and reported that the Notice of Probable Cause Hearing had failed to be recalled. Chair Stringfellow asked that 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 (<i>continued</i>)	<p><u>Amended Rules (<i>continued</i>):</u></p> <ul style="list-style-type: none"> • Motioned & Approved: <ul style="list-style-type: none"> ○ 189.2-.03 Complaints Adopted with the following amendments: <ul style="list-style-type: none"> ▪ (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.”

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Rules (continued)	<p><u>Amended Rules (continued):</u></p> <ul style="list-style-type: none"> • Motioned & Approved: <ul style="list-style-type: none"> ○ 189.2-.04 Initiation of Investigations by the Commission Adopted with the following amended language in the first sentence: ...may initiate, “on reasonable belief that probable cause exists,” an investigation into....
Break for Lunch	<ul style="list-style-type: none"> • Broke for 45 minute lunch at 12:05 PM and returned from lunch at 12:58 PM.
Rules (continued)	<p><u>Amended Rules (continued):</u></p> <ul style="list-style-type: none"> • Motioned & Approved: <ul style="list-style-type: none"> ○ 189-2-.05 Contested Cases; Notice; Hearing; Record ○ 189-2-.07 Investigations, Administrative Subpoenas, and Notices for Hearings ○ 189-3-.06 Flight on Noncommercial Aircraft by Candidate, Public Officer, or Person Traveling on Behalf of Candidate or Committee for Campaign Purposes <p><u>New Rules:</u></p> <ul style="list-style-type: none"> • Motioned and Approved: <ul style="list-style-type: none"> ○ 189-3-.12 Acceptance of Facsimile Signatures on Lobbyist Renewals ○ 189-6-.10 Filing of a Declaration of Intention to Accept Campaign Contributions before Campaign Contributions May be Accepted ○ 189-6-.11 When Campaign Contributions Made via Check or Negotiable Instrument are Deemed Received ○ 189-6-.12 Notice to Commission of Anonymous Campaign Contributions • Motioned and approved to address Rule 189-3-.11 and the effective date of the approved rules on Day 2, Wednesday, December 16, 2015.
Meeting Adjourned for Day 1	<ul style="list-style-type: none"> • Motioned and approved to adjourn the meeting at 2:30 pm and reconvene on Wednesday, December 16, 2015 at 10 AM.
Day 2 – Wednesday, December 16, 2015	
Meeting Called to Order	<ul style="list-style-type: none"> • Meeting was reconvened and called to order at 10:05 AM on Wednesday, December 16, 2015. • Chair Stringfellow identified Commissioners Jordan, Cathey, and Adams as present.

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Notes for the Record	<ul style="list-style-type: none"> • Chair Stringfellow stated that there will be two amendments to the agenda: <ol style="list-style-type: none"> 1. Hear recommendations adjustment of raising campaign contribution 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 we will set the effective date of the adjustment of inflation.
Rules (<i>continued</i>) and Adjustment of Inflation:	<ul style="list-style-type: none"> • Motioned and Approved: <ul style="list-style-type: none"> ○ 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. The proposed amounts were motioned & approved pursuant to rule 189-1-.07. ○ 189-3-.11 –Lobbying expenditures Made To or For the Family Members of Public Officials and Public Employees ○ The effective date for adjustment of inflation is January 1, 2016.
Late Fee hardship Waiver Appeal	<ul style="list-style-type: none"> • In the Matter of Billy Adams (BW): 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.
Probable Cause Hearings	<p>Probable Cause Hearings:</p> <ul style="list-style-type: none"> • 2015-0037PC: In the Matter of William “Bill” Edwards (RL) Counsel for and William Edwards has failed to appear for hearing. Robert Lane is to proceed forward, communicating by email and forward to the Commission. Motioned and approved to find Probable Cause on remaining 11 documented violations. • 2012-0079 & 2010-0012: In the Matter of Earnest G. Smith (RL) Motioned and approved to find probable cause on the documented 88 violations, but not prepared to send to the Department of Law for criminal investigation, 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 to the Department of Law.
Break for Lunch	<ul style="list-style-type: none"> • Broke for 30 minute lunch at 12:54 PM and returned from lunch at 1:30 PM.

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Motions:	<ul style="list-style-type: none"> • 2009-0007: In the Matter of John Oxendine: <ol style="list-style-type: none"> 1. Respondent’s Motion to Quash Subpoenas: <ul style="list-style-type: none"> ▪ 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 and approved to Deny the Motion to Quash Subpoenas served on John Oxendine. ▪ Motioned and approved for John Oxendine to produce documents in 45 days. 2. Respondent’s Amended Motion to Sever, <i>et.al.</i> <ul style="list-style-type: none"> ▪ Motioned and approved to Deny Motion for Reconsideration of decision of 2012, Anderson complaint is still viable. ▪ Motioned and approved to Deny Motion to Sever. ▪ Motioned and approved to Dismiss allegations specified in ¶ 19 thru 37 and ¶41 & 42 as barred by the Statute of Limitations because they occurred before January 9, 2011 ▪ Motioned and approved to Deny Motion to Dismiss allegations specified in ¶39 and can go forward with further investigation of complaint. ¶ 38 and 40 are statement of law. ▪ Motioned and approved to Deny Respondent’s Motion to Dismiss that ¶39 as barred by the Statute of Limitations 3. Response in Opposition of the Commission to Oxendine’s Motion to Sever, to Deny Probable Cause, and to Dismiss:
Probable Cause Hearings (continued):	Probable Cause Hearing: <ul style="list-style-type: none"> • 2009-0007: In the Matter of Wole Ralph (BW): Motioned and approved to find probable cause on the basis that violations have occurred.
Attorney General’s Office Comments	<ul style="list-style-type: none"> • There were none.
Public Comment	<ul style="list-style-type: none"> • None
Meeting Adjourned	<ul style="list-style-type: none"> • Motioned and approved to adjourn the meeting at 5:38 PM.