

**Georgia Government Transparency and Campaign Finance Commission**  
200 Piedmont Avenue | Suite 1402, West Tower | Atlanta, Georgia 30334  
404-463-1980 | [www.ethics.georgia.gov](http://www.ethics.georgia.gov)

# **Minutes of Commission Meeting**

## **Regular Meeting | Thursday, June 23, 2016 at 10:00 AM**

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

### **PRESENT:**

#### Commission Members:

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

#### Office of the Attorney General:

Christian Fuller, Assistant Attorney-General

#### Commission Staff:

Stefan Ritter, Executive Secretary  
Robert Lane, Staff Attorney  
Bethany Whetzel, Staff Attorney  
Nancy Sandberg, Legal Administrative Assistant  
DeAngelo Hall, Videographer  
Maria Bazile, IT

### **MEETING CALLED TO ORDER:**

The meeting was called to order at 10:05 AM.

### **OPENING COMMENTS OF THE CHAIR:**

Chair Jordan opened the meeting and welcomed the public. He identified all board members present as Vice Chair Adams and Commissioner Cathey.

### **APPROVAL OF COMMISSION MEETING MINUTES:**

Minutes of the March 24, 2016 Commission Meeting were motioned and approved as prepared with no corrections or revisions.

*Motioned by: Commissioner Cathey*

*Seconded by: Vice Chair Adams*

*Carried: 3 to 0*

### **RESOLUTION TO RECOGNIZE HEATH GARRETT'S SERVICE TO THE COMMISSION**

Chair Jordan recognized Heath Garrett's service to the Commission for a number of years stating that he was instrumental in the hiring of the present staff attorneys. It was motioned and approved to honor him with a commendation.

*Motioned by: Chair Jordan*

*Seconded by: Vice Chair Adams*

*Carried: 3 to 0 unanimous*

## **REQUEST OF CHAIR TO MOVE AN ITEM ON THE AGENDA**

Chair Jordan requested to move item 7(a) Probable Cause Hearing for 2012-0079 and 2010-0012: In the Matter of Earnest Smith up on the Agenda. His case was heard at the March 24, 2016 hearing and was stayed during Legislative Session. It was motioned and approved to lift the stay to proceed forward and to allow sixty (60) days for negotiation of a Consent Order.

*Motioned by: Vice Chair Adams*

*Seconded by: Chair Jordan*

*Carried: 3 to 0*

## **LATE FEE HARDSHIP WAIVERS:**

The following Late Fee Hardship Waiver Appeals were heard, motioned and approved as follows:

In the Matter of Michael Harden:

It was motioned and approved to grant his appeal and to reduce his fine to \$2,000.00 in light of the fact that he is a first time lobbyist and took a proactive approach, quickly correcting his reports and paying his fines.

*Motioned by: Chair Jordan*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

In the Matter of Elizabeth Price:

It was motioned and approved to deny the Late Fee Hardship Waiver Appeal.

*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

## **CONSENT ORDERS:**

The following Consent Orders were motioned and approved as presented:

- 2016-0003PC: In the Matter of James "Ron" Stephens (RL):

*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

- 2015-0037PC: In the Matter of William "Bill" Edwards (RL):

*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

- 2015-0052: In the Matter of David Van Sant (BW):

*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

- 2016-0010: In the Matter of Kelly Spratt (BW):

*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

- 2016-0016: In the Matter of Robert “Bobby” Philip Palarchio (BW):  
*Motioned by: Vice-Chair Adams*  
*Seconded by: Commissioner Cathey*  
*Carried: 3 to 0*
- 2015-0024: In the Matter of Skidaway Island Republican Club (BW):  
*Motioned by: Vice-Chair Adams*  
*Seconded by: Commissioner Cathey*  
*Carried: 3 to 0*
- 2015-0036: In the Matter of William “Bill” Dewrell (BW):  
*Motioned by: Vice-Chair Adams*  
*Seconded by: Chair Jordan*  
*Carried: 3 to 0*
- 2012-0043: In the Matter of Martin L. Hawley (RL):  
*Motioned by: Chair Jordan*  
*Seconded by: Commissioner Cathey*  
*Carried: 3 to 0*

#### **PROBABLE CAUSE HEARINGS:**

The following cases were motioned and approved as follows:

- 2014-0069: In the Matter of Mike Beaudreau (RL): to find reasonable grounds to believe (probable cause) that violations have occurred and that he has sixty (60) days to work out a Consent Order, taking in the hardship, reducing the fine and to arrange a payment plan, making every effort to negotiate with staff. .  
*Motioned by: Chair Jordan*  
*Seconded by: Vice-Chair Adams*  
*Carried: 3 to 0*
- 2016-0030: In the Matter of Christopher G. Nicholson (BW): to find reasonable grounds to believe (probable cause) that violations have occurred and refer to the Attorney-General’s Office.  
*Motioned by: Vice-Chair Adams*  
*Seconded by: Chair Jordan*  
*Carried: 3 to 0*
- 2016-0032 In the Matter of Marc Richards (BW): motioned and approved the terms of the Consent Order before the Commission and send to the Chair for execution upon receipt.  
*Motioned by: Chair Jordan*  
*Seconded by: Commissioner Cathey*  
*Carried: 3 to 0*
- 2009-0012 In the Matter of Michael Julian Bond (BW): During the hearing of this case the Commission entered into a motion to table and come back to it at the end of the meeting.  
*Motioned by: Vice Chair Adams*  
*Seconded by: Chair Jordan*  
*Carried: 3 to 0*

At this point in the meeting the Commissioners broke for lunch at 12:06 p.m. and returned at 12:30 p.m. After hearing the Advisory Opinions and Comments of the Executive Secretary, the Commission motioned and approved to take the case off of the table to finish hearing.

*Motioned by: Chair Jordan*

*Seconded by: Vice Chair Adams*

*Carried: 3 to 0*

The Commission motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred and with the understanding if not resolved by Consent Order by the next regular meeting on September 22, 2016, that it will be referred to the Attorney-General's Office for prosecution..

*Motioned by: Vice Chair Adams*

*Seconded by: Chair Jordan*

*Carried: 3 to 0*

### **ADVISORY OPINIONS:**

The following Advisory Opinions were motioned and adopted as presented:

- **A.O. 2016-01:**

Does the Campaign Finance Act's prohibition on the acceptance and/or making of "public agency contributions" per O.C.G.A. § 21-5-30.2(b) prohibit a local government agency from allowing equal access to their agency owned computers and/or computer systems to public officers and candidates for public office?

*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

- **A.O. 2016-02:**

Do contributions to and expenditures from a newsletter fund established under 26 U.S.C. § 527(g) that are used solely for the preparation and circulation of a newsletter, consistent with the terms of § 527(g), constitute "contributions" or "expenditures" under the Campaign Finance Act that must be disclosed under the Act?

*Motioned by: Vice-Chair Adams*

*Seconded by: Chair Jordan*

*Carried: 3 to 0*

- **A.O. 2016-03:**

Does the State prohibition on former legislators not being able to lobby state entities (legislature, Governor's office, etc.) apply to local government as well?

*Motioned by: Chair Jordan*

*Seconded by: Vice-Chair Adams*

*Carried: 3 to 0*

### **COMMENTS BY THE EXECUTIVE SECRETARY:**

Executive Secretary, Stefan Ritter gave the following presentations:

- Summary of the Administrative Dismissals for the following:
  - ◆ 2014-0061(a): In the Matter of Mark Stambaugh (RL)
  - ◆ 2015-0073: In the Matter of DeKalb Chamber of Commerce (RL)

- **Current Case Count and Backlog:**  
Backlog (refers to cases prior to current staff attorneys being hired) has been reduced and will continue at a pace much more quickly as we look at the methodology for old cases that are so old that they should be taken off the books. By the September meeting it should reveal what remains. It is anticipated that by March of 2017 that the backlog, such as it is, will be gone. There are a sizable number of cases in collections with the Attorney-General's Collections Division, which we continue to resolve. Of those, there are eight or nine cases that are anticipated to be eliminated due to the inability to collect the fines. As of today, we are close to fifty percent (50%) of the overall backlog being eliminated.
- **Legislative Update:**  
At the end of May the Attorney-General Opinion of Responsibilities of Local Filing Officials and Local Elected Officials in response to collection, obtaining late fees, issuing late fee notices and also the regulatory authority of this commission was received. It is consistent with what we thought the law is. Local filing officials are responsible for identifying late filers and reporting them to us, with enforcement falling on the commission. Notices are being prepared now on the State level and within a few months notices will be prepared on the Local level. The monies collected go into the General Fund commissioned by the State, except a very nominal collection fee, that does not cover the cost of collection. Chair Jordan asked that the commission staff work with the groups and give them a heads up of what is coming and follow up with the fines. Executive Secretary Ritter responded that he has spoken with the Association of County Commissioners of Georgia (ACCG) and the Georgia Municipalities Association (GMA) and has assured them that he wants to work with them.
- **IT Services Update:**  
Commission voted and approved to change the several series of Rental Agreements for certain server equipment (that will prevent our servers from ever being down, even if we lose power on the weekend) from a three (3) year contract to a one (1) year contract.  
*Motioned by: Chair Jordan*  
*Seconded by: Commissioner Cathey*  
*Carried: 3 to 0*
- **Office Space Update:**  
We are out of space for any new employees, which has a huge impact as we are trying to audit and catch –up. Although we will be getting the space promised, it will not be available as quick as we need it. GBA is delaying the acquisition of additional space by a year. Chair Jordan stated that they have been stymied by this issue, as the commission has been allocated the money for space and it is in our budget. The Commissioners will get involved to get some resolution, so that we can get the job done that we are legally tasked to do.
- **Budget Issues:**  
The Executive Secretary spoke on being good stewards of the money the Legislature has allocated to us and approaching being \$700,000 under budget, including additional computer expenses and some changes in the way our office is designed to incur space. Because we are understaffed, staff have taken on added responsibilities. They have been provided some raises from 2016 funds and anticipate more from 2017 funds as staff well deserves these raises, working outside of their job descriptions.

- Employee Update:  
Three new employees were introduced:  
Enya Higgins – Administrative and Data Entry  
Chris Phelps – Paralegal  
Sharon Thompson – Administrative and Data Entry

#### **DISCUSSION OF EXECUTIVE SECRETARY AND STAFF COMPENSATION:**

It was motioned and approved to give the Executive Secretary, Stefan Ritter a ten percent (10%) raise. Chair Jordan stated that this raise is well justified, as he is the most experienced Executive Secretary that the Commission has ever had, he has done a great job since being hired over a year ago and brings credibility to the commission.

*Motioned by: Chair Jordan*

*Seconded by: Vice-Chair Adams*

*Carried: 3 to 0*

#### **ATTORNEY GENERAL'S COMMENTS:**

Christian Fuller of the Attorney General's Office stated as to the collection cases that he understands that the collections division and the Executive Secretary are in communications. They are working towards resolving where the cases are in the process and are working on determining which cases can be or have been disposed of. The Commissioners requested the presence of the person handling the collections cases in the Collections Division of the Attorney-General's Office at the next meeting on September 22, 2016 to personally give a report on the status. They feel the public needs to be informed of what progress is being made.

#### **COMMENTS OF THE CHAIR:**

There were no comments from the chair.

#### **COMMENTS OF THE PUBLIC:**

There were no comments from the public.

#### **MEETING ADJOURNED:**

The meeting was motioned and approved to adjourn the meeting at 2:11 p.m.


*Motioned by: Vice-Chair Adams*

*Seconded by: Commissioner Cathey*

*Carried: 3 to 0*

#### **Official Minutes Statement**

The foregoing Minutes for the June 23, 2016 meeting of the Georgia Government Transparency and Campaign Finance Commission were approved and adopted by the Commission at the Commission's meeting on September 22, 2016.

  
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R. Lawton Jordan III, Chair

  
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Date