



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 | Thursday June 23, 2016 | 10:00 AM

Summary of Commission Meeting

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

Commission Staff:

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

Office of the Attorney-General:

Christian Fuller, Assistant Attorney-General

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
Opening Comments of the Chair	<ul style="list-style-type: none"> Chair Jordan welcomed the public and identified all board members present as Vice Chair Adams, and Commissioner Cathey.
Approval of Commission Meeting Minutes	<ul style="list-style-type: none"> Motioned and approved to adopt the Commission Meeting minutes of March 23, 2016 as prepared with no corrections or revisions.
Resolution to Recognize Heath Garrett's Service to the Commission	<ul style="list-style-type: none"> Chair Jordan recognized Heath Garrett's service to the Commission for a number of years and stated that he was instrumental in the hiring of the present staff attorneys. It was motioned and approved unanimously to honor him with a commendation.
Request of Chair to Move an Item on the Agenda	<ul style="list-style-type: none"> Chair Jordan requested to move item 7(a) Probable Cause Hearing for 2012-0079 & 2010-0012: In the Matter of Earnest Smith up on the Agenda. His case was heard at the March 24, 2016 hearing and stayed during Legislative Session. It was motioned and approved to lift the stay to proceed forward and allow 60 days for negotiation of Consent Order.
Subject	Summary
Late Fee Hardship Waiver Appeals	<ul style="list-style-type: none"> The following Late Fee Hardship Waiver Appeals were heard:

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	<ul style="list-style-type: none"> ○ Michael Harden: Motioned and approved his appeal and to reduce his fine to \$2,000 in light of the fact that he is a first time lobbyist and took a proactive approach, quickly correcting his reports and paying his fees. ○ Elizabeth Price: Motioned and approved to deny the Late Fee Hardship Waiver Appeal.
Consent Order	<ul style="list-style-type: none"> ● The following Consent Orders were motioned and approved as presented: <ul style="list-style-type: none"> ○ 2016-0003PC: James “Ron” Stephens ○ 2015-0037PC: William “Bill” Edwards (RL) ○ 2015-0052: David Van Sant (BW) ○ 2016-0010: Kelly Spratt (BW) ○ 2016-0016: Robert “Bobby” Philip Palarchio (BW) ○ 2015-0024: Skidaway Island Republican Club (BW) ○ 2015-0036: William “Bill” Dewrell (BW) ○ 2012-0043: Martin L. Hawley (RL)
Probable Cause Hearings	<ul style="list-style-type: none"> ● Probable Cause: <ul style="list-style-type: none"> ○ 2014-0069: Mike Beaudreau (RL). Motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred. And that he has 60 days to work out a Consent Order, taking in the hardship, reducing the fine and arrange for payment plan. ○ 2016-0030: Christopher G. Nicholson (BW). Motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred and refer to the Attorney-General’s Office. ○ 2016-0032 Marc Richards (BW). Motioned and approved the terms of the Consent Order before the Commission and send for execution upon receipt. ○ 2009-0012: Michael Julian Bond (BW) Motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred and wit 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.
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<p>Advisory Opinions</p>	<ul style="list-style-type: none"> • The following Advisory Opinions were motioned and adopted as presented: <ul style="list-style-type: none"> ○ 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? ○ 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? ○ 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?
<p>Comments by the Executive Secretary</p>	<ul style="list-style-type: none"> • Executive Secretary, Stefan Ritter gave the following presentations: <ul style="list-style-type: none"> ○ Administrative Dismissal summaries for: <ul style="list-style-type: none"> ▪ 2014-0061(a): Mark Stambaugh (RL) ▪ 2015-0073: DeKalb Chamber of Commerce (RL) ○ Report on Case Backlog: Back log (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 September meeting you should see what remains of that. We anticipate that by March of 2017 that the backlog, such as it is will be gone. We do have a sizable number of cases in collections with the Attorney-General’s Collections Division, which we continue to resolve. 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 50% of the overall backlog being eliminated today. ○ Legislative Update: We received at the end of May the Attorney General Opinion of Responsibilities of Local Filing Officials and Local Elected Officials in response to collection and of obtaining late fees, issuing late fee notices, also the regulatory authority of this commission.
<p style="text-align: center;">Subject</p>	<p style="text-align: center;">Summary</p>
<p>Comments by the Executive Secretary (<i>continued</i>)</p>	<ul style="list-style-type: none"> ○ Legislative Update (<i>continued</i>): It is consistent with what we thought the law is. Local filing officials are responsible for identifying late filers and

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	<p>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, with a very nominal collection fee that does not cover the cost of collection. Chair Jordan asked that we work with the groups and give them a heads up with 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 and the Georgia Municipalities Association and has assured them that he wants to work with them.</p> <ul style="list-style-type: none"> ○ 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. ○ 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: <ul style="list-style-type: none"> Enya Higgins – Admin and Data Entry Chris Phelps – Paralegal Sharon Thompson – Admin and Data Entry
<p>Discussion of Executive Secretary and Staff Compensation</p>	<ul style="list-style-type: none"> • It was motioned and approved to give the Executive Secretary, Stefan Ritter a 10% raise. Chair Jordan stated that this raise is well justified, as he is 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.

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Attorney-General's Office Comments	<ul style="list-style-type: none">• 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 and working towards resolving where case are in the process and are working on determining which cases are or have been disposed of. The Commissioners requested that the person in the Collection Division of the Attorney-General's Office handling the collections cases be present at the next meeting on September 22, 2016 to personally give a report on the status, as they feel the public needs to be informed of what progress is being made.
Comments from the Chair	<ul style="list-style-type: none">• 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 2:11 PM.