Minutes of Commission Meeting
Regular Meeting | Thursday, September 19, 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
Jake Evans, 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
Kim Greene, Court Reporter
DeAngelo Hall, Videographer
Maria Bazile, IT

MEETING CALLED TO ORDER:

The meeting was called to order at 10:01 AM.

OPENING COMMENTS OF THE CHAIR:

Chair Jordan opened the meeting and welcomed the public and introduced new Commission member, Jake Evans, who expressed his delight at joining the Commission.

APPROVAL OF COMMISSION MEETING MINUTES:

Minutes of the June 23, 2016 Commission Meeting were motioned and approved as prepared with no corrections or revisions.

Motioned by: Vice Chair Adams
Seconded by: Commissioner Cathey
Carried: 4 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: Vice Chair Adams
Seconded by: Commissioner Cathey
Carried: 4 to 0
COMMISSIONER’S RECUSAL POLICY:

It was motioned and approved to adopt the Commissioner’s Recusal Policy.

_Motioned by: Vice Chair Adams
Seconded by: Commissioner Cathey
Carried: 4 to 0

MOTION FOR ORDER DENYING RENEWAL OF REGISTRATION FOR LOBBYISTS WITH UNPAID FEES, FINES, PENALTIES OR UNFILED REPORTS:

It was motioned and approved to sign the Order to Deny Renewal of Registration for 2017 to Lobbyists with Unpaid Fees, Fines, Penalties or Unfiled Reports.

_Motioned by: Vice Chair Adams
Seconded by: Commissioner Cathey
Carried: 4 to 0

RESPONDENT’S MOTION TO QUASH SUBPOENA (SERVED UPON JOHN OXENDINE, P.C.):

Commissioner Evans recused himself from this matter. Court reporter, Kim Greene was present to take down the transcription of this portion of the meeting.

It was motioned and approved to defer the decision on the Respondent’s Motion to Quash _quid pro quo_ and during the interim of the Commissions deferral that the Respondent furnish to the Commission the banking material that the has profited that said he would furnish to the Commission, and at the time of the filing of the brief in the Appellate Court that the Respondent will furnish the Commission a copy of that material, and upon the review of those materials, that the Commission reconvene for a Special Call meeting with both parties present and that the Commission may have other questions and defer decision at that time. That this does not intend to be a waiver of the objections to the subpoena nor is it an acquiescence on behalf of the Commission that their belief that the Subpoena is valid. And that the document deadline to produce be set for five (5) business days from today, September 19, 2016.

_Motioned by: Commissioner Cathey
Seconded by: Vice Chair Adams
Carried: 3 to 0

COMPLIANCE AGREEMENTS:

The following Compliance Agreement was motioned and approved as presented:

- 2010-0015: In the Matter of J. Darwin Carter (BW):

  _Motioned by: Vice-Chair Adams
  Seconded by: Commissioner Cathey
  Carried: 4 to 0_

CONSENT ORDERS:

The following Consent Orders were motioned and approved as presented:

- 2015-0049: In the Matter of Vanessa Fleisch (RL):

  _Motioned by: Vice-Chair Adams
  Seconded by: Commissioner Cathey
  Carried: 4 to 0_
• 2015-0044: In the Matter of James E. “JE” Witherspoon (BW):
  Motioned by: Vice-Chair Adams
  Seconded by: Chair Jordan
  Carried: 4 to 0

PRELIMINARY HEARINGS:

The following cases were motioned and approved as follows:

• 20110-0040: In the Matter of Brandon Beach (BW): It was motioned and approved to adopt the Compliance Agreement as present.
  Motioned by: Commissioner Cathey
  Seconded by: Chair Jordan
  Carried: 4 to 0

• 2012-0013: In the Matter of Normarene Merritt (RL): It was motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred.
  Motioned by: Vice-Chair Adams
  Seconded by: Chair Jordan
  Carried: 3 to 1 (with Commissioner Evans opposing)

• 2010-0006: In the Matter of Curt Thompson (BW): It was motioned and approved to table hearing until the next scheduled meeting in December.
  Motioned by: Vice-Chair Adams
  Seconded by: Chair Jordan
  Carried: 4 to 0

• 2014-0057: In the Matter of Cobb County Taxpayers Association (RL): It was motioned and approved to accept the Consent Order as presented.
  Motioned by: Vice Chair Adams
  Seconded by: Commissioner Cathey
  Carried: 4 to 0

• 2011-0019: In the Matter of Craig Voth (BW): It was motioned and approved to find reasonable grounds to believe (probable cause) that violations have occurred.
  Motioned by: Vice-Chair Adams
  Seconded by: Commissioner Cathey
  Carried: 4 to 0

COMMENTS BY THE EXECUTIVE SECRETARY:

Executive Secretary, Stefan Ritter gave the following presentations:

• Summary of the Administrative Dismissals for the following:
  ♦ 2004-0070: In the Matter of Daryll A. Triplet (RL)
  ♦ 2015-0045PC: In the Matter of Georgia Tea Party Inc. (RL)
  ♦ 2016-0006: In the Matter of Concerned Citizens of Gordon, Inc. (RL)
  ♦ 2016-0005: In the Matter of Alicia Floyd (RL)
  ♦ 2012-0062: In the Matter of Carroll Ann Coleman (BW)
− 2012-0030: In the Matter of Timothy Theobald (BW)
− 2016-0001: In the Matter of Let Paulding Fly (BW)
− 2009-0032: In the Matter of Mary Norwood for Mayor (BW)
− 2009-0033: In the Matter of Citizens for Fair Elections (BW)
− 2010-0034: In the Matter of Joseph Flint (BW)

• Report on Case Backlog:
  This year to date we have 55 new cases, 12 of which were received in the last month. Bethany Whetzel and Robert Lane have diligently worked on getting the backlog of cases down prior to 2014 while receiving new cases. Which was set as 171 cases, not including those at the AG’s office. At this point approximately 50% of those cases have been closed. It is anticipated that by the March meeting they will be close to closing in some manner close to 100% of the back cases (old, dated, and not actionable, as there is so little information in the case). As to the cases at the AG’s Office there are two ways that cases are sent to the AG’s office: 1.) For Prosecution – goes for an Administrative hearing and then comes back to the Commission for a decision. 2.) For Collection – after a Consent Order is issued and there is a failure to pay fines and fees. Mr. Banks of the Attorney General’s Office has inherited these 50 some cases. There have been good movement in the last three months and 25% have been closed with 35 cases remaining to be addressed. Robert Lane has closed out 12-15 cases since the first of the year for the years 2008 thru 2010, some were closed as barred by the Statute of Limitations, some as judgment proof, others as an amount so small that it would be too costly to collect and a few were referred for collections. Mr. Banks appeared and addressed the Commission at their request on the status of the pending collection cases still at the Attorney General’s Office.

• Legislative Update:
  General Assembly will be meeting in three and a half months. We will be working with Georgia Municipal Association (GMA) to make the Campaign Finance Act clear and address issues we have seen.

• Office Space Update:
  As of today, we don’t have the office space yet, but we have been informed that construction may start at the end of the year or the beginning of next year.

• Employee Update:
  Natalie Harper will be returning as our lead Auditor on October 1st and we are working on hiring a Data Analyst, who we hope to have hired by December 1st to work with our Program Analyst, Don Wood on the data code that we have been bogged down with.

EMPLOYMENT ACTION REGARDING ROBERT LANE AND BETHANY WHETZEL:

It was motioned and approved to designate Robert Lane and Bethany Whetzel as co-Deputy Executive Secretary with the ability to step into place and run the commission should something happen to the Executive Secretary.

Motioned by: Chair Jordan  
Seconded by: Commissioner Cathey  
Carried: 4 to 0
ATTORNEY GENERAL’S COMMENTS:

Christian Fuller of the Attorney General’s Office stated that 9-10 cases are coming before OSAH. They will conduct an investigation before a full hearing, to better streamline collecting evidence and proceed forward. Seven cases are proceeding forward in a short period of time.

COMMENTS OF THE CHAIR:

Executive Secretary Ritter brought up that the Michael Julian Bond case has not been resolved, but was told by Bond today that he will sign a Consent Order. Chair Jordan stated that it will come before the Commission at the December meeting.

COMMENTS OF THE PUBLIC:

Representative Betty Price requested that she be allowed to come back for reconsideration of her Late Fee Hardship Waiver Appeal at the December meeting. Chair Jordan stated that while they were not under any obligation, he would not object to putting her on the Agenda for the December meeting.

FUTURE MEETING SCHEDULE:

It was Motioned and approved to move the December scheduled meeting from Thursday, December 15th to Thursday, December 8th, 2016.

Motioned by: Chair Jordan
Seconded by: Vice-Chair Adams
Carried: 4 to 0

MEETING ADJOURNED:

The meeting was motioned and approved to adjourn the meeting at 12:55 p.m.

Motioned by: Chair Jordan
Seconded by: Vice-Chair Adams
Carried: 4 to 0

Official Minutes Statement

The foregoing Minutes for the September 19, 2016 meeting of the Georgia Government Transparency and Campaign Finance Commission were approved and adopted by the Commission at the Commission’s meeting on December 8, 2016.

R. Lawton Jordan III, Chair

Date