

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, September 30, 2014 | 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
Heath Garrett, Commission Member
Dennis Cathey, Commission Member
Mary Paige Adams, Commission Member

Office of the Attorney General:

Stefan Ritter, Senior Assistant Attorney General

Commission Staff:

Robert Lane, Staff Attorney
Bethany Whetzel, Staff Attorney
Nancy Sandberg, Legal Administrative Assistant
Joel Perkins, IT
Andrew Booth, IT/Videographer
Maria Bazile, Education/Training

Outside Legal Counsel:

Jonathan Hawkins, Attorney

SUMMARY OF SUBJECTS ACTED UPON:

| Subject | Summary |
|-------------------------------|--|
| Meeting Called to Order | <ul style="list-style-type: none">Meeting was called to order at 10:03 AM |
| Opening Comments of the Chair | <ul style="list-style-type: none">Chair identified all members present.Motioned and Approved to amend the Agenda to:<ol style="list-style-type: none">To remove the following items from the Agenda:<ol style="list-style-type: none">Kelly Campanella's presentationFinalization of Order for: 2010-0060PC Larry ChisholmTo add the following items to the Agenda:<ol style="list-style-type: none">Administrative Dismissals for: 2014-0011 Lauren W. McDonald 2013-0016 Mark R. MathewsCompliance Order for: 2013-0039 Greg SchlierfConsent Orders for: 2013-0015PC Channing Ruskell 2014-0023 Ron C. Cross 2014-0029 Athavia Senior |

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|--|---|
| Opening Comments of the Chair <i>(continued)</i> | <p>d. Finalization of Dismissal for: 2010-0059 Roy Barnes</p> <p>3. To add an additional item to include Pending or threatening litigation in Executive Session. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Cathey</i> <i>Carried: 4 to 0</i></p> <ul style="list-style-type: none"> • Chair recognized Mary Paige Adams as a new Commission member and this was her first regular meeting. She also identified Commission staff members, Robert Lane, Bethany Whetzel and Nancy Sandberg in attendance. • Chair recognized the Resolution that was passed and read in the August 9, 2014 meeting honoring the previous Chair, Kevin Abernethy upon his retirement that is to be signed at the end of this meeting. |
| Approval of Commission Meeting Minutes | <ul style="list-style-type: none"> • Motioned and approved to adopt the Commission Meeting minutes of March 6, 2014; August 19, 2014 and September 5-8, 2014. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Jordan</i> <i>Carried: 4 to 0</i> |
| Re-arrangement of order of items on the Agenda | <ul style="list-style-type: none"> • Chair re-arranged the order of items heard on the agenda by moving Proposed Rule Amendments, Proposed New Rules and Staff Attorney Presentations above the Advisory Opinions so that the Advisory Opinions and all of the other matters can be heard by the Commission. |
| Rules | <ul style="list-style-type: none"> • Chair stated that there would be no adopting of updated rules or presentation of new rules today, but asked that Jonathan Hawkins speak on the process of drafting and updating existing rules and further instruction of refinement, so as to adopt rules that are complete, rather than having to go back through the amendment process. • Jonathan Hawkins gave a background as to the discussion in spring of revisions of the rules in terms of what he has done to this point: <ul style="list-style-type: none"> ○ Existing rules prior to enactment and at the time the New Act was passed the Commission had no rule making authority at the time. |

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| <p>Rules <i>(continued)</i></p> | <ul style="list-style-type: none"> ○ Rules could not be repealed and so just sat there with no action. ○ He used existing rules to revise the first set of rules - finding that some were unnecessary as they were restatements of the Act. In the first pass he did not want to take any rules out. He took the rules as they existed and made some revisions, inserted Advisory Opinions where they seemed to fit that had been enacted before. ○ The agency has received a number of requests for rules which comprises the second set. ○ Anticipates a third and fourth set, ultimately based on new rules in light of existing rules and the new Act. ○ The entire set of rules needs to be reorganized, reworked and regrouped. Before he did that, he wanted to get everything together including public comment to present to the Commission. ○ There is a need for a section in the rules dealing with just Lobbyist. ○ There was a discussion about the process by which public comment can be submitted. It was addressed by the staff attorneys as to the procedure that is in place. No public comment had been received as provided for in the notice, but a letter was received from GMA and ACCG <ul style="list-style-type: none"> ● Comments were heard from Marsha Rubenson of GMA, Stephan Passentino of McKenna Long and Doug Chalmers. ● It was decided that the rules will be completed and ready to be voted on by the December Commission meeting. ● It was motioned to approve notice in regards to publishing a proposed rule by the public and staff, that if a new rule is to be part of the draft that is being worked on by Mr. Hawkins, that a 30-day comment period be recognized and instructs the Staff Attorneys to meet the requirements of law to receive, process, and allow time for the draft to be completed, published and comments received. <p style="text-align: right;"> <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Jordan</i> <i>Carried: 5 to 0</i> </p> |

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| Staff Attorney Presentations | <ul style="list-style-type: none"> • Staff Attorney Robert Lane gave a current update as to the state of the union of the case files. • When the Staff Attorneys came on board in July, they conducted a case count and inventoried all the cases as to where they were in the process. They divided the cases between them with one taking the even case numbers while the other took the odd case numbers. • They found that there were 183 active and current cases in house and 30 cases at the Attorney General’s office for administrative purposes for a total of 213 outstanding and current cases. They started with the most recent cases and are working backwards, realizing that the current election cycle needed to be done first. They have currently gone back as far as 2012 and have noticed that there are a substantial number of filers with late fees. • Since July 1st there have been: <ul style="list-style-type: none"> ○ 19 new cases added ○ 9 cases rejected – no basis ○ 10 cases set for further investigation ○ Today they will dispose 8 cases by Consent Order, 5 cases by Administrative Dismissal, and 1 case by Probable Cause. • Staff Attorney Robert Lane presented information on the Civil Penalty Matrix • Staff Attorney Bethany Whetzel presented the criteria for Late Fee Hardship Waivers. |
| Advisory Opinions | <ul style="list-style-type: none"> • Advisory Opinion 2013-04 to allow Superior Court judges to raise funds, deposit those funds in to their campaign account and expend those funds to defray legal defense costs incurred in their official capacity as a sitting Superior Court Judge was motioned and approved. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Jordan</i> <i>Carried: 5 to 0</i> • Advisory Opinion 2014-01 to require State-level Lobbyist required to disclose spending on local elected officials if the state lobbyist is not also registered as a local lobbyist. <i>Advisory Opinion has been delayed subject to refinement to redraft and clarify and then to be presented for adoption at the next meeting in December.</i> |

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| Advisory Opinions (<i>Continued</i>) | <ul style="list-style-type: none"> • Advisory Opinion 2014-02 to clarify the usage of campaign contributions to fund private “inaugural” events that are held after the conclusion of the election for a municipal office as “ordinary and necessary” expense as set out in O.C.G.A. §21-5-33(a) and that the act does not speak to the time limit for usage of the campaign contribution as set out in O.C.G.A. §21-5-33(b) and does not recommend to speak to time limits was motioned and approved. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Garrett</i> <i>Carried: 5 to 0</i> |
| Administrative Dismissals voted on by the Commission | <ul style="list-style-type: none"> • Administrative Dismissals since July 1, 2014 that had been dismissed by the former Executive Secretary: <ul style="list-style-type: none"> ○ 2014-0005 Kay K. Allen ○ 2014-0015 Barbara Jacoby ○ 2014-0030 Robert “Bob” Ellis • Pending Administrative Dismissals – motioned and approved by the Commission: <ul style="list-style-type: none"> ○ 2014-0011 Lauren McDonald (Commissioner Heath Garrett recused himself) <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Jordan</i> <i>Carried: 4 to 0</i> ○ 2013-0046 Andrew Bauman <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> ○ 2013-0016 Mark R. Mathews <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> |
| Break for Lunch and Executive Session | <ul style="list-style-type: none"> • Motioned and approved to break for lunch at 12:21 PM and enter into executive session to discuss pending or threatening litigation and personnel at 12:30 PM <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> |

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| Break for Lunch and Executive Session <i>(Continued)</i> | <ul style="list-style-type: none"> • Exited Executive Session at 1:30 PM with no motions and no further closed session at end of regular meeting; motioned and approved to return from Lunch at 1:36 PM to reconvene the Regular meeting. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> |
| Motion for Attorney’s Fees voted on by the Commission | <ul style="list-style-type: none"> • .Motion for Attorney’s Fees: <ul style="list-style-type: none"> ○ 2014-0005 Kay K. Allen It was motioned and decided to continue the motion until the next meeting in December to assure that the complainant – Mr. Johnson receives notification and to assess which of the three fees are to be awarded to the client. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> |
| Preliminary Hearing for Probable Cause voted on by the Commission | <ul style="list-style-type: none"> • Preliminary Hearing for Probable Cause: <ul style="list-style-type: none"> ○ 2014-0042PC Kay K. Allen It was motioned and approved to assess \$125 Late Fee with no Civil Penalty <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Chair Stringfellow</i> <i>Carried: 5 to 0</i> |
| Consent Orders voted on by the Commission | <ul style="list-style-type: none"> • Consent Orders: <ul style="list-style-type: none"> ○ 2014-0023 Ron Cross Motioned and approved to assess \$250 Late Fees and \$2,500 Civil Penalty. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Jordan</i> <i>Carried: 5 to 0</i> ○ 2013-0015PC Channing Ruskell Motioned and approved to assess \$250 Late Fees with no Civil Penalty. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> |

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| <p>Consent Orders voted on by the Commission <i>(Continues)</i></p> | <ul style="list-style-type: none"> ○ 2013-0029 Athavia Senior Motioned and approved to assess \$375 Late Fees and \$2,000 Civil Penalty. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Cathey</i> <i>Carried: 5 to 0</i> ○ 2013-0040 Tom McElwee Motioned and approved to assess \$250 Late Fees and \$400 Civil Penalty. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Garrett</i> <i>Carried: 5 to 0</i> ○ 2014-0016 Frank Petruzielo Motioned and approved to assess \$500 Civil Penalty. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Cathey</i> <i>Carried: 5 to 0</i> ○ 2012-0004 Spencer Price Motioned and approved to assess \$150 in Penalties and \$1,400 Civil Penalty. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Garrett</i> <i>Carried: 5 to 0</i> |
| <p>Compliance Orders voted on by the Commission</p> | <ul style="list-style-type: none"> ● Compliance Orders: <ul style="list-style-type: none"> ○ 2013-0039 Greg N. Schlierf Motioned and approved. <i>Motioned by: Commissioner Adams</i> <i>Seconded by: Commissioner Cathey</i> <i>Carried: 5 to 0</i> ○ 2010-0046 Karen Handel Motioned and approved to assess \$75 Late Fee. <i>Motioned by: Commissioner Cathey</i> <i>Seconded by: Commissioner Garrett</i> <i>Carried: 5 to 0</i> |
| <p>Break</p> | <ul style="list-style-type: none"> ● A 10 minute break was taken at 3:01 PM and the meeting reconvened at 3:10 PM |

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| Finalization of Orders & Decisions Prior to July 1, 2014 Voted on the Commission | <ul style="list-style-type: none"> • Finalization of the following Orders & Decision Prior to July 1, 2014: <ul style="list-style-type: none"> ○ 2012-0004 Spencer Price Motioned and approved to assess \$150 in Penalties and \$1,400 Civil Penalty. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Garrett</i> <i>Carried: 5 to 0</i> ○ 2010-0059 Roy Barnes Motioned and approved to accept the Order of Dismissal <i>Motioned by: Commissioner Garrett</i> <i>Seconded by: Commissioner Cathey</i> <i>Carried: 5 to 0</i> ○ 2013-0031 Cherokee Tea Party Patriots/Conrad Quagliaroli Motioned and approved to authorize acceptance of Compliance Order entered into on May 2, 2013. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Garrett</i> <i>Carried: 5 to 0</i> |
| Additional Items Brought Before the Commission | <ul style="list-style-type: none"> • The following items were brought before the Commission <ul style="list-style-type: none"> ○ Late Fee appeals to put through Matrix for documentation. To be brought forward to a future meeting. ○ Schedule sufficient time to get new rules written, post request for new rules, post drafts the new rules for 30 days to allow for public comment and circulate correspondence to Commissioners, Attorney General, and Jonathan. A deadline of December 1st was set. ○ Proposal of dates for remaining 2014 Commission meeting to be emailed and in that same email to set Quarterly meeting dates for 2015 with the option of entertaining an additional meeting or two to get cases heard. |

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| Commissioner Comments | <ul style="list-style-type: none"> • Commissioner Garrett commented on the need for clarity and guidance from the Attorney General's Office in an Advisory Opinion for email and technology in relation to School Boards. • Commissioner Cathey complimented the Staff Attorneys on their progress. • Commissioner Adams thanked the Staff Attorneys and agency staff for their hard work and the media for showing that the cases are being moved forward |
| Public Comments | <ul style="list-style-type: none"> • William Perry of Common Cause expressed excitement to see the ball being moved forward in the resolution of cases and rule making. |
| Meeting Adjourned | <ul style="list-style-type: none"> • Meeting Adjourned at 3:34 PM. <i>Motioned by: Commissioner Jordan</i> <i>Seconded by: Commissioner Adams</i> <i>Carried: 5 to 0</i> |

Official Minutes Statement

The foregoing Minutes for the September 30, 2014 meeting of the Georgia Government Transparency and Campaign Finance Commission were approved and adopted by the Commission at the Commission's meeting on December 10, 2014.



 Hillary Stringfellow, Chair

12.10.14

 Date

County of Fulton,
State of Georgia

Affidavit of Presiding Officer

**GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION**

Personally appeared before the undersigned officer, duly authorized to administer oaths, Hillary Stringfellow, Chairperson of the Georgia Government Transparency and Campaign Finance Commission (the "Commission"), who, being sworn, states the following under oath:

1.

I am the Chairman of the Commission. I am giving this Affidavit as required by O.C.G.A. § 50-14-4(b) to explain the closing to the public a part of a meeting of the Commission. I have personal knowledge of the fact stated in this Affidavit.

2.

On September 30, 2014, the Commission met in an open regular meeting at room 606 at the Coverdell Legislative Building in Atlanta and I presided. By a vote of 5 to 0, the Commission closed a portion of its meeting to the public in order to discuss and deliberate upon pending or threatening litigation and personnel. No other topic was discussed during the closed portion, over which I presided. The meeting was closed in accord with the specific exception to open meetings under O.C.G.A. § 50-14-3(6) ("Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee...").

Sworn to and subscribed before me this

10th day of December, 2014



Nancy G. Sandberg
Notary Signature

Nancy G. Sandberg, Notary Public
Notary Print Name

My Commission expires Sept. 16, 2017

Hillary Stringfellow
Hillary Stringfellow, Chair
Georgia Government Transparency and
Campaign Finance Commission