

State Ethics Commission
Commission Meeting Minutes
January 24, 2008
200 Piedmont Avenue
Suite 1416 – West Tower
Atlanta, Georgia

Present:

William H. Jordan, Chairman
Jonny Watson, Vice Chairman
Emmett Bowers, Member
James C. Gatewood, Member

Absent:

Griffin B. Pollard, Jr., Member

The meeting was called to order by Chairman William H. Jordan at approximately 9:40 a.m.

The minutes from October 22, 2007 and November 29, 2007 were read.

Moved by Mr. Gatewood
Adopted

Seconded by Mr. Bowers

Old Business

In the Matter of Ken B. Hodges III

Case No. 2005-0025

The Commission determined that all criteria for dismissal of the additional allegations were met.

Carried unanimously

In the Matter of Neal O'Brien

Case No. 2007-0012a

The Commission determined that all criteria for dismissal of the allegations contained in the complaint were met.

Carried unanimously

In the Matter of Bill Lusk

Case No. 2007-0012b

The Commission determined that all criteria for dismissal of the allegations contained in the complaint were met.

Carried unanimously

In the Matter of Mark Taylor

Case No. 2005-0103

The Commission determined that all criteria for dismissal of the allegations contained in the complaint were met.

Carried unanimously

Request for Reconsideration

In the Matter of Daniel Allen

Case No. 2005-0048

The case was presented by Ms. Kay Baker.

Motion for reconsideration of the civil penalties was made by Respondent. The Commission granted the motion.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

Preliminary Hearings

In the Matter of Michael Wiggins and Safety Prosperity Coalition

Case No. PC2006-0050

The case was presented by Mr. Tom Plank.

In Allegation 1 the Commission found no reasonable grounds to believe that the Respondent violated the Ethics in Government Act by accepting contributions in excess of the limits set forth in the Act and by coordinating their campaign activities.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Connie Stokes
Case No. 2006-0026

The case was presented by Ms. Kay Baker.

In Allegation 1 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent made a \$2000 contribution from her Senate campaign committee to a bond referendum committee.

In Allegation 2 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent failed to file a June 2005 and June 2007 CCDR from her Senate campaign and dismissed this allegation contingent upon Respondent filing a June 2005 and June 2007 CCDR within 30 days.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Walter Sneed
Case No. 2007-0008

The case was presented by Mr. Hemanth Digumarthi.

In Allegation 1 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent's campaign committee received campaign contributions from Doug Tollett and James McMahan, exceeding the \$2000.00 contribution limits because excess contributions were returned.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 2 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated because the candidate's campaign committee failed to file a separate CCDR for September 30, 2005.

In Allegation 3 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent's campaign committee failed to file a separate CCDR for October 25, 2005.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 4 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Chairperson of the Respondent's Campaign Committee failed to file a separate CCDR for the December 31, 2005 reporting period.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Allegation 5 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated because the Respondent maintained a separate campaign bank account.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 6 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent did not report an in-kind contribution received from Alan Gravitt who displayed a "tee pee sign" supporting Respondent's candidacy on the back of his pickup truck.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 7 the Commission gave the Respondent 60 days to file Amendments to fix discrepancies in the CCDRs.

Motion to dismiss pending corrections of errors on CCDRs.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 8 the Commission gave the Respondent 60 days to file Amendments to fix discrepancies in the CCDRs.

Motion to dismiss pending corrections of errors on CCDRs.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Carlton Corbitt
Case No. 2007-0004

The case was presented by Mr. Hemanth Digumarthi.

In Allegation 1 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent failed to report an in-kind contribution from Waycross Cable Company, his employer, which allowed him to use the company truck for campaign related purposes during the 2004 election cycle.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 2 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent rented and used electronic portable signs for campaign related purposes during the 2004 election cycle. The sign rental period encompassed approximately six months. The Respondent only paid \$200.00 for all the electronic portable sign he rented from Ronnie Sirmons. The electronic portable signs typically cost \$120.00 - \$200.00 per day to rent.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 3 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent received a contribution of \$500.00 which he reported on his December 31, 2004 CCDR, after the conclusion of the 2004 general election.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 4 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent did not file any of his CCDRs for the 2004 election cycle electronically. Beginning with his September 30, 2004 CCDR,

Respondent reported that he raised and spent over \$10,000.00. Specifically, for each subsequent reporting period, Respondent reported that he raised and spent over \$10,000.00.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 5 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent made an expenditure using his Visa credit card. He subsequently reported a reimbursement for the expenditure on his December 31, 2004 CCDR, but failed to provide information required for the reimbursement made to himself when the expenditure was originally charged on a Visa credit card.

Motion to dismiss.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 6 the Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent accepted campaign contributions prior to filing his declaration of intent to accept campaign contributions. The Commission set the allegation down with a recommendation for a compliance order rather than a consent order.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Gerald Dean
Case No. 2007-0021

The case was presented by Mr. Hemanth Digumarthi.

The Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent suggested that he would stand for reelection as mayor in a monthly newsletter written by him and enclosed with the City of Leary's water bill.

Motion to dismiss.

Moved by Mr. Gatewood
Carried Unanimously

Seconded by Mr. Jordan

In the Matter of Allen Freeman
Case No. 2006-0045

The case was continued by the request of Respondent's attorney.

In the Matter of South Fulton Unincorporated, Inc.
Case No. 2007-0019

The case was continued by request of the Respondent.

The Commission adjourned for a break at approximately 10:47 a.m. and returned at approximately 11:00 a.m.

Waiver of Preliminary Hearing

The following cases waived their Preliminary Hearing:

In the Matter of Ray Jenkins
Case No. 2007-0032

In the Matter of James Lientz
Case No. 2006-0060

In the Matter of Donald M. Leebern Jr.
Case No. 2007-0034

In the Matter of Andy LaRocco
Case No. 2007-0024

the Matter of Timothy Shelnut
Case No. PC2006-0033

In the Matter of Michael Payne
Case No. 2007-0023

In the Matter of Ronald Lee Wilson
Case No. 2007-0022

In the Matter of Alisa King
Case No. 2007-0020

In the Matter of Jerry McCumber
Case No. 2007-0027

In the Matter of Gilmer Fannin Baptist Association
Case No. 2007-0031

In the Matter of Realtors PAC
Case No. PC2007-0003

Request for Finding of Probable Cause

In the Matter of Beasley-Teague
Case No. PC2007-0020

The case was presented by Mr. Tom Plank.

A request for finding of probable cause was made to open an investigation to determine if there were funds misappropriated, misreported, or if there was failure to report campaign expenditures on the June 30, 2005 – December 31, 2007 CCDRs.

Motion to find probable cause.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Committee to Keep Our Tax Dollars at Home
Case No. PC2008-0001

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into failure to identify the name and title of the principal officer of the committee and failure to file CCDRs electronically though the Committee raised and spent more than \$5,000.00.

Motion to find probable cause.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

Requests in the below cases for finding of probable cause were made to open investigations into the failures to file Campaign Contribution Disclosure Reports (CCDRs) and/or Personal Financial Disclosure Statements (PFDs), failure to file notarized affidavits and the non-payment of late fees owed. The Commission found probable cause to open investigations for the following:

the Matter of Corey Wimberly
Case No. PC2008-0002

In the Matter of Cyril Williams
Case No. PC2008-0003

In the Matter of David Scott
Case No. PC2008-0004

In the Matter of Joe C. Williams
Case No. PC2008-0005

In the Matter of John R. Lunsford
Case No. PC2008-0006

In the Matter of LaNett Stanley-Turner
Case No. PC2008-0007

In the Matter of Lester G. Jackson
Case No. PC2008-0008

In the Matter of Michele Henson
Case No. PC2008-0009

In the Matter of Pedro R. Marin
Case No. PC2008-0010

In the Matter of Roberta Abdul-Salaam
Case No. PC2008-0011

In the Matter of Ulysses Marable
Case No. PC2008-0013

In the Matter of Walter Jeffrey Lewis
Case No. PC2008-0014

In the Matter of Larry Blackshear
Case No. PC2008-0015

In the Matter of Winston N. Campbell
Case No. PC2008-0016

In the Matter of Alvin R. Dollar
Case No. PC2008-0017

In the Matter of Bob Hartley
Case No. PC2008-0018

In the Matter of Felix Lawson
Case No. PC2008-0019

In the Matter of Ellie Morris
Case No. PC2008-0020

In the Matter of Steven P. Perry
Case No. PC2008-0021

In the Matter of Dexter Porter
Case No. PC2008-0022

In the Matter of Aaron B. Robinson
Case No. PC2008-0023

In the Matter of Annette Todd Trawick

In the Matter of Sandy White

Case No. PC2008-0026

After a discussion with the Attorney General's office, it was determined that under the Ethics in Government Act, O.C.G.A. §§21-5-6 and 21-5-7, the Commission staff may open and investigate a probable cause case without an official vote by the Commission, therefore the following case was not presented:

In the Matter of Citizens Against Alcohol

PC2008-0027

Consent Order

In the Matter of Verna Phillips

Case No. 2006-0051

This Consent Order was presented by Mr. Hemanth Digumarthi.

A civil penalty was assessed in the amount of \$250.

Motion to accept.

Moved by Mr. Bowers

Carried unanimously

Seconded by Mr. Jordan

In the Matter of Jerry Williams

Case No. 2007-0009

The Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$3,500.

Motion to accept.

Moved by Mr. Bowers

Carried unanimously

Seconded by Mr. Watson

In the Matter of Lawrence K. Kaiser

Case No. 2006-0067

The Consent Order was presented by Mr. Hemanth Digumarthi.

A civil penalty was assessed in the amount of \$250.

Motion to accept.

Moved by Mr. Gatewood

Carried unanimously

Seconded by Mr. Jordan

In the Matter of Chandler Carter Haydon

Case No. 2006-0065

The Consent Order was presented by Mr. Hemanth Digumarthi.

A civil penalty was assessed in the amount of \$500.

Motion to accept.

Moved by Mr. Jordan

Carried unanimously

Seconded by Mr. Gatewood

In the Matter of William Brady Fallin

Case No. 2006-0066

The Consent Order was presented by Mr. Hemanth Digumarthi.

A civil penalty was assessed in the amount of \$500.

Motion to accept.

Moved by Mr. Gatewood

Carried unanimously

Seconded by Mr. Jordan

In the Matter of Brenda Nishiyama Willis

Case No. 2006-0037

The Case was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$250 and \$1,255 is to be remitted to the Office of Treasury and Fiscal Services.

Motion to accept.

Moved by Mr. Jordan

Carried unanimously

Seconded by Mr. Bowers

In the Matter of Douglas C. Dean

Case No. 2006-0023, 2006-0038

The Consent Order was presented by Ms. Kay Baker.

A civil penalty was assessed in the amount of \$4,500 and late fees assessed in the amount of \$600.

Motion to accept.

Moved by Mr. Gatewood

Carried unanimously

Seconded by Mr. Bowers

In the Matter of John Eaves

Case No. 2006-0056

The Consent order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$750.

Motion to accept.

Moved by Mr. Jordan

Carried unanimously

Seconded by Mr. Bowers

In the Matter of Larry Mann

Case No. 2007-0016

The Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$1,500.

Motion to accept.

Moved by Mr. Gatewood

Carried unanimously

Seconded by Mr. Jordan

In the Matter of Clinton Young

Case No. 2007-0014

The Consent order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$1,500.

Motion to accept.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Jordan

Other Business

Report of the Executive Secretary

The Executive Secretary reported on the budget, requesting an additional staff member and an increase in our training programs from 100 to 200.

The next Commission Meeting was scheduled for March 27, 2008.

Motion to adjourn the meeting.

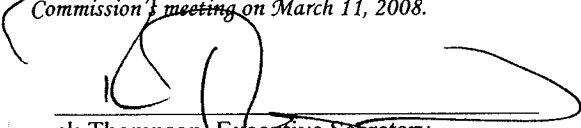
Moved by Mr. Gatewood
Carried unanimously

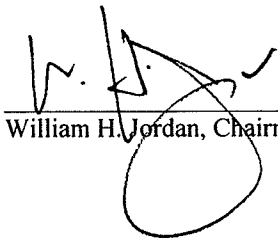
Seconded by Mr. Jordan

The meeting adjourned at approximately 11:42 a.m.

Official Minutes Statement

The foregoing Minutes for the January 24, 2008 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on March 11, 2008.



Mark Thompson, Executive Secretary

William H. Jordan, Chairman