

STATE ETHICS COMMISSION
205 Jesse Hill Jr. Drive SE
Suite 478 – East Tower
Atlanta, Georgia 30334

AGENDA

PLACE: Citizens Hall
Douglas County Courthouse
Douglasville, Georgia

DATE: February 25, 2005

TIME: 10:00 a.m.

HEARINGS

In the Matter of David Cannon..... A

In the Matter of William Gregory Howze..... B

REGULAR MEETING

Meeting called to order

Reading & approval of the Minutes of January 7, 2005
Meeting C

New Business:

George Anderson v Georgia Republican Party D

Harold Roberts v Jacqueline Scott E

Harold Roberts v Tom Scott F

Richard T. Gamble v William E. Smith, Jr.	G
William H. Howard, Jr. v Gene Pope	H-I
Robert Shaw v Citizens for a Better Georgia and Lauren "Bubba" McDonald, Jr.	J
Lynn L Bradley v Mike Yeager	K-L
Scott Ruppert v Mike Yeager	M-N
Scott Smith v Mike Yeager	O
Cathy Woolard v Liane Levetan	P
Wes Cribb v Liane Levetan	Q
United Distributors, Inc. (Probable Cause)	R
Beverly Enterprises, Inc. (Probable Cause)	S
Pope, McGlamry, Kilpatrick, Morrison & Norwood, LLP (Probable Cause)	T
Oxford Construction Company (Probable Cause)	U

Report of the Executive Secretary

Future Commission Meeting Date

**MINUTES OF THE
STATE ETHICS COMMISSION
MEETING HELD
February 25, 2005**

Present:

**Steve Farrow, Vice-Chairman
Jack Williams
Emmett Bowers
David Moskowitz**

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

IN THE MATTER OF DAVID CANNON

CASE #2002-0078

I. The Commission found four violations of the Ethics in Government Act.

- A. The Commission found no violation of O.C.G.A. § 21-5-41(b), and the matter was dismissed.**

**Motion made by Mr. Williams
In favor: Farrow, Bowers, Williams
*Opposed: Moskowitz***

Seconded by Mr. Bowers

- B. The Commission found violations of O.C.G.A. § 21-5-34 and Commission Rule 189-3.04 by Respondent's improper reporting of credit card purchases and in-kind contributions.**

**Motion made by Mr. Moskowitz
*Carried Unanimously***

Seconded by Mr. Farrow

- C. The Commission found a single violation of O.C.G.A. § 21-5-34(b)(1)(A), due to Respondent's failure to disclose eleven campaign contributions.**

**Motion made by Mr. Williams
*Carried Unanimously***

Seconded by Mr. Bowers

- D. The Commission found a single violation of O.C.G.A. § 21-5-34(b)(1)(B) and Rule 189-3-.04 by Respondent's failure to list end recipients of expenditures.**

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

- E. The Commission found violations of O.C.G.A. § 21-5-34(c)(2)(C) due to Respondent's failure to file 48-Hour Reports.**

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Moskowitz

- II. The Commission assessed civil penalties totaling Twelve Hundred Dollars (\$1,200.00).**

- A. The Commission assessed a single civil penalty of \$100.00 for the first violation found.**

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

- B. The Commission assessed a \$200.00 penalty for the second violation found.**

(Original motion of \$500.00 penalty withdrawn by Mr. Farrow)

Motion made by Mr. Williams
In favor: Farrow, Williams, Bowers
Opposed: Moskowitz

Seconded by Mr. Bowers

- C. The Commission assessed a civil penalty of \$750.00 for the third violation found.**

Motion made by Mr. Farrow
In favor: Farrow, Moskowitz, Bowers
Opposed: Williams

Seconded by Mr. Moskowitz

- D. The Commission assessed a civil penalty of \$150.00 for the fourth violation found.**

Motion made by Mr. Williams
In favor: Farrow, Bowers, Williams
Opposed: Moskowitz

Seconded by Mr. Bowers

- III. The Commission further ordered the Respondent to file amended and corrected reports within thirty days and to cease and desist from any and all violations of the Ethics in Government Act.**

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

The matter was continued by agreement of counsel.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Moskowitz

REGULAR MEETING

The Commission adopted the Findings of Fact and Conclusions of Law reached in the Administrative Procedure Act hearings as the Findings of Fact and Conclusions of Law of the State Ethics Commission.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

The minutes of the January 7, 2005 meeting were approved as presented.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Moskowitz

NEW BUSINESS

GEORGE ANDERSON V. GEORGIA REPUBLICAN PARTY CASE #2004-0007

The Commission found there were not reasonable grounds to believe the Ethics in Government Act had been violated, and the complaint was dismissed.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

HAROLD ROBERTS V. JACQUELINE SCOTT

CASE #2004-0009

The Commission dismissed all of the original allegations except that of accepting a contribution in excess of the contribution limits. The Commission set the matter down for an Administrative Procedure Act hearing on alleged acceptance of a contribution in excess of the limits as well as for possible violations of O.C.G.A. § 21-5-33 and 21-5-34 and Commission Rule 189-3-.01.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

HAROLD ROBERTS V. TOM SCOTT

CASE #2004-0010

The Commission found probable cause to believe that the Ethics in Government Act had been violated, and the matter was set down for an Administrative Procedure Act Hearing.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

RICHARD GAMBLE V. WILLIAM E. SMITH, JR.

CASE #2004-0011

The Commission found probable cause to believe that the Ethics in Government Act had been violated, and the matter was set down for an Administrative Procedure Act Hearing.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Bowers

WILLIAM HOWARD V. GENE POPE

CASE #2004-0013, 2004-0023

The Commission found that there were not reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Moskowitz

ROBERT SHAW V. CITIZENS FOR A BETTER GEORGIA AND LAUREN

"BUBBA" MCDONALD

CASE #2004-0048

The Commission found reasonable grounds to believe that Citizens for a Better Georgia had violated the Ethics in Government Act, and the matter was set down for an Administrative Procedure Act hearing.

The Commission found that there were not reasonable grounds to believe that Lauren "Bubba" McDonald, Jr. had violated the Ethics in Government Act. He was dismissed as a Respondent and the allegation against him was dismissed.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Moskowitz

LYNN BRADLEY V. MIKE YEAGER, SCOTT RUPERT V. MIKE YEAGER,

SCOTT SMITH V. MIKE YEAGER **CASE #2004-0033, 2004-0034, 2004-0035,**
2004-0037

After a consolidated preliminary hearing on five complaints, the Commission found reasonable grounds to believe that the Ethics in Government Act had been violated, and all matters were set down for an Administrative Procedure Act hearing.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Moskowitz

CATHY WOOLARD V. LIANE LEVETAN, WES CRIBB V. LIANE LEVETAN
CASE #2004-0045, 2004-0046

The Commission found reasonable grounds to believe that the Ethics in Government Act had been violated, and the matters were set down for an Administrative Procedure Act hearing.

Motion made by Mr. Bowers
In favor: Bowers, Williams, Farrow
Opposed: Moskowitz

Seconded by Mr. Williams

UNITED DISTRIBUTORS, INC. (PROBABLE CAUSE) **CASE #2004-0076**

Mr. Williams recused himself due to a potential conflict with his firm.

The Commission adopted a Consent Order finding violations and assessing civil penalties of \$9,845.00 and statutory late fees totaling \$825.00.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Bowers

BEVERLY ENTERPRISES, INC. (PROBABLE CAUSE) **CASE#2004-0088**

The Commission adopted a Consent Order finding violations and assessing civil penalties of \$8,825.00 and statutory late fees totaling \$1,500.00.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

POPE, MCGLAMRY, KILPATRICK, MORRISON & NORWOOD, LLP
CASE #2004-0064

The Commission adopted a Consent Order finding violations and assessing civil penalties of \$250.00.

Prior to the vote, the acting Chairman cited reasons why he would not be voting in the matter.

Motion made by Mr. Williams
Carried unanimously, except for Mr. Farrow, who abstained.

Seconded by Mr. Moskowitz

OXFORD CONSTRUCTION COMPANY **CASE # 2004-0089**

The Commission adopted a Consent Order finding violations and assessing civil penalties of \$6,086.00 and statutory late fees totaling \$2,625.00.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

REPORT OF THE EXECUTIVE SECRETARY

The Commission adopted a resolution thanking Sam Nicholson for his service to the Commission as Chairman.

The Commission set April 15, 2005 as the next meeting date.

The meeting adjourned at approximately 4:53 p.m.

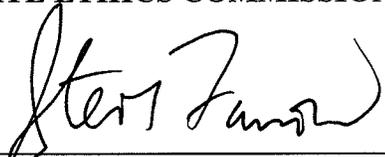
C. Theodore Lee, Executive Secretary

Official Minutes Statement

The foregoing Minutes for the February 25, 2005 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on April 15, 2005.

STATE ETHICS COMMISSION

By:



Chairman