

**MINUTES OF THE
STATE ETHICS COMMISSION
MEETING HELD
May 10, 2004**

Present:

**Billy N. Jones, Vice Chairman
Emmett Bowers
Jack Williams
Steve Farrow**

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

IN THE MATTER OF COBB CHAMBER OF COMMERCE, REPAC, ADVANTAGE COBB & COBB COUNTY GOVERNMENT: A Consent Order finding five violations and assessing civil penalties of \$2,500.00 was adopted regarding all parties except Cobb County Government. Cobb County Government was not served with a Notice of Hearing and will be heard at a later date.

Mr. Williams recused himself from this matter due to his absence at the preliminary hearing.

**Moved by Mr. Bowers
*Carried Unanimously***

Seconded by Mr. Farrow

IN THE MATTER OF DAVID CANNON, JR.: This matter was continued.

IN THE MATTER OF GEORGE MORRIS, SR.: A Consent Order finding a violation was adopted assessing civil penalties of \$300.00.

**Moved by Mr. Bowers
In Favor: Mr. Bowers, Mr. Williams, Mr. Jones
Opposed: Mr. Farrow**

Seconded by Mr. Williams

IN THE MATTER OF ROBERT PROCTOR: A Motion to Dismiss was made by Mr. Farrow for discussion purposes, but having no second, the motion failed.

Motion to Dismiss as unconstitutional filed by Counsel for Respondent was denied.

**Moved by Mr. Williams
*Carried Unanimously***

Seconded by Mr. Bowers

IN THE MATTER OF DEREK GOOD: This matter was dismissed.

**Moved by Mr. Farrow
In Favor: Mr. Farrow, Mr. Bowers, Mr. Jones
Opposed: Mr. Williams**

Seconded by Mr. Bowers

REGULAR MEETING

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

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

The Minutes of the March 22, 2004 meeting were approved as presented.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Jones

OLD BUSINESS

GEORGE ANDERSON V JOHN DAVIS: A Compliance Agreement was adopted in this matter.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Farrow

GEORGE ANDERSON V HENRY LEE COOK: A Compliance Agreement was adopted in this matter.

Moved by Mr. Williams
Carried Unanimously

Seconded by Mr. Farrow

HARRY SCOTT, O'NEAL SCOTT & RICHARD LANCASTER V GREG HOWZE: A motion to set the matter down for an Administrative Procedure Act failed. The Chairman ruled that the matter would not go forward at the present time.

Moved by Mr. Bowers
In Favor: Mr. Bowers, Mr. Farrow
Opposed: Mr. Williams, Mr. Jones

Seconded by Mr. Farrow

IN THE MATTER OF DEBORAH LYNN: The Commission authorized the Attorney General's office to take appropriate legal action to collect the Respondent's civil penalty owed and any attorney fees in connection with this matter.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

IN THE MATTER OF MITZI BICKERS: The Commission authorized the Attorney General's office to take appropriate legal action to collect the Respondent's civil penalty owed and any attorney fees in connection with this matter.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

NEW BUSINESS

WILLIAM THOMAS BARNES: Mr. Barnes was subpoenaed to appear before the Commission regarding his failure to timely file Campaign Contribution Disclosure Reports and the outstanding late filing fees totaling \$450.00. Mr. Barnes explained to the Commission that his filings are now current and that he had mailed a check for late filing fees.

PAM STANLEY: Ms. Stanley was subpoenaed to appear before the Commission regarding her failure to timely file Campaign Contribution Disclosure Reports and the outstanding late filing fees totaling \$450.00. Ms. Stanley appeared before the Commission and explained that she would work on getting the appropriate reports filed. Ms. Stanley was granted 60 days to pay the outstanding late filing fees.

Moved by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

MARK DAGEL (Probable Cause): This matter was set down for an Administrative Procedure Act hearing.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

The motion was amended to include the finding of probable cause to open an investigation if the action had not previously taken place.

Moved by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

KIM LITTLETON/DONNA PERRIN (Probable Cause): The matter as related to Kim Littleton was set down for an Administrative Procedure Act hearing. Mr. Williams recused himself from this matter.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

A Consent Order finding a violation and assessing civil penalties totaling \$150.00 was adopted in the matter as related to Donna Perrin.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

PHILLIP S. DAVIS v HAROLD FLETCHER: This matter was set down for an Administrative Procedure Act hearing.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

MARK MOSLEY v LOU HISEL. This matter was set down for an Administrative Procedure Act hearing. The Recreation and Roads 2003 Committee was added as a Respondent.

Moved by Mr. Williams
Carried Unanimously

Seconded by Mr. Farrow

MARK MOSLEY v CLAYTON COUNTY BOARD OF EDUCATION. The allegations involving the Clayton County Board of Education were dismissed. Dr. Bill Chavis, Clayton County Interim Superintendent, and Mr. William "Bill" Horton, Clayton County Interim Deputy Superintendent, were added as named Respondents and they were set down for an Administrative Procedure Act hearing.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

Clayton County Government was added as a named Respondent and set down for an Administrative Procedure Act hearing.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

FRANCES GLOVER/DAWN GRADDICK v LORENE LINDSEY. This matter was dismissed.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Farrow

FRANCES GLOVER/DAWN GRADDICK v FRANK SMITH. This matter was dismissed.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Farrow

REPORT OF THE EXECUTIVE SECRETARY:

The Executive Secretary presented a draft Advisory Opinion regarding the filing of Campaign Contribution Disclosure Reports by individuals who filed a Declaration of Intention to Accept Campaign Contributions (See O.C.G.A. § 21-5-34(c)) but decides not to run for the office intended. The Opinion was adopted.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Farrow

The staff explained why it would not present a previously prepared request to find probable cause to open an investigation of Robert Cutting.

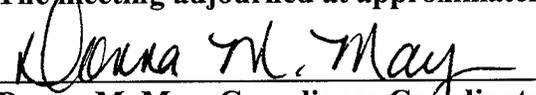
The Commission granted permission to Ted Paxton to pay or reimburse from campaign funds the legal fees incurred for the defense against an ethics complaint before the State Ethics Commission in which all charges were dismissed.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

The Commission set June 21, 2004 as the next meeting.

The meeting adjourned at approximately 2:55 p.m.

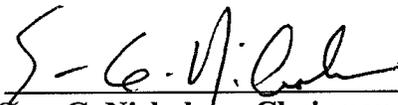

Donna M. May, Compliance Coordinator

Official Minutes Statement

The foregoing Minutes for the May 10, 2004, meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on June 21, 2004.

STATE ETHICS COMMISSION

By:


Sam G. Nicholson, Chairman

**AGENDA OF MATTERS ACTED UPON
STATE ETHICS COMMISSION
MEETING HELD
May 10, 2004**

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

A Consent Order was adopted In the Matter of Cobb Chamber of Commerce, REPAC, and Advantage Cobb, and In the Matter of George Morris, Sr.

The matter of Derek Good was dismissed.

The matter of David Cannon, Jr. was continued.

In the Matter of Robert Proctor was continued.

REGULAR MEETING

The Commission approved the minutes of the March 22, 2004 meeting as presented.

The Commission held preliminary hearings and took the following actions:

A Consent Order was adopted in the matter involving Donna Perrin.

Compliance Agreements were adopted in George Anderson v John Davis and George Anderson v Henry Lee Cook.

Matters involving Mark Dage, Kim Littleton, Harold Fletcher were set down for Administrative Procedure Act hearings.

Mark Mosley v Lou Hisel was set down for an Administrative Procedure Act hearing and The Recreation and Roads 2003 Committee was added as a Respondent.

There was no decision made in Harry Scott, O'Neal Scott and Richard Lancaster v Greg Howze.

Allegations involving the Clayton County board of Education were dismissed. Actions taken by Dr. Bill Chavis, Clayton County Interim Superintendent, and Mr. William "Bill" Horton, Clayton County Interim Deputy Superintendent, were set down for an Administrative Procedure Act hearing, and Clayton County was named as an additional Respondent and set down for an Administrative Procedure Act hearing.

Frances Glover/Dawn Graddick v Lorene Lindsey and Frances Glover/Dawn Graddick v Frank Smith were dismissed.

The Attorney General's office was asked to take the appropriate legal action to collect civil penalties and attorneys fees from Deborah Lynn and Mitzi Bickers.

William Thomas Barnes appeared and stated his filings are current and a check for his late fees had been mailed.

Pam Stanley appeared and the Commission granted her 60 days to file the Campaign Contribution Disclosure Reports due and pay the outstanding late fees.

The Commission adopted Advisory Opinion 04-34.

The Commission set June 21, 2004 for the next meeting.

The meeting adjourned at approximately 2:55 p.m.

Present:

Billy N. Jones, Vice Chairman

Jack Williams

Emmett Bowers

Steve Farrow


C. Theodore Lee, Executive Secretary