

State Ethics Commission
Commission Meeting Minutes
May 22, 2008
200 Piedmont Avenue
Suite 1416 – West Tower
Atlanta, Georgia

Present:

William H. Jordan, Chairman
Lonny Watson, Vice Chairman
Emmett Bowers, Member
James C. Gatewood, Member
Griffin B. Pollard, Jr., Member

The meeting was called to order by Chairman William H. Jordan at approximately 9:34 a.m.

The minutes from March 11, 2008 were read and adopted.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Watson

Election of Officers

Chairman Jordan was nominated to serve an additional year as Chairman.

Moved by Mr. Watson
Carried unanimously

Seconded by Mr. Pollard

Mr. Watson was nominated to serve an additional year as Vice Chairman

Moved by Chairman Jordan
Carried unanimously

Seconded by Mr. Bowers

OLD BUSINESS

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

The Commission determined that all criteria for dismissal of allegations 7 and 8 contained in the complaint were met.

Motion to dismiss.
Moved by Mr. Watson
Carried unanimously

Seconded by Mr. Bowers

PRELIMINARY HEARINGS

In the Matter of Pharm PAC
Case No. PC2007-0006

The consent order was presented by Ms. Kay Baker.

For failing to file the required Campaign Contribution Disclosure Reports, a civil penalty was assessed in the amount of \$8,880 and late fees assessed in the amount of \$450.

Motion to accept.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Pollard

In the Matter of Carolyn Capps-Dillard
Case No. PC2007-0019

The case was presented by Mr. Tom Plank.

The Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent used government resources, time and equipment for her campaign consulting work.

Motion to dismiss.

Moved by Mr. Gatewood
ried unanimously

Seconded by Mr. Bowers

Motion to refer the case to the Attorney General's Office and the Department of Community Health Office of Inspector General for investigation of possible violations of law that do not fall under the State Ethics Commission's jurisdiction.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of J. Craig Gordon
Case No. PC2007-0017

The case was presented by Mr. Tom Plank.

The Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent failed to disclose the value of consulting work performed by Carolyn Capps-Dillard, Respondent's campaign received contributions from a government entity in the form of work performed by Capps-Dillard on government time and equipment, and Respondent's campaign received in-kind contributions from Georgia Case Management Associates, LLC, in excess of the contribution limits set forth in the Act.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Georgia Case Management
Case No. PC2007-0018

The case was presented by Mr. Tom Plank.

The Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated by the Respondent exceeding the contribution limits set forth in the Act, nor was the Respondent required to register as a committee with the Commission or required to file Campaign Contribution Disclosure Reports.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

Motion to refer the case to the Department of Community Health Office of Inspector General for investigation of possible violations of law that do not fall under the State Ethics Commission's jurisdiction.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Raymond L. Davis
Case No. PC2007-0009

The case was presented by Mr. Tom Plank.

The Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to file Campaign Contribution Disclosure Reports (CCDRs) with the Secretary of State's Office, and/or copies of CCDRs with the DeKalb County filing officer. Additionally, Respondent owes \$825.00 in outstanding late fees for previously late and non-filed CCDRs with the Secretary of State's Office, and/or DeKalb County.

Motion to set down for APA hearing.

In the Matter of Ulysses Marable

Case No. PC2008-0013

case was presented by Mr. Tom Plank.

In Allegation 1, the Commission found reasonable grounds to believe that Respondent may have violated the Ethics in Government Act when the Respondent, a member of the Brooks County Board of Education, failed to file a Personal Financial Disclosure Statement (PFDS) for calendar years 2005 and 2006.

In Allegation 2, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to file Campaign Contribution Disclosure Reports (CCDRs) with the Brooks County filing officer. Additionally, Respondent owes \$600.00 in outstanding late fees for non-filed CCDRs.

Motion to set down for APA hearing.

Moved by Mr. Bowers

Carried unanimously

Seconded by Mr. Gatewood

In the Matter of Cyril "Al" Williams

Case No. PC2008-0003

The case was presented by Mr. Tom Plank.

In Allegation 1, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to disclose all contributions received within the reporting periods for the June 30, 2006, September 30, 2006, October 25, 2006, June 30, 2007, and December 31, 2007 Campaign Contribution Disclosure Reports (CCDRs). In addition, Respondent misreported the value of one contribution disclosed on his December 31, 2007 CCDR.

Motion to set down for APA hearing.

Moved by Mr. Jordan

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 regarding late fees of \$425 owed by the Respondent, assessed in accordance with O.C.G.A. § 21-5-34(l). These fees have been paid.

Motion to dismiss.

Moved by Mr. Jordan

Carried unanimously

Seconded by Mr. Bowers

In Allegation 3, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act by the Respondent converting campaign funds into personal use in violation of O.C.G.A. § 21-5-33(c).

Motion to set down for APA hearing.

Moved by Mr. Jordan

Carried unanimously

Seconded by Mr. Bowers

In Allegation 4, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when numerous technical defects were found on his June 30, 2005 – December 31, 2007 CCDRs, in violation of O.C.G.A. § 21-5-7.1(2).

Motion to set down for APA hearing.

Moved by Mr. Jordan

Carried unanimously

Seconded by Mr. Bowers

In Allegation 5, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent has failed to file Personal Financial Disclosure Statements (PFDSs) covering the years 2004 d 2006, in violation of O.C.G.A. § 21-5-50(a)(2).

Motion to set down for APA hearing.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In Allegation 6, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to disclose all of his fiduciary positions under Section II of his 2004, 2005 and 2006 PFDSs, in violation of O.C.G.A. § 21-5-50(b)(2).

Motion to set down for APA hearing.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In Allegation 7, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to disclose all of his real property interests under Section IV of his 2004 and 2006 Personal Financial Disclosure Reports.

Motion to set down for APA hearing.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Jim Langford
Case No. 2008-0030

The case was presented by Mr. Tom Plank.

The Commission found no reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent, a project executive for Linger Longer Development Co. d/b/a Linger Longer Communities, engaged in lobbying activities by writing op-ed articles, published in several different newspapers. The op-ed articles opposed a "resolution" by State Senator Jeff Chapman which urged the protection of beach access located within the Jekyll Island State Park and instead urged citizens to vote "yes" on a resolution proposed by Linger Longer Communities.

Motion to dismiss.
Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Jordan

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

The case was presented by Mr. Tom Plank.

Motion to continue Allegations 1 and 2 until the next Commission meeting.
Moved by Mr. Watson
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 3, the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent, at the time of the opening of the Probable Cause investigation against her, Respondent owed late fees of \$475 assessed in accordance with O.C.G.A. § 21-5-34(l). These late fees have been paid.

Motion to dismiss.
Moved by Mr. Watson
Carried unanimously

Seconded by Mr. Gatewood

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

The case was presented by Mr. Tom Plank.

The Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act as the Respondent owes late fees of \$625 assessed in accordance with O.C.G.A. § 21-5-34(l).

Motion to set down for APA hearing.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Pollard

In the Matter of Sandy White
Case No. PC2008-0026

The case was presented by Mr. Tom Plank.

The Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to file Campaign Contribution Disclosure Reports (CCDRs) with the Commission, and/or copies of CCDRs with the Clayton County filing officer. Additionally, Respondent owes \$450.00 in late fees. Respondent has paid \$200 towards these late fees.

Motion to set down for APA hearing.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Watson

In the Matter of Annette Todd Trawick
Case No. PC2008-0024

The case was presented by Mr. Tom Plank.

In Allegation 1, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to file Campaign Contribution Disclosure Reports (CCDRs) with her local filing officer for June 30 and December 31, 2007, in violation of O.C.G.A. § 21-5-34(a)(3) and (c).

Motion to set down for APA hearing.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 2, the Commission found reasonable grounds to believe that Respondent may have violated the Ethics in Government Act as the Respondent owes late fees of \$600, assessed in accordance with O.C.G.A. § 21-5-34(l).

Motion to set down for APA hearing.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 3, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent has failed to file Personal Financial Disclosure Statements (PFDSs) covering the years 2005 and 2006, in violation of O.C.G.A. § 21-5-50(a)(2).

Motion to set down for APA hearing.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 4, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to disclose her ownership of real property under Section IV of her 2003, 2004, 2005 and 2006 file PFDS, in violation of O.C.G.A. § 21-5-50(b)(4)(A).

Motion to set down for APA hearing.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 5, the Commission found reasonable grounds to believe that the Respondent may have violated the Ethics in Government Act when the Respondent failed to disclose her spouse's name, occupation, employer, and the employer's principal activity and address on her 2005 and 2006 PFDSs, in violation of O.C.G.A. § 21-5-50(b)(6).

Motion to set down for APA hearing.
Moved by Mr. Bowers

Seconded by Mr. Gatewood

WAIVERS OF PRELIMINARY HEARING

The Respondent in each of the following matters waived his/her right to a preliminary hearing.

In the Matter of Nadine Thomas

PC2007-0014

In the Matter of Committee to Keep Our Tax Dollars at Home

PC2008-0001

In the Matter of David Scott

PC2008-0004

In the Matter of Joe C. Williams

PC2008-0005

In the Matter of Lester G. Jackson

PC2008-0008

In the Matter of Michelle Henson

PC2008-0009

In the Matter of Larry Blackshear

PC2008-0015

In the Matter of Bob Hartley

PC2008-0018

In the Matter of Felix Lawson

PC2008-0019

In the Matter of Steven P. Perry

PC2008-0021

In the Matter of Dexter Porter

PC2008-0022

In the Matter of Citizens Against Alcohol

PC2008-0027

In the Matter of David B. Graves

PC2008-0029

In the Matter of Corey Wimberly

PC2008-0002

CONTINUED

The following matters were continued.

In the Matter of Randal Mangham

PC2007-0010

In the Matter of Allen Freeman

006-0045

In the Matter of Pam Stephenson
PC2007-0013

In the Matter of William McKinney
PC2007-0016

In the Matter of South Fulton Unincorporated, Inc.
2007-0019

In the Matter of Sharon Beasley-Teague
PC2007-0020

In the Matter of Griffin Lotson
2007-0029

In the Matter of Jack Longino and In the Matter of Melissa Brooks
2007-0038 and 2007-0039

In the Matter of Jeff Berry
2007-0039

In the Matter of John Lunsford
PC2008-0006

In the Matter of Roberta Abdul-Salaam
PC2008-0011

In the Matter of Winston Campbell
PC2008-0016

CONSENT ORDERS

In the Matter of Pharm PAC
Case No. PC 2007-0006

This Consent Order was presented by Ms. Kay Baker.

A civil penalty was assessed in the amount of \$8,800 and a late fee was assessed in the amount of \$450.00.

In the Matter of Yes for Columbus
Case No. 2006-0024

The case was presented by Ms. Kay Baker.

The Consent Order was not returned to the Commission by the deadline required by the Respondent.

Motion to refer to the Attorney General's Office to schedule an APA hearing.

Moved by Mr. Jordan

Seconded by Mr. Watson

Carried unanimously

In the Matter of Joe Lockwood
Case No. PC2008-0024

This Consent Order was presented by Ms. Kay Baker.

A civil penalty was assessed in the amount of \$4,500.

Motion to accept.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Jordan

In the Matter of Cindye Coates
Case No. 2006-0057 & 2007-0005

This Consent Order was presented by Ms. Kay Baker in the form of a signed and faxed copy.

A civil penalty was assessed in the amount of \$1,850.

Motion to accept pending the return of the original Consent Order to staff within 30 days of the date of the meeting.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In the Matter of Realtor's PAC
Case No. PC2007-0003

This Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$80,000 and a late fee was assessed in the amount of \$75.

Motion to accept.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Archbold Memorial Hospital
Case No. PC2008-0024

This Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$2,366.94.

Motion to accept.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Watson

In the Matter of Wesley Nash
Case No. 2007-0015A

This Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$200.

Motion to accept.
Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Jordan

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

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Timothy Shelnut
Case No. 2006-0033

This Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$40,000.

Motion to accept.
Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Bowers

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

This Consent Order was presented by Mr. Tom Plank.

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 Angelo "Andy" LaRocco
Case No. 2007-0024

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.
Moved by Mr. Watson
Carried unanimously

Seconded by Mr. Pollard

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

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.
Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Jordan

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

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of James Stewart
Case No. 2007-0036

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.

Moved by Mr. Watson

Carried unanimously

Seconded by Mr. Pollard

In the Matter of Ronald Lee Wilson

Case No. 2007-0022

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.

Moved by Mr. Bowers

Carried unanimously

Seconded by Mr. Jordan

In the Matter of Gilmer-Fannin Baptist Association

Case No. 2007-0031

This Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$1,376.15.

Motion to accept.

Moved by Mr. Pollard

Carried unanimously

Seconded by Mr. Watson

In the Matter of Ray Jenkins

Case No. 2007-0034

This Consent Order was presented by Mr. Tom Plank.

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

Motion to accept.

Moved by Mr. Watson

Carried unanimously

Seconded by Mr. Pollard

In the Matter of Donald M. Leeburn, Jr.

Case No. 2007-0034

This Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$37,750.

Motion to accept.

Moved by Mr. Bowers

Carried unanimously

Seconded by Mr. Jordan

COMPLIANCE ORDERS

In the Matter of Mark Grant

Case No. 2006-0061

This Compliance Order was presented by Mr. Tom Plank.

The Respondent was ordered to cease and desist from any and all actions which violate the Ethics in Government Act.

Motion to accept.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Pollard

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

This Consent Order was presented by Mr. Tom Plank.

The Respondent was ordered to cease and desist from any and all actions which violate the Ethics in Government Act.

Motion to accept.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Jordan

OTHER BUSINESS

The Commission finally adopted the following Rule:
189-4-.01(5)

Motion to accept.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

The Commission tabled the following Rules:
189-3-.06
189-3-.07

Motion to table.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

The Commission provisionally adopted the following Rule:
189-7-.01

Motion to provisionally adopt.
Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Jordan

The Commission provisionally adopted the following Rule:
189-7-.02

Motion to provisionally adopt.
Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Jordan

Regarding the Advisory Opinion, Mr. Gatewood offered the revision "as adjusted periodically by the State Ethics Commission pursuant to O.C.G.A. § 21-5-41(k)."

Motion to accept.
Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Watson

Comments from the Attorney General's Office
Nothing to report.

Report of the Executive Secretary

The Executive Secretary, Mr. Rick Thompson, announced that Investigative Analyst Corban Reese has earned the distinguished title of Certified Fraud Examiner through the Association of Certified Fraud Examiners.

... Thompson asked for the guidance of the Commission regarding Advisory Opinion Requests on the State Ethics Commission's website. Chairman Jordan suggested posting both the advisory opinion and the original letter requesting such opinion on the website. The entire Commission agreed.

The Commission elected to postpone determining the next meeting and will determine it at a later date via teleconference.

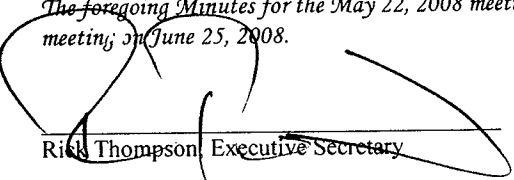
Motion to adjourn the meeting.
Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Jordan

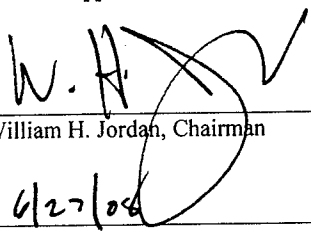
The meeting adjourned at approximately 11:25 a.m.

Official Minutes Statement

The foregoing Minutes for the May 22, 2008 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on June 25, 2008.



Rick Thompson, Executive Secretary



William H. Jordan, Chairman

6/27/08

Date