

STATE ETHICS COMMISSION

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

AGENDA

**PLACE: State Capitol
Room 450
Atlanta, GA 30334**

DATE: June 21, 2004

TIME: 10:00 a.m.

HEARINGS

In the Matter of Cobb County Governmentcontinued..... A

In the Matter of Robert Proctor B

In the Matter of David Cannon, Jr.continued..... C

In the Matter of Mark Dagele D

In the Matter of Kim Littletoncontinued..... E

REGULAR MEETING

Meeting called to order

Reading & approval of the Minutes of May 10, 2004 Meeting F

New Business:

Neill Herring v Harvey Rosenzweig	G
Neill Herring v Dotti Crews	H
Neill Herring v Jimmy Matthews	I
Neill Herring v Patrick M. Gartland	J
Neill Herring v Dr. James Kundell	K
George Anderson v Jimmy Skipper	L
James Herchek v Pedro Marin (2)	M
James Herchek v Sam Zamarripa	N
James Herchek v Pat Park Gardnercontinued.....	O
George Anderson v Minnie Ruthe Lewis	P
William Simon v Michael Thurmond	Q

Request for Finding of Probable Cause to Open an Investigation

Comments of the Attorney General's Office

Report of the Executive Secretary

Future Commission Meeting Date

**MINUTES OF THE
STATE ETHICS COMMISSION
MEETING HELD
June 21, 2004**

**Present: Sam G. Nicholson, Chairman
Jack Williams
Emmett Bowers
Steve Farrow**

**HEARINGS UNDER THE
ADMINISTRATIVE PROCEDURE ACT HEARING**

IN THE MATTER OF COBB COUNTY GOVERNMENT: This matter was continued.

IN THE MATTER OF ROBERT PROCTOR: A violation was found and the Respondent was ordered to register as a lobbyist for the 2003 and 2004 sessions of the General Assembly. Respondent is also required to file the appropriate lobbyist report forms. Civil penalties of \$1,000.00 were assessed.

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

Seconded by Mr. Williams

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

IN THE MATTER OF MARK DAGEL: This matter was continued.

IN THE MATTER OF KIM LITTLETON: This matter was continued.

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. Farrow

The minutes of the May 10, 2004 meeting were approved with a correction.

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

Seconded by Mr. Bowers

NEW BUSINESS

NEILL HERRING v HARVEY ROSENZWEIG: This matter was dismissed.
Mr. Farrow abstained from voting based on a family connection with the law firm of Troutman Sanders.

Motion made by Mr. Bowers
In Favor: Mr. Williams, Mr. Bowers
Opposed: Mr. Nicholson

Seconded by Mr. Williams

NEILL HERRING v DOTTI CREWS: This matter was set down for an Administrative Procedure Act hearing. The Board of Regents was named as an additional Respondent.

The Respondent's Motion to dismiss is preserved for a later time.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

NEILL HERRING v JIMMY MATTHEWS: A Consent Order finding a violation and assessing a civil penalty of \$2,000.00 was adopted.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

NEILL HERRING v PATRICK M. GARTLAND: The Commission found reasonable grounds to believe the Ethics in Government Act had been violated and this matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

NEILL HERRING v DR. JAMES KUNDELL: This matter was dismissed.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

GEORGE ANDERSON v JIMMY SKIPPER: A motion was made to set down the matter for an Administrative Procedure Act hearing.

Motion made by Mr. Williams
In Favor: Mr. Williams, Mr. Nicholson
Opposed: Mr. Bowers, Mr. Farrow

Seconded by Mr. Nicholson

A motion was made to dismiss the matter.

Motion made by Mr. Bowers
In Favor: Mr. Bowers, Mr. Farrow
Opposed: Mr. Nicholson, Mr. Williams

Seconded by Mr. Farrow

JAMES HERCHEK v PEDRO MARIN (2): The allegations regarding lobbying and monetary fees were dismissed. Violations were found in two cases and a civil penalty totaling \$150.00 was adopted in relation to failures to disclose all required information on the Financial Disclosure Statement.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Farrow

JAMES HERCHEK v SAM ZAMARRIPA: A Consent Order finding violations was adopted assessing civil penalties totaling \$3,000.00 and ordering the payment of \$50.00 in late fees.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

JAMES HERCHEK v PAT PARK GARDNER: This matter was continued at the request of counsel for the Respondent.

GEORGE ANDERSON v MINNIE RUTHE LEWIS: This matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

WILLIAM SIMON v MICHAEL THURMOND: Respondent waived his right to a preliminary hearing and this matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Farrow

The Commission found probable cause to open an investigation of Anheuser Busch Companies regarding possible violations of O.C.G.A. § 21-5-34.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

The Commission found probable cause to open an investigation of Southeastern Carpenters Regional Council regarding possible violations of O.C.G.A. § 21-5-34.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

REPORT OF THE EXECUTIVE SECRETARY:

The Executive Secretary explained to the Commission that the staff is diligently working on the present case load of approximately 75 open cases. He discussed how the staff was working to maximize the current year's budget by requesting the shifting of funds from one category to another through the Fiscal Affairs Committee. He gave a brief overview of the requests and went on to say that he had been informed via telephone that all of the requests had been approved but had not received any official notice.

Prior to the meeting the Commission members were sent a copy of a Memorandum of Understanding between the State Ethics Commission and the Georgia Technology Authority regarding georgia.gov portal services. The Memorandum was adopted.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

The Executive Secretary touched on the cities/counties where educational seminars had been held and would be held in the future.

The staff presented a Modified "Records and Information Management Schedule for State Government Common Records". This schedule was adopted.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Farrow

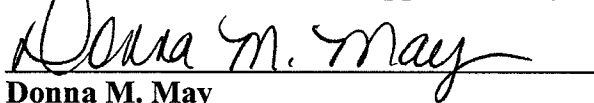
The Chairman recognized Mr. Billy Jones for his dedicated service to the State Ethics Commission. This recognition will be put into the form of a resolution for the Commission to adopt at the next meeting.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

The Commission set July 16, 2004 as their next meeting date.

The meeting adjourned at approximately 3:20 p.m.



Donna M. May

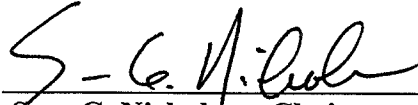
Compliance Coordinator

Official Minutes Statement

The foregoing Minutes for the June 21, 2004 meeting of the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on August 27, 2004.

STATE ETHICS COMMISSION

BY:



Sam G. Nicholson, Chairman

**AGENDA OF MATTERS ACTED UPON
STATE ETHICS COMMISSION
MEETING HELD
June 21, 2004**

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

A violation was found In the Matter of Robert Proctor, and a \$1,000.00 civil penalty was imposed.

The matters of Cobb County Government, David Cannon, Jr., Mark Dage, and Kim Littleton were continued.

REGULAR MEETING

The Commission approved the minutes of the May 10, 2004 meeting with one correction.

The Commission held preliminary hearings and took the following actions:

A Consent Order was adopted in the matters involving Jimmy Matthews and Sam Zamarripa.

Violations were found in two cases involving Pedro Marin, and a civil penalty of \$150.00 was imposed.

Matters involving Patrick M. Gartland and Minnie Ruthe Lewis were set down for Administrative Procedure Act hearings.

Michael Thurmond waived his right to a preliminary hearing and the matter was set down for an Administrative Procedure Act hearing.

Neill Herring v Dotti Crews was set down for an Administrative Procedure Act hearing and the Board of Regents was added as a Respondent.

There was no decision made in George Anderson v Jimmy Skipper.

Neill Herring v Harvey Rosenzweig and Neill Herring v James Kundell were dismissed.

James Herchek v Pat Park Gardner was continued.

The Commission found probable cause to open an investigation of Anheuser Busch and Southeastern Carpenters Regional Council regarding possible violations of O.C.G.A. § 21-5-34.

The Commission adopted a "Records and Information Management Schedule for State Government Common Records" and agreed to enter into a Memorandum of Understanding between the State Ethics Commission and the Georgia Technology Authority regarding georgia.gov portal services.

The Commission set July 16, 2004 for the next meeting.

The meeting adjourned at approximately 3:20 p.m.

Present:

Sam G. Nicholson, Chairman

Jack Williams

Emmett Bowers

Steve Farrow


C. Theodore Lee, Executive Secretary