

STATE ETHICS COMMISSION

205 Jesse Hill Jr. Drive S.E.
Suite 478 – East Tower
Atlanta, Georgia 30334
www.ethics.georgia.gov

AGENDA

LOCATION: State Capitol
Room 341
Atlanta, Georgia

DATE: June 29, 2006

TIME: 10:00 a.m.

ADMINISTRATIVE PROCEDURE ACT HEARINGS

In the Matter of Ruth Barr	A
In the Matter of Leighton W. Lang	B
In the Matter of Bill Chavis	C
In the Matter of Clayton County Government	D
In the Matter of Bill Horton	E

REGULAR MEETING

Meeting Called to Order

Reading and Approval of the Minutes of
May 18, 2006 Meeting

F

Preliminary Hearings

In the Matter of Jack Rodgers

G

In the Matter of Carmen Cavezza

H

In the Matter of Robert S. Poydasheff

I

In the Matter of Alicia Laramy

J

In the Matter of Eddie L. Roberts

K

Other Business

Consideration of Amendment to Rule 189-2

L

Request of Opinion

Hon. Duncan D. Wheale

M

Request for finding of Probable Cause

J. Timothy Shelnut

N

Election of Officers

Reports & Announcements

Comments from the Attorney General's Office

Report of the Executive Secretary

Future Commission Meeting Date

STATE ETHICS COMMISSION

Commission Meeting Minutes

June 29, 2006
State Capitol
Room 341
Atlanta, Georgia

Present:

Steve Farrow, Chairman
Jack Williams, Vice Chairman (joined the meeting in progress at approximately 1:45 p.m.)
Emmett Bowers, Member
William H. Jordan, Member
Sonny Watson, Member

The meeting commenced at approximately 10:35 a.m.

Regular meeting commenced before the Administrative Procedure Act hearings, due to the absence of court reporter.

REGULAR MEETING

The minutes of the May 18, 2006 meeting were approved as presented.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Watson

Mr. Williams was absent during the voting.

PRELIMINARY HEARINGS

Before the proceedings of preliminary hearings, Ms. DeBrae Kennedy, Assistant Attorney General, reminded the Commission that Rule 189-2-.03(2) allows the Commission to disregard any responses or other documents that is presented to them on the day of the meeting that was not submitted previously to the Commission within fourteen (14) days after the Complaint was acknowledged.

Mr. Farrow, Chairman, stated he would allow documents and evidence to be presented and he would rule on a case-by-case basis whether to accept the evidence.

IN THE MATTER OF JACK RODGERS

CASE NO. 2004-0074

Witness heard: Mr. Bert Cocker

The Commission found that there were no reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

Moved by Mr. Bowers

Seconded by Mr. Jordan

In favor: Mr. Bowers, Mr. Jordan, Mr. Watson

Opposed: Mr. Farrow

The motion carried.

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

IN THE MATTER OF CARMEN CAVEZZA

CASE NO. 2004-0079

Witness heard: Mr. Bert Cocker

The Commission found that there were no reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

Moved by Mr. Bowers

Seconded by Mr. Watson

In favor: Mr. Bowers, Mr. Watson, Mr. Jordan

Opposed: Mr. Farrow

The motion carried.

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

IN THE MATTER OF ROBERT S. POYDASHEFF

CASE NO. 2004-0081

Witness heard: Mr. Bert Cocker

The Commission found that there were no reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

Moved by Mr. Bowers

Seconded by Mr. Watson

Carried Unanimously

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

IN THE MATTER OF ALICIA LARAMY

CASE NO. 2004-0078

Witness heard: Mr. Bert Cocker

The Commission found that there were no reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

Moved by Mr. Bowers

Seconded by Mr. Jordan

Carried Unanimously

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

IN THE MATTER OF EDDIE L. ROBERT

CASE NO. 2004-0085

Witness heard: Mr. Bert Cocker

The Commission found that there were no reasonable grounds to believe that the Ethics in Government Act had been violated by Mr. Roberts, and the matter was dismissed.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Jordan

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

The Commission found reasonable grounds to believe that the Ethics in Government Act had been violated by "Yes for Columbus" and voted to add "Yes for Columbus" as the Respondent. This matter was set down for the Administrative Procedure Act hearing.

Moved by Mr. Jordan
Carried Unanimously

Seconded by Mr. Bowers

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

The Commission found reasonable grounds to believe that the Ethics in Government Act had been violated by "TSYS" and voted to add "TSYS" as the Respondent. This matter was set down for the Administrative Procedure Act hearing.

Moved by Mr. Jordan
Carried Unanimously

Seconded by Mr. Bowers

Mr. Williams abstained from voting due to his absence during evidence portion of the preliminary hearing.

Motion was made to recess for forty five (45) minutes and return at 3:00 pm.

Moved by Mr. Jordan
Carried Unanimously

Seconded by Mr. Bowers

Session was called to order at approximately 3:01 p.m.

A point of order was recognized by Mr. Jordan to commence the Administrative Procedure Act hearings before addressing Other Business of the Regular meeting.

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

IN THE MATTER OF RUTH BARR

CASE NO. 2005-0026

Witness Heard: Mr. Ricky A. Thompson
Executive Secretary, State Ethics Commission

The Commission voted to issue a Final Order prepared by the Attorney General's office finding violations and assessing civil penalties in the amount of Two Thousand Five Hundred dollars (\$2,500), with the Respondent to pay an additional Six Hundred dollars (\$600) in late filing fees.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Jordan

IN THE MATTER OF LEIGHTON W. LANG

CASE NO. 2005-0070

The Commission adopted a Consent Order finding violations and assessing civil penalties in the amount of One Thousand One Hundred Fifty dollars (\$1,150).

Moved by Mr. Watson
Carried Unanimously

Seconded by Mr. Williams

IN THE MATTER OF BILL CHAVIS

CASE NO. 2004-0059

The Commission dismissed this matter based on the Motion to Dismiss filed by the Attorney General's office.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

IN THE MATTER OF CLAYTON COUNTY GOV'T

CASE NO. 2004-0061

The Commission dismissed this matter based on the Motion to Dismiss filed by the Attorney General's office.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

IN THE MATTER OF BILL HORTON

CASE NO. 2004-0060

The Commission dismissed this matter based on the Motion to Dismiss filed by the Attorney General's office.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

OTHER BUSINESS

CONSIDERATION OF THE AMENDMENT TO RULE 189-2

Motion was made to adopt the amendment to Rule 189-2 with the suggested changes that were recommended by Mr. Jordan.

Moved by Mr. Jordan
Carried Unanimously

Seconded by Mr. Watson

HON. DUNCAN D. WHEALE (REQUEST OF OPINION)

Presentation made by Mr. Thomas Plank, Jr., Legal Intern, State Ethics Commission.

The Commission had insufficient information to respond to Hon. Wheale's request due to absence of review of the "Bower's Report". Motion was made to review the opinion in detail to initiate a rule making process that will address the issue described in the opinion by case to case basis.

Moved by Mr. Jordan
Carried Unanimously

Seconded by Mr. Bowers

J. TIMOTHY SHELNUT (PROBABLE CAUSE)

The Commission found probable cause to open an investigation to determine whether there were reasonable grounds to believe that the Ethics in Government Act had been violated.

Moved by Mr. Williams
Carried Unanimously

Seconded by Mr. Jordan

ELECTION OF OFFICERS

The Commission had voted previously to delay an Election of Officers due to the process of hiring of a new Executive Secretary.

Motion was made to elect Mr. Jack Williams as new Chairman of the State Ethics Commission. A point of order was made by Mr. Watson to amend the motion to add the election of Mr. Farrow as Vice-Chairman of the State Ethics Commission.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Watson

COMMENTS FROM ATTORNEY GENERAL'S OFFICE

The Assistant Attorney General briefed the Commission on the following:

- Mr. Farrow was thanked for his service as chairman and welcomed as a vice-chairman of the Commission.
- Mr. Williams was welcomed to the Commission as a new chairman.
- Clarification was made that the court reporter was not late, but she filled in at the last minute to cover the Commission meeting due to a miscommunication at the Attorney General's office about scheduling a court reporter for the June 29, 2006 Commission Meeting.
- Request was made to address preliminary hearing procedures.

REPORT OF THE EXECUTIVE SECRETARY

The Executive Secretary briefed the Commission on the following:

- Announcement was made on the completion of offices at new satellite building of S.E.C. for new staff members.
- Announcement was made that the Commissioners will receive S.E.C. Commissioner badges to assist in accessing State buildings when acting in their official capacity as Commissioners.
- Announcement was made about the new State Ethics Commission's Toll free number that will be used by the patrons who reside outside of the area codes 404, 678, 770.
- Request was made to receive input from the Commission on the issues that need to be addressed during the upcoming legislation.
- Announcement was made that the certification of the Third Party Vendors that are used to file CCDR were completed.
- Notice was sent out about the collection of late filing fees that were dated over 5 years. Request was made to address and resolve an administrative issue of the late filing fees that were accumulated before the year 2001 due to statute of limitations on record keeping.

Motion was made to organize a sub-committee that will address OSAH and to nominate Mr. Williams and Mr. Jordan as members of aforementioned sub-committee to be accompanied by Mr. Thompson.

Moved by Mr. Farrow

Seconded by Mr. Jordan

FUTURE MEETING DATE

The Commission set **September 21, 2006** as the next meeting date following the August 24, 2006 meeting.

The meeting adjourned at approximately 5:20 p.m.



Rick Thompson
Executive Secretary

Official Minutes Statement

The foregoing Minutes for the June 29, 2006 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on September 21, 2006.

STATE ETHICS COMMISSION

By: 

Jack Williams
Chairman