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

AGENDA

PLACE: State Capitol
       Room 341
       Atlanta, Georgia

DATE: July 29, 2005

TIME: 10:00 a.m.

HEARINGS

In the Matter of Greg Stone (Continued) .............................................A

In the Matter of Citizens League of Henry County .............................B

In the Matter of Mike Yeager ..............................................................C

REGULAR MEETING

Meeting called to order

Reading & approval of the Minutes of June 17, 2005
Meeting ..................................................................................................D
New Business:

Kevin Morris v Tom Knox.................................................................E
Donald Smith v Johnson County Board of Commissioners..............F
George Anderson v John Oxendine...............................................G - L
Lobbyist Late/Non-filers (51).........................................................M

Comments from the Attorney General’s Office

Report of the Executive Secretary

Future Commission Meeting Date
MINUTES OF THE
STATE ETHICS COMMISSION
MEETING HELD
July 29, 2005
Legislative Office Building, Room 406
Atlanta, Georgia

Present:
Steve Farrow, Chairman
Jack Williams, Vice-Chairman
Emmett Bowers
David Moskowitz
Sonny Watson (joined the meeting in progress at approximately 10:40 a.m.)

The meeting was called to order at approximately 10:04 a.m.

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

IN THE MATTER OF GREG STONE CASE #2004-0041, 2004-0042

The matter was continued upon request of counsel.

IN THE MATTER OF MIKE YEAGER

In summary, following an Administrative Procedure Act hearing, the Commission found two violations of the Ethics in Government Act, assessing civil penalties in the amount of $200.00.

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

Seconded by Mr. Watson

The Commission found a single violation of O.C.G.A. § 21-5-30.2 in which the Respondent listed a Coweta County government owned and operated e-mail address on an election brochure.

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

Seconded by Mr. Williams

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The Commission found no violation of O.C.G.A. § 21-5-30.2 by Respondent’s alleged use of county vehicles to travel to election-related events, and this charge was dismissed.

Motion made by Mr. Williams                                      Seconded by Mr. Watson
Carried Unanimously

The Commission found a single violation of O.C.G.A. § 21-5-30.2 in which the Respondent displayed campaign signs promoting his re-election on county property.

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

The Attorney General’s office and counsel for the Respondent conceded that there was no violation of O.C.G.A. § 21-5-30.2 by the Respondent’s alleged use of county vehicles to transport campaign signs and the posting of campaign signs by county employees during normal business hours. These charges were abandoned and not brought up for vote by the Commission.

The Commission found no violation of O.C.G.A. § 21-5-30.2 by Respondent’s alleged acceptance of an in-kind contribution of placement of campaign bumper stickers and balloons on county vehicles, and these charges were dismissed.

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

The Commission found no violation of O.C.G.A. § 21-5-30.2 by Respondent’s alleged use of a county-purchased remote control car for campaign activities and advertising.

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

The Commission found no violation of O.C.G.A. § 21-5-30.2 by Respondent’s alleged acceptance of an in-kind contribution of campaign advertising from a privately owned website that displayed the advertising and contained a message reading, “Copyright © Coweta County Sheriff’s Office 2003.”

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

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IN THE MATTER OF CITIZENS LEAGUE OF HENRY COUNTY
CASE #2004-0057

The Commission adopted two Consent Orders finding violations and assessing civil penalties.

Leland Maddox, having admitted to a violation of the Ethics in Government Act, was assessed a civil penalty of $1,000.00.

Motion made by Mr. Watson 
Carried Unanimously
Seconded by Mr. Williams

Jason Harper, having admitted to a violation of the Ethics in Government Act, was assessed a total civil penalty of $1,000.00. The Respondent was ordered to refund Citizens League of Henry County $1,900.00 from his campaign account and to submit proof to the Commission of this refund.

Motion made by Mr. Moskowitz 
Carried Unanimously
Seconded by Mr. Bowers

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. Williams 
Carried Unanimously
Seconded by Mr. Bowers

The minutes of the June 17, 2005 meeting were approved as presented.

Motion made by Mr. Bowers 
Carried Unanimously
Seconded by Mr. Moskowitz

Mr. Williams abstained from voting in the matter.

NEW BUSINESS

KEVIN MORRIS V. TOM KNOX
CASE #2004-0029

This preliminary hearing was continued at the request of the Respondent. The Commission agreed to vote on this continuance before the conclusion of the last APA hearing.
Motion made by Mr. Bowers     Seconded by Mr. Williams
Carried Unanimously

DONALD SMITH V. JOHNSON COUNTY BOARD OF COMMISSIONERS
CASE #2004-0062

The motion to set down Douglas Eaves as a Respondent in this matter failed.

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

The Commission found reasonable grounds 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. Williams     Seconded by Mr. Bowers
Carried Unanimously

GEORGE ANDERSON V. JOHN OXENDINE
CASE NO.'s 060-00-004-01-02, 2002-0074, 2002-0075, 2003-0055, 2004-0052

The Commission voted on all of the above matters collectively. The Commission found reasonable grounds to believe the Ethics in Government Act had been violated, and all matters were set down for Administrative Procedure Act hearings.

Motion made by Mr. Williams     Seconded by Mr. Bowers
Carried Unanimously

GEORGE ANDERSON V. JOHN OXENDINE (OXENDINE WORKING FOR GEORGIA)
CASE NO. 2004-0053

After counsel represented to the Commission that the $5,500 in questioned contributions had been refunded by the Respondent’s committee to the contributor, the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

Motion made by Mr. Bowers     Seconded by Mr. Moskowitz
Carried Unanimously

(July 29, 2005 Minutes)
IN THE MATTER OF WILLIAM HENRY LEWIS CASE NO. 2005-0073

After the Respondent orally waived his right to an Administrative Procedure Act hearing, the Commission found a violation of the Ethics in Government Act, and the Respondent was assessed a civil penalty of $250.00.

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

Seconded by Mr. Williams

The following matters were dismissed without sanction after the Commission heard from each Respondent.

MELISSA PRESCOTT, CASE NO. 2005-0080
AARON PERRY, CASE NO. 2005-0079
RICHARD ROBBINS, CASE NO. 2005-0081
FREDERICK JOHN BECK, CASE NO. 2005-0052
KIM ADAMS, CASE NO. 2005-0047
NANCY ALLEN, CASE NO. 2005-0049
G. BOYD LEAK, CASE NO. 2005-0071
DAN GUIMOND, CASE NO. 2005-0038
ALVIN BRADLEY, CASE NO. 2005-0050

The Commission dismissed the following matter without sanction, contingent upon the Respondent’s filing of the required reports.

TAMEKA GUDE, CASE NO. 2005-0062

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

DANIEL ALLEN, CASE NO. 2005-0048
CHRIS BROWNING, CASE NO. 2005-0054
JAMES FINLEY, CASE NO. 2005-0058

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The Commission found probable cause to open an investigation of the Georgia Trial Lawyers Association, regarding possible violations of O.C.G.A. § 21-5-34, 21-5-34.1, and 21-5-41.

Motion made by Mr. Bowers
Carried Unanimously

Mr. Moskowitz recused himself due to his membership in the named organization.
REPORT OF THE EXECUTIVE SECRETARY

The Executive Secretary briefed the Commission on the preliminary matters surrounding the budget request for amended fiscal year 2006 and fiscal year 2007.

The Commission set September 21, 2005, as the date for the next meeting.

The meeting adjourned at approximately 5:11 p.m.

C. Theodore Lee, Executive Secretary

Official Minutes Statement

The foregoing Minutes for the July 29, 2005 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission’s meeting on September 21, 2005.

STATE ETHICS COMMISSION

By: Steve Farrow, Chairman

(July 29, 2005 Minutes)