

**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: August 27, 2004

TIME: 10:00 a.m.

HEARINGS

In the Matter of Michael Thurmond A

In the Matter of Harold Fletcher B

In the Matter of Kim Littleton C

**In the Matter of Lou Hisel and the Recreation and Roads 2003
Committee D**

In the Matter of Bill Stephens E

REGULAR MEETING

Meeting called to order

**Reading & approval of the Minutes of June 21, 2004
Meeting F**

Old Business:

George Anderson v Jimmy Skipper G

James Herchek v Pat Park Gardner H

**Harry Scott, O'Neal Scott & Richard Lancaster
v William G. Howze I**

New Business:

David Shapiro v Parks Huff J

George Anderson v Earl Ehrhart K

Southeast Carpenters Regional Council L
(Probable Cause)

George Anderson v John Conway M

George Anderson v Neal Ray N

**Lancor Parking, Midtown Lanier Parking, and
Pershing Point Lanier Parking O**

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
August 27, 2004**

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

**HEARINGS UNDER THE
ADMINISTRATIVE PROCEDURE ACT HEARING**

IN THE MATTER OF MICHAEL THURMOND: A Consent Order finding a violation and assessing civil penalties totaling \$500.00 was adopted.

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

Seconded by Mr. Moskowitz

IN THE MATTER OF HAROLD FLETCHER: A Consent Order finding violations and assessing civil penalties of \$7,400.00 was adopted.

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

Seconded by Mr. Farrow

IN THE MATTER OF KIM LITTLETON: A Consent Order finding a violation and assessing civil penalties totaling \$300.00 was adopted. Mr. Williams recused himself from this matter.

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

Seconded by Mr. Moskowitz

IN THE MATTER OF LOU HISEL AND THE RECREATION AND ROADS 2003 COMMITTEE: A Consent Order finding violations and assessing civil penalties of \$250.00 for Lou Hisel and \$250.00 for the Recreation and Roads 2003 Committee was adopted.

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

Seconded by Mr. Farrow

IN THE MATTER OF BILL STEPHENS: Motions were heard and the Chairman ruled as follows:

- (1) Renewed Motion for More Definite and Detailed Statement – Denied
- (2) Motion to Compel Production of Evidence – Counsel for both parties are to provide such ten days prior to the scheduled hearing
- (3) Motion for Release of File – Denied
- (4) Motion to Dismiss Allegations Outside the Scope of This Case – Denied
- (5) Motion to Dismiss Allegations Relating to Conduct More Than Three Years Old - Denied

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. Moskowitz

The minutes of the June 21, 2004 meeting were approved as presented.

OLD BUSINESS

GEORGE ANDERSON V JIMMY SKIPPER: Following a preliminary hearing this matter was set down for an Administrative Procedure Act hearing.

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

Seconded by Mr. Moskowitz

JAMES HERCHEK V PAT PARK GARDNER: A Consent Order finding a violation and assessing civil penalties totaling \$250.00 was adopted.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

HARRY SCOTT, O'NEAL SCOTT & RICHARD LANCASTER V WILLIAM G. HOWZE: Following a preliminary hearing this matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Moskowitz

NEW BUSINESS

DAVID SHAPIRO V PARKS HUFF: A Consent Order finding violations and assessing civil penalties totaling \$500.00 was adopted.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Moskowitz

GEORGE ANDERSON V EARL EHRHART: A Consent Order finding violations and assessing civil penalties of \$150.00 was adopted. Respondent is required to repay his campaign from personal funds \$1,000.00 paid to France Flying, Inc. and \$186.00 paid to Bestlawn.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

SOUTHEAST CARPENTERS REGIONAL COUNCIL (PROBABLE CAUSE): A Consent Order finding violations and requiring the payment of \$1,950.00 in late fees and \$3,500.00 in civil penalties was adopted.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Bowers

GEORGE ANDERSON V JOHN CONWAY: The Respondent waived the preliminary hearing and this matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

GEORGE ANDERSON V NEAL RAY: The allegations against Neal Ray were dismissed.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

J. Paul Holmes, Jr. and Life of the South Insurance Company were named as added Respondents.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Farrow

**LANCOR PARKING, MIDTOWN LANIER PARKING & PERSHING POINT
LANIER PARKING:**

The Commission found probable cause to open an investigation involving the named parties.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Moskowitz

A Consent Order finding violations and assessing civil penalties of \$250.00 was adopted. Respondent Midtown will be refunded \$2,000 by the campaign committee of Atlanta Mayor Shirley Franklin. Respondents Midtown and Pershing will be refunded \$2,000 and \$1,000 respectively by the campaign committee of Atlanta City Council Member Lamar Willis.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Farrow

Following a presentation by the staff the Commission approved to open an investigation of Pope, McGlamry, Kilpatrick, Morrison & Norwood, LLP and the Committee to Re-elect Justice Leah Sears regarding possible violations of O.C.G.A. 21-5-41(a).

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

The Commission approved a resolution of appreciation for former Commission member and vice chairman, Billy N. Jones. The original of this resolution is to be presented to Mr. Jones.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

COMMENTS OF THE ATTORNEY GENERAL'S OFFICE:

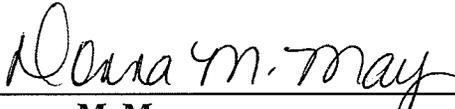
Mr. Ritter discussed the role of the Attorney General's office as related to the State Ethics Commission. He also provided the Commission with an updated listing of cases which are awaiting Administrative Procedure Act hearings.

REPORT OF THE EXECUTIVE SECRETARY:

The Executive Secretary will provide his remarks to the Commission in written form subsequent to the meeting.

The Commission set October 15, 2004 as their next meeting date.

The meeting adjourned at approximately 3:15 p.m.

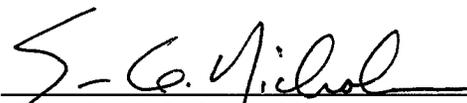


Donna M. May
Compliance Coordinator

Official Minutes Statement

The foregoing Minutes for the August 27, 2004 meeting of the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on October 15, 2004.

STATE ETHICS COMMISSION

BY: 

Sam G. Nicholson, Chairman

**AGENDA OF MATTERS ACTED UPON
STATE ETHICS COMMISSION
MEETING HELD
August 27, 2004**

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

A Consent Order admitting violations was approved In the Matter of Michael Thurmond, and a \$500.00 civil penalty was imposed.

A Consent Order admitting violations was approved In the Matter of Harold Fletcher, and a \$7,400.00 civil penalty was imposed.

A Consent Order admitting violations was approved In the Matter of Kim Littleton, and a \$300.00 civil penalty was imposed.

A Consent Order admitting violations was entered In the Matter of Lou Hisel and the Recreation and Roads 2003 Committee, and two civil penalties of \$250.00 were imposed against Mr. Hisel individually and separately against the Recreation and Roads 2003 Committee.

Motions were heard and decided In the Matter of Bill Stephens.

REGULAR MEETING

The Commission approved the minutes of the June 21, 2004 meeting as presented.

The Commission held preliminary hearings and took the following actions:

Consent Orders were adopted in the matters involving Pat Park Gardner, Parks Huff, Earl Ehrhart, Southeast Carpenters Regional Council, and Lancor Parking, Midtown Lanier Parking & Pershing Point Lanier Parking.

Matters involving Jimmy Skipper, John Conway and Greg Howze were set down for Administrative Procedure Act hearings.

George Anderson v Neal Ray was dismissed. J. Paul Homes, Jr. and Life of the South Insurance Company were named as added Respondents in the matter.

The Commission found probable cause to open an investigation of Pope, McGlamry, Kilpatrick, Morrison & Norwood, LLP and the Committee to Re-elect Justice Leah Sears regarding possible violations of O.C.G.A. § 21-5-41(a).

The Commission approved a resolution honoring former Commission member and Vice Chairman Billy N. Jones.

The Commission set October 15, 2004 for the next meeting.

The meeting adjourned at approximately 3:15 p.m.

Present:

Sam G. Nicholson, Chairman

Jack Williams

Emmett Bowers

Steve Farrow

David Moskowitz


C. Theodore Lee, Executive Secretary