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

AGENDA

PLACE: Citizen’s Hall
       Douglas County Courthouse
       Douglasville, Georgia

DATE: September 21, 2005

TIME: 10:00 a.m.

HEARINGS

In the Matter of Johnson County Board of Commissioners..............A

In the Matter of Harvey Glynn Cooper........................................B

In the Matter of Greg Stone......................................................C

In the Matter of John Dunn......................................................D

REGULAR MEETING

Meeting called to order

Reading & approval of the Minutes of the July 29, 2005 Meeting
.................................................................................................E
New Business:

Georgia Trial Lawyers Association (Probable Cause).................F

Jimmy L. Kerfoot v Harold Breeden........................................G

Marion Waldrop v Daryll A. Triplett......................................H

Jeffrey Brickman v Gwendolyn Keyes....................................I

Jeremy Buckmaster v Jeffrey Brickman..................................J

Nick Hassis v Evelyn Kennedy..............................................K

Comments from the Attorney General’s Office

Report of the Executive Secretary

Future Commission Meeting Date
MINUTES OF THE
STATE ETHICS COMMISSION
MEETING HELD
September 21, 2005
Douglas County Courthouse
Citizen’s Hall
Douglasville, Georgia

Present:
Steve Farrow, Chairman
Jack Williams, Vice-Chairman
Emmett Bowers
David Moskowitz
Sonny Watson

The meeting commenced at approximately 10:00 a.m.

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

IN THE MATTER OF JOHNSON COUNTY BOARD OF COMMISSIONERS
CASE NO. 2004-0062

The Commission adopted a Consent Order finding violations and assessing civil penalties of $500.00, with each of the five Respondents to pay $100.00 each.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Moskowitz

IN THE MATTER OF HARVEY GLYNN COOPER
CASE NO. 2004-0027

The Commission adopted a Consent Order finding violations and assessing civil penalties of $12,500.00.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Watson

IN THE MATTER OF GREG STONE
CASE NO. 2004-0041, 2004-0042

The Commission found three violations of the Ethics in Government Act and dismissed all remaining allegations. The Commission found violations of O.C.G.A. § 21-5-30.2 by the Respondent’s filing of Campaign Contribution Disclosure
Reports while wearing his Twiggs County Deputy Sheriff uniform, by Respondent’s engagement in campaign-related activities while wearing his Twiggs County Deputy Sheriff uniform, and by the Respondent’s use of a county patrol car to transport campaign signs and hats. The Respondent was assessed a civil penalty of $100.00 for each of the three violations, and was ordered to cease and desist from any and all violations of the Ethics in Government Act.

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

IN THE MATTER OF JOHN DUNN

CASE NO. 2004-0030

The Commission found four violations of the Ethics in Government Act and assessed a civil penalty of $50.00 per violation.

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

The Commission found a single violation of O.C.G.A. § 21-5-33 by Respondent’s use of $1,500.00 in campaign funds to hire a law firm to represent him in a criminal investigation.

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

The Commission found a single violation of State Ethics Commission Rule 189-3-.01 by Respondent’s failure to list the purpose of his $1,500.00 campaign expenditure for legal counsel with adequate specificity to show that the expenditure was for a lawfully authorized purpose.

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

The Commission found a single violation of O.C.G.A. § 21-5-34 by Respondent’s failure to report a $5,000.00 in-kind contribution from a consulting firm on his 2000 Campaign Contribution Disclosure Reports.

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

The Commission found a single violation of O.C.G.A. § 21-5-41 by Respondent’s acceptance of contributions exceeding maximum campaign contribution limits.

(September 21, 2005 Minutes) 2
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  
Seconded by Mr. Williams  
Carried Unanimously

The minutes of the July 29, 2005 meeting were approved as presented.

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

NEW BUSINESS

IN THE MATTER OF ARTHUR ROCKE  
CASE NO. 2005-0034  
IN THE MATTER OF ALAN ESSIG  
CASE NO. 2005-0036  
IN THE MATTER OF JOHN EVANS  
CASE NO. 2005-0037  
IN THE MATTER OF COLIN MARTIN  
CASE NO. 2005-0039  
IN THE MATTER OF WALTER RAY  
CASE NO. 2005-0040  
IN THE MATTER OF JULIAN THOMAS  
CASE NO. 2005-0041  
IN THE MATTER OF CLINT THOMPSON  
CASE NO. 2005-0042  
IN THE MATTER OF DAN WILLIAMS  
CASE NO. 2005-0043

The Commission adopted Consent Orders in these matters, finding violations and assessing civil penalties for each Respondent. All Respondents were assessed civil penalties of $500.00 each, with the exception of Martin, who was assessed a civil penalty of $1,000.00.

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

GEORGIA TRIAL LAWYERS ASSOCIATION (PROBABLE CAUSE)  
CASE NO. 2005-0086

Respondent's counsel waived the right to a full preliminary hearing.

The Commission found there were reasonable grounds to believe 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

(September 21, 2005 Minutes)
Carried unanimously with four members voting.

Mr. Moskowitz recused himself in this matter, due to his membership in the named organization.

JIMMY KERFOOT V. HAROLD BREEDEN CASE NO. 2004-0068

The Commission adopted a Consent Order finding violations and assessing civil penalties of $750.00 per Respondent. Dennis Parker consented to being added as a Respondent in this matter and admitted to violations of the Ethics in Government Act.

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

MARION WALDROP V. DARYLL TRIPLETT CASE NO. 2004-0070

The Commission found there were reasonable grounds to believe the Ethics in Government Act had been violated, and the matter was set down for an Administrative Procedure Act hearing.

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

JEFFREY BRICKMAN V. GWENDOLYN KEYES CASE NO. 2004-0080

The matter was continued at the request of the Respondent’s counsel.

JEREMY BUCKMASTER V. JEFFREY BRICKMAN CASE NO. 2004-0082

The Commission found that there were not 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. Watson
Carried Unanimously

Mr. Williams recused himself in this matter.

NICK HASSIS V. EVELYN KENNEDY CASE NO. 2005-0091

The Commission found that there were not reasonable grounds to believe that the Ethics in Government Act had been violated, and the matter was dismissed.

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

(September 21, 2005 Minutes) 4
REPORT OF THE EXECUTIVE SECRETARY

The Executive Secretary briefed the Commission on the agency’s budget matters, including the meeting with Rick Shreve, the budget analyst from the Governor’s Office of Planning and Budget, and also presented a memo addressed to members of the House Appropriations General Subcommittee that detailed the agency’s budget needs in order to carry out H. B. 48 responsibilities.

In addition, the Executive Secretary discussed the preparation of the Lobbyist Special Report by the State Office of Audits and Accounts on local government lobbyist compliance, as well as the installation of additional computer equipped cubicles in the office to accommodate registering lobbyists and citizen disclosure review.

The Commission set November 17, 2005 as the next meeting date.

The meeting adjourned at approximately 3:23 p.m.

C. Theodore Lee, Executive Secretary

Official Minutes Statement

The foregoing Minutes for the September 21, 2005 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission’s meeting on November 17, 2005.

STATE ETHICS COMMISSION

By: ________________________________
   Steve Farrow, Chairman

(September 21, 2005 Minutes) 5