

STATE ETHICS COMMISSION

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

AGENDA

DATE: September 21, 2006

TIME: 10:00 a.m.

LOCATION: State Capitol
Room 341
Atlanta, Georgia

REGULAR MEETING

Meeting Called to Order

Reading and Approval of the Minutes of:

June 29, 2006 A

August 24, 2006 B

Preliminary Hearings

In the Matter of Sutherland Asbill & Brennan LLP (2004-0075) C

In the Matter of IBEW Cope/IBEW Local 613 PAC Fund (2004-0077) D

In the Matter of Gwendolyn Keyes (2004-0080)	E
In the Matter of Meddy Settles (2004-0083)	F
In the Matter of Phil Summers (2004-0084)	G
In the Matter of Ambling Companies (2004-0087)	H
In the Matter of Arthur E. Ferdinand (2004-0090)	I
In the Matter of Derrick Pope (2004-0092)	J
In the Matter of Mark Taylor (2005-0002)	K
In the Matter of William H. Howard, Jr. (2005-0003)	L

Other Business

Motion for an Interlocutory Injunction	M
Request of Opinion	N
Discussion of Late Filing Fees	O
Executive Session	P

Reports & Announcements

Comments from the Attorney General's Office
Report of the Executive Secretary
Future Commission Meeting Date

STATE ETHICS COMMISSION

Commission Meeting Minutes

September 21, 2006

State Capitol

Room 341

Atlanta, Georgia

Present:

Jack Williams, Chairman
Steve Farrow, Vice Chairman
Emmett Bowers, Member
William H. Jordan, Member
Sonny Watson, Member

The meeting commenced at approximately 10:01 a.m.

REGULAR MEETING

The minutes of the June 19, 2006 meeting were approved as presented.

Motion made by Mr. Watson
Carried Unanimously

Seconded by Mr. Farrow

The minutes of the August 24, 2006 meeting were approved as presented.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

PRELIMINARY HEARINGS

IN THE MATTER OF SUTHERLAND ASBILL & BRENNAN LLP

CASE NO. 2004-0075

The Commission adopted a Consent Order finding violations and assessing civil penalties in the amount of Ten Thousand Five Hundred Fifty dollars (\$10,550.00) and statutory late filing fees of Eight Hundred Twenty Five dollars (\$825.00).

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Watson

IN THE MATTER OF IBEW COPE/IBEW LOCAL 613 PAC FUND

CASE NO. 2004-0077

The Commission adopted a Consent Order finding violations and assessing civil penalties in the amount of Seven Thousand Nine Hundred Eighty dollars (\$7,980.00) and statutory late filing fees of Six Hundred Fifty dollars (\$650.00).

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Farrow

IN THE MATTER OF GWENDOLYN KEYES

CASE NO. 2004-0080

The Commission found violation of the allegation that the Respondent accepted contributions for the Primary election which exceeded the maximum contribution limits.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Jordan

Motion was made to dismiss allegation that the Respondent accepted contributions before timely filing of the Choosing Option of Separate Accounting (COOSA).

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Watson

Motion was made to issue a Cease and Desist Order assessing no civil penalties for the allegation that the Responded failed to disclose sufficient information required to report contributions on Campaign Contribution Disclosure Report.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Bowers

Motion was made to dismiss the allegation that the Respondent failed to disclose sufficient information requested on the reporting of expenditures about reimbursements on the Campaign Contribution Disclosure Report.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Jordan

Motion was made to dismiss the allegation that the Respondent failed to provide adequate information to determine whether numerous expenditures were ordinary and necessary.

Moved by: Mr. Jordan
Carried Unanimously

Seconded by: Mr. Farrow

Motion was made to change the findings of violation of the aforementioned allegation that the Respondent accepted contributions for the Primary election which exceeded the

maximum contribution limits by issuing the Cease and Desist Order assessing no civil penalties.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Bowers

IN THE MATTER OF MEDDY SETTLES

CASE NO. 2004-0083

The Commission adopted a Consent Order finding violations and assessing civil penalties in the amount of Three Thousand dollars (\$3,000.00) and statutory late filing fees of Three Hundred dollars (\$300.00).

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Watson

IN THE MATTER OF PHIL SUMMERS

CASE NO. 2004-0084

This matter was continued until October 19, 2006 meeting.

IN THE MATTER OF AMBLING COMPANIES

CASE NO. 2004-0087

The Commission adopted a Consent Order finding violations and assessing civil penalties in the amount of Four Thousand Two Hundred dollars (\$4,200.00).

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Bowers

IN THE MATTER OF ARTHUR E. FERDINAND

CASE NO. 2004-0090

Motion was made to dismiss the allegation that county employees campaigned for the Respondent on behalf of their agency.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Bowers

Motion was made to dismiss the allegation that the Respondent used campaign funds for personal use.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Bowers

Motion was made to dismiss the allegation that the Respondent used campaign funds for personal gain in a land transaction.

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Farrow

Motion was made to lay the voting on the allegation about failing to disclose employee occupation on the table until further information is obtained.

Moved by: Mr. Williams
Carried Unanimously

Seconded by: Mr. Bowers

Motion was made to dismiss the allegation that the Respondent failed to accurately disclose property owned on Personal Financial Disclosure.

Moved by: Mr. Williams

Seconded by: Mr. Watson

Motion was made by Mr. Williams to withdraw the dismissal of the aforementioned allegation that the Respondent failed to accurately disclose property owned on Personal Financial Disclosure to lay the final voting in this allegation on the table until further information is obtained.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Bowers

IN THE MATTER OF DERRICK POPE

CASE NO. 2004-0092

Motion was made to dismiss the allegation that the Respondent failed to report expenditures of direct mail and other fees.

Moved by: Mr. Bowers

Seconded by: Mr. Watson

In Favor: Mr. Williams, Mr. Jordan, Mr. Bowers, Mr. Watson

Opposed: Mr. Farrow

The motion carried.

The Commission found violation of the allegation that the Respondent failed to timely file the Campaign Contribution Disclosure Report. This matter was set down for an Administrative hearing.

Moved by: Mr. Farrow
Carried Unanimously

Seconded by: Mr. Watson

The Commission was in recess for approximately five minutes.

The Commission moved the Agenda item In the Matter of William H. Howard, Jr. before the next Agenda item In the Matter of Mark Taylor due to the request of Complainant in the matter of William H. Howard, Jr. to attend prior engagement.

IN THE MATTER OF WILLIAM H. HOWARD, JR.

CASE NO. 2005-0003

Motion was made to dismiss the allegation that the Respondent failed to report in-kind contribution on the Campaign Contribution Disclosure Report.

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Farrow

IN THE MATTER OF MARK TAYLOR

CASE NO. 2005-0002

Motion was made to dismiss the allegation that the Respondent accepted campaign contributions before filling vacancy of a chairperson for the campaign committee.

Moved by: Mr. Jordan
Carried Unanimously

Seconded by: Mr. Farrow

Motion was made to dismiss the allegation that the Respondent failed to disclose information required for contributions and expenditures on the Campaign Contribution Disclosure Reports.

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Farrow

Motion was made to dismiss the allegation that the Respondent failed to properly disclose required information for expenditures on the Campaign Contribution Disclosure Reports.

Moved by: Mr. Williams
Carried Unanimously

Seconded by: Mr. Farrow

OTHER BUSINESS

MOTION FOR AN INTERLOCUTORY INJUNCTION

Motion was made that the Motion for an Interlocutory Injunction be denied.

Moved by Mr. Farrow
Carried Unanimously

Seconded by Mr. Bowers

REQUEST OF OPINION

The Commission will respond to the Request of Opinion on the issue pursuant to O.C.G.A. § 21-5-30(f), whether railroads are considered "public utility corporation[s] regulated by the Public Service Commission" and prohibited from contribution to political campaigns by Mr. Robert Highsmith Jr., Esq. at the October 19, 2006 meeting.

DISCUSSION OF LATE FILING FEES

Motion was made that the late notices for Contribution Disclosure Reports that were due on or before July 2001 shall be identified as inactive status.

Moved by Mr. Jordan
Carried Unanimously

Seconded by Mr. Bowers

The Commission was in recess from 12:45 p.m. to 1:45 pm.

The meeting was reconvened at approximately 1:45 p.m.

EXECUTIVE SESSION

Motion was made to enter in a closed Executive Session for discussion of an employment issue.

Moved by: Mr. Bowers
Carried Unanimously

Seconded by: Mr. Watson

Motion was made to adjourn the Executive Session so as to return to the Regular Meeting at approximately 2:30 p.m.

Moved by: Mr. Jordan
Carried Unanimously

Seconded by: Mr. Bowers

COMMENTS FROM ATTORNEY GENERAL'S OFFICE

There were no comments from the Attorney General's Office.

REPORT OF THE EXECUTIVE SECRETARY

There were no comments from the Executive Secretary.

FUTURE MEETING DATE

The Commission scheduled a telephone conference for September 28, 2006 at 10:00 a.m. for the adoption of the proposed rule 189-2 and October 19, 2006 for the Regular Meeting following the September 21, 2006 meeting.

Mr. Farrow will be acting as the Chairman for September 28, 2006 tele-conference meeting because of Mr. Williams' absence due to a prior engagement.

The Motion was made to adjourn the September 21, 2006 meeting.

Motion made by Mr. Bowers

Seconded by Mr. Watson

The meeting adjourned at approximately 2:45 p.m.



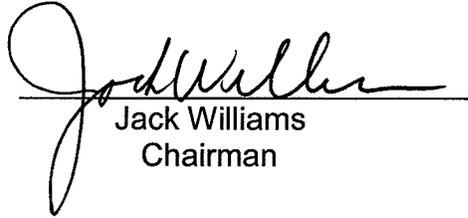
Rick Thompson
Executive Secretary

Official Minutes Statement

The foregoing Minutes for the September 21, 2006 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on ~~October 19, 2006.~~ ^{SN} November 30, 2006.

STATE ETHICS COMMISSION

By:



Jack Williams
Chairman

STATE OF GEORGIA

COUNTY OF FULTON

**AFFIDAVIT SUPPORTING CLOSING
OF PUBLIC MEETING**

The Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A. § 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question.

COMES NOW, Jack Williams, the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of these statutory requirements outlined above.

1. I am the presiding officer of the State Ethics Commission.
2. I am over the age of 18 and in all over aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On **September 21, 2006** this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed.

To conduct a meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action, dismissal or periodic evaluation or rating of a public officer or employee, except for the receipt of evidence, the taking of any vote on said issue and any discussion of filling a vacancy on this entity. O.C.G.A. § 50-14-3(6).

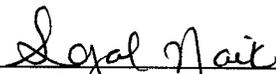
FURTHER THE AFFLANT SAYETH NOT.

State Ethics Commission

By:


Chairman

Sworn to and subscribed before me
This 30th day of ~~October~~, 2006.
November


Signature of Notary Public