

**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: October 15, 2004

TIME: 10:00 a.m.

HEARINGS

In the Matter of Cobb County A

In the Matter of Bill Stephens B

In the Matter of John Conway C

REGULAR MEETING

Meeting called to order

Reading & approval of the Minutes of August 27, 2004
Meeting D

New Business:

George Anderson v Tommy Irvin	E
George Anderson v Vernon Jones (2)	F
Coleman R. Seward v Elaine Boyer Marcy Hultquist v Elaine Boyer	G
George Anderson v Stan Watson	H
George Anderson v Mitch Seabaugh	I
Bobby Kahn v Sonny Perdue	J
Bobby Kahn v John Congercontinued.....	K
Peter Popham v Leonard Church	L
Anheuser Busch (Probable Cause)	M
Inez Warnock v Grace Proctor	N
J. Paul Holmes & Life of the South Insurance Co. (Probable Cause)	O
Charles Scheid (Late/Non Filer)	P

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
October 15, 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 COBB COUNTY: This matter was dismissed.

Motion made by Mr. Williams

Seconded by Mr. Bowers

In Favor: Mr. Williams, Mr. Bowers, Mr. Nicholson

Opposed: Mr. Farrow, Mr. Moskowitz

IN THE MATTER OF BILL STEPHENS: This matter was continued in order to allow time to draw up a formal Consent Order to settle the matter. Counsel for the parties announced that the Order will contain civil penalties totaling \$14,000, an admission of violations by the Respondent, and acknowledgement that he will not repay himself the \$32,000 he claims is owed to him from the campaign.

IN THE MATTER OF JOHN CONWAY: A Consent Order was adopted in this matter assessing civil penalties of \$1,500.00 and late fees totaling \$225.00.

Motion made by Mr. Moskowitz

Seconded by Mr. Bowers

Carried Unanimously

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. Farrow

Carried Unanimously

The minutes of the August 27, 2004 meeting were approved as presented.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Farrow

NEW BUSINESS

GEORGE ANDERSON V TOMMY IRVIN (2) : These matters were continued.

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

GEORGE ANDERSON V VERNON JONES (2): These matters were set down for an Administrative Procedure Act hearing.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

COLEMAN R. SEWARD V ELAINE BOYER/MARCY HULTQUIST V ELAINE BOYER: These matters were set down for an Administrative Procedure Act hearing.

Motion made by Mr. Moskowitz

Seconded by Mr. Nicholson

In Favor: Mr. Nicholson, Mr. Farrow, Mr. Moskowitz, Mr. Williams
Opposed: None

GEORGE ANDERSON V STAN WATSON: This matter was continued.

GEORGE ANDERSON V MITCH SEABAUGH: This matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Bowers

BOBBY KAHN V SONNY PERDUE: Allegations were taken up separately as follows:

- (1) Reconsider allegation regarding use of state aircraft which was dismissed by the Commission on November 12, 2003.

The request to reconsider this allegation was denied.

Motion made by Mr. Williams
Carried Unanimously

Seconded by Mr. Bowers

(2) Regarding use of state telecommunications equipment and offices for political purposes in support of federal candidates.

This allegation was dismissed.

Motion made by Mr. Bowers

Seconded by Mr. Farrow

***In Favor:* Mr. Williams, Mr. Bowers, Mr. Nicholson, Mr. Farrow**

***Opposed:* None**

(3) Mentioning a political website and posting the State of the State speech on a government website and posting a political President Day's speech on a state government website using state employees.

The matter involving the State of the State speech was dismissed.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Williams

The matter involving the Presidents Day speech was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Moskowitz

Seconded by Mr. Farrow

***In Favor:* Mr. Moskowitz, Mr. Farrow, Mr. Nicholson, Mr. Williams**

***Opposed:* None**

(4) Cash & in-kind contributions from a domestic profit corporation by using a corporate airplane on multiple campaign trips and by accepting contributions from individuals that exceed the contribution limits.

The matter involving use of a corporate airplane and failure to report it as an in-kind contribution was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Moskowitz
Carried Unanimously

Seconded by Mr. Farrow

The matter involving accepting contributions both cash and in-kind from individuals that exceed contribution limits was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Moskowitz

Seconded by Mr. Bowers

***In Favor:* Mr. Moskowitz, Mr. Bowers, Mr. Nicholson, Mr. Bowers**

***Opposed:* None**

BOBBY KAHN V JOHN CONGER: This matter was continued.

PETER POPHAM V LEONARD CHURCH: Table the matter until later in the meeting and allow the Complainant time to review the proposed Consent Order.

Motion made by Mr. Farrow

Seconded by Mr. Williams

In Favor: Mr. Farrow, Mr. Nicholson Mr. Williams

Opposed: Mr. Bowers

Following the review and comment by the Complainant, the matter was removed from the table and a Consent Order was adopted in this matter assessing civil penalties totaling \$100.00. Respondent is ordered to repay \$570.11 to Church Dental Prosthetics.

Motion made by Mr. Bowers

Seconded Mr. Williams

Carried Unanimously

ANHEUSER BUSCH (PROBABLE CAUSE): A Consent Order was adopted in this matter assessing civil penalties totaling \$52,820.00 and late fees totaling \$1,950.00.

Motion made by Mr. Williams

Seconded by Mr. Farrow

Carried Unanimously

INEZ WARNOCK/ROYCE CLARK V GRACE PROCTOR: A Consent Order assessing no civil penalty was adopted in this matter.

Motion made by Mr. Bowers

Seconded by Mr. Moskowitz

Carried Unanimously

J. PAUL HOLMES/LIFE OF THE SOUTH INSURANCE CO. (PROBABLE CAUSE): This matter was dismissed.

Motion made by Mr. Nicholson

Seconded by Mr. Farrow

Carried Unanimously

CHARLES SCHEID (LATE/NON FILER): This matter was set down for an Administrative Procedure Act hearing.

Motion made by Mr. Moskowitz

Seconded by Mr. Williams

Carried Unanimously

The Commission approved a request to find probable cause to open an investigation of Sutherland, Asbill & Brennan regarding possible violations of O.C.G.A. 21-5-34(e)(2).

Motion made by Mr. Bowers
Carried Unanimously

Seconded by Mr. Williams

The Commission approved a request to find probable cause to open an investigation of IBEW COPE and IBEW Local 613 PAC Fund regarding possible violations of O.C.G.A. 21-5-34(e)(2) and 21-5-41.

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

The Commission approved a request to find probable cause to open an investigation of United Distributors, Inc. regarding possible violations of O.C.G.A. 21-5-34(e)(2).

Motion made by Mr. Farrow
Carried Unanimously

Seconded by Mr. Williams

Commission Steve Farrow was elected as Vice Chairman.

Motion made by Mr. Williams
Carried Unanimously

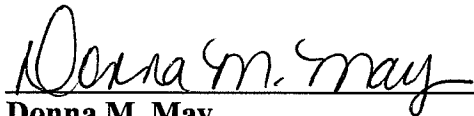
Seconded by Mr. Bowers

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

There were no comments from the Executive Secretary.

The Commission set November 19, 2004 as their next meeting date.

The meeting adjourned at approximately 4:40 p.m.

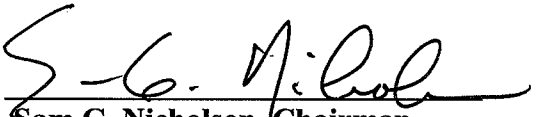


Donna M. May
Compliance Coordinator

Official Minutes Statement

The foregoing Minutes for the October 15, 2004 meeting of the State Ethics Commission were approved and adopted by the Commission at the Commission's meeting on November 19, 2004.

STATE ETHICS COMMISSION

BY: 
Sam G. Nicholson, Chairman

**AGENDA OF MATTERS ACTED UPON
STATE ETHICS COMMISSION
MEETING HELD
October 15, 2004**

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT

A Consent Order admitting violations was approved In the Matter of John Conway, and a \$1,500.00 civil penalty was imposed, along with \$225.00 in late fees.

The matter involving Cobb County was dismissed.

After announcing the major terms agreed upon for a Consent Order, the matter involving Bill Stephens was continued.

REGULAR MEETING

The Commission approved the minutes of the August 27, 2004 meeting as presented.

The Commission held preliminary hearings and took the following actions:

Consent Orders were adopted in the matters involving Peter Popham v Leonard Church, Anheuser Busch, and Inez Warnock/Royce Clark v Grace Proctor.

Matters involving Vernon Jones, Elaine Boyer, Mitch Seabaugh, and Charles Scheid were set down for Administrative Procedure Act hearings.

Three allegations in Bobby Kahn v Sonny Perdue were set down for an Administrative Procedure Act hearing; two allegations were dismissed.

J. Paul Holmes/Life of the South Insurance Company (Probable Cause) was dismissed.

Matters involving Tommy Irvin, Stan Watson and John Conger were continued.

The Commission found probable cause to open an investigation of Sutherland, Asbill & Brennan and United Distributors, Inc. regarding possible violations of O.C.G.A. § 21-5-34(e)(2).

The Commission found probable cause to open an investigation of IBEW COPE and IBEW Local 613 PAC Fund regarding possible violations of O.C.G.A. §§ 21-5-34(e)(2) and 21-5-41.

The Commission elected Commissioner Steve Farrow as the Vice-Chairman.

The Commission set November 19, 2004 for the next meeting.

The meeting adjourned at approximately 4:40 p.m.

Present:


Sam G. Nicholson, Chairman

Jack Williams

Emmett Bowers

Steve Farrow

David Moskowitz


C. Theodore Lee, Executive Secretary