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

AGENDA

LOCATION: State Capitol
            Room 341
            Atlanta, Georgia

DATE: November 17, 2005

TIME: 10:00 a.m.

HEARINGS

In the Matter of Preston Haliburton

In the Matter of James Odom

In the Matter of Gregory Greene

In the Matter of George W. Thorndyke, Jr.

In the Matter of Lawton G. Taylor (Continued)

REGULAR MEETING

Meeting called to order

Reading & approval of the Minutes of the September 21, 2005
Meeting .................................................................F

New Business:

Richardson Housing Group (Probable Cause) ......................G
Leah Sears (Probable Cause).........................................................H
Brett Warren Ladd v Leah Sears..................................................I
George Anderson v Grant Brantley.............................................J
Kevin Morris v Tom Knox............................................................K
Jeffrey Brickman v Gwendolyn Keyes.........................................L
George Anderson v Bill Stephens.................................................M
George Anderson v Sonny Perdue...............................................N
Mark Spix v Leah Sears, Bensonetta Lane, Gail Tusun, Wendy Shoob, and Juanita Hicks......................................................O
James H. Burnham v Leah Sears & Democratic Party of Georgia.......................................................................................P
Bobby Kahn v Sonny Perdue and Georgia Republican Party.......Q

Comments from the Attorney General’s Office

Report of the Executive Secretary

Future Commission Meeting Date
MINUTES OF THE  
STATE ETHICS COMMISSION  
MEETING HELD  
November 17, 2005  
State Capitol  
Room 341  
Atlanta, Georgia  

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

The meeting commenced at approximately 10:07 a.m.  

HEARINGS UNDER THE ADMINISTRATIVE PROCEDURE ACT  

IN THE MATTER OF PRESTON HALIBURTON CASE NO. 2005-0063  

The Commission adopted a Consent Order finding violations and assessing civil penalties of $1,500.00.  

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

IN THE MATTER OF JAMES ODOM CASE NO. 2005-0035  

The Commission adopted a Consent Order finding violations and assessing civil penalties of $1,000.00.  

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

IN THE MATTER OF GREGORY GREENE CASE NO. 2005-0061  

The Commission adopted a Consent Order finding violations and assessing civil penalties of $1,500.00.  

Motion made by Mr. Williams  
Seconded by Mr. Bowers  
Carried Unanimously
IN THE MATTER OF GEORGE W. THORNDYKE, JR.    CASE NO. 2004-0039

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

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

IN THE MATTER OF LAWTON W. TAYLOR     CASE NO. 2004-0043

The matter was continued at the request of counsel for the Respondent.

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  Seconded by Mr. Bowers
Carried Unanimously

The minutes of the September 21, 2005 meeting were approved as presented.

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

NEW BUSINESS

RICHARDSON HOUSING GROUP (PROBABLE CAUSE)    CASE NO. 2005-0108

The Commission found probable cause to open an investigation to determine whether there were reasonable grounds to believe that the Ethics in Government Act had been violated.

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

After admission by the Respondent that the Ethics in Government had been violated, the Commission adopted a consent order assessing civil penalties in the amount of $1,490.00. The Respondent was also ordered to pay late filing fees in the amount of $450.00.

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

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LEAH SEARS (PROBABLE CAUSE)  

CASE NO. 2004-0065

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. Bowers  
Carried Unanimously  
Seconded by Mr. Moskowitz

BRETT LADD V. LEAH SEARS  

CASE NO. 2004-0059

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. Watson  
Carried Unanimously  
Seconded by Mr. Bowers

GEORGE ANDERSON V. GRANT BRANTLEY  

CASE NO. 2004-0054

The Commission adopted a Consent Order finding violations and assessing civil penalties of $250.00.

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

MARK SPIX V. LEAH WARD SEARS, BENSONETTA LANE, GAIL TUSAN, WENDY SHOOB, AND JUANITA HICKS  

CASE NO. 2004-0050

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  
Carried Unanimously  
Seconded by Mr. Watson

GEORGE ANDERSON V. SONNY PERDUE  

CASE NO. 2005-0004

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  
Carried Unanimously  
Seconded by Mr. Williams

BOBBY KAHN V. GOVERNOR SONNY PERDUE AND GEORGIA REPUBLICAN PARTY  

CASE NO. 2004-0072

The Commission dismissed the allegation that the Respondent exceeded contribution limits set forth in O.C.G.A. § 21-5-41(h) through the Georgia

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Republican Party's purchase of advertisements to benefit Governor Perdue's 2002 campaign.

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

The Commission dismissed the allegation that the Respondent had exceeded contribution limits set forth in O.C.G.A. § 21-5-41(h) through Georgia Republican Party's purchase of television air time to benefit Governor Perdue's 2002 campaign.

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

A motion was made to set down the matter for an Administrative Procedure Act hearing based on the allegation that the Respondent had exceeded contribution limits set forth in O.C.G.A. § 21-5-41 through Georgia Republican Party's furnishing and mailing of campaign literature purporting to benefit Governor Perdue's 2002 campaign. The motion failed.

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

JAMES BURNHAM V. LEAH SEARS, COMMITTEE TO RE-ELECT LEAH SEARS, AND DEMOCRATIC PARTY OF GEORGIA  
CASE NO. 2004-0071

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

KEVIN MORRIS V. TOM KNOX  
CASE NO. 2004-0029

The Commission adopted a Consent Order finding violations and assessing civil penalties of $300.00.

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

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

The Commission continued the matter after learning of the Respondent's filing of amended reports.

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

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Mr. Williams recused himself in this matter.

GEORGE ANDERSON V. BILL STEPHENS

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
In favor: Bowers, Farrow, Watson
Opposed: Moskowitz, Williams

Seconded by Mr. Farrow

COMMENTS FROM THE ATTORNEY GENERAL’S OFFICE

Assistant Attorney General DeBrae Kennedy discussed the drafting of a new Commission Rule that would allow the hearing of Administrative Procedure Act cases to take place under an administrative law judge. Holding hearings in this particular manner would allow the State Ethics Commission to expedite the process of resolving older and/or more complex cases, as well as complying with the new statute of limitations to go into effect in January 2006 under H.B. 48.

Chairman Steve Farrow and Vice Chairman Jack Williams agreed to meet with Dennis Dunn, Deputy Attorney General, to discuss this particular rule in more detail.

REPORT OF THE EXECUTIVE SECRETARY

The Executive Secretary briefed the Commission on the agency’s budget matters and furnished the Commission with a copy of the November 8, 2005 Powerpoint presentation made to the Governor’s Office of Planning and Budget.

Another matter discussed was the issue of introduction of lengthy and complex evidence and other exhibits at preliminary hearings by counsel of Respondents for review by the Commission. The Commission emphasized the strict enforcement of the Commission rule that only allows the fourteen day period in which to file such documents or other evidence.

The Commission set January 4, 2006 as the next meeting date.

The meeting adjourned at approximately 4:41 p.m.

C. Theodore Lee, Executive Secretary

Official Minutes Statement

The foregoing Minutes for the November 17, 2005 meeting for the State Ethics Commission were approved and adopted by the Commission at the Commission’s meeting on January 4, 2006.