

State Ethics Commission

Commission Meeting Minutes

November 29, 2007

200 Piedmont Avenue

Suite 1416 – West Tower

Atlanta, Georgia

Present:

William H. Jordan, Chairman
Emmett Bowers, Member
Griffin B. Pollard, Jr., Member
James C. Gatewood, Member

Absent:

Sonny Watson, Vice Chairman

The meeting was called to order by Chairman William H. Jordan at approximately 9:40.

An announcement was made by Mr. Jordan explaining that the goal to decrease the time of an investigation was met and now the process of investigations is complete within 60 days.

The minutes from September 27, 2007 were read.

Moved by Mr. Pollard

Seconded by Mr. Bowers

Adopted

Old Business

In the Matter of Cathy Cox

Case No. (2005-0104)

The case was presented by Ms. Kay Baker.

In Allegation 1 the Commission found that there were no reasonable grounds to believe that the Ethics in Government Act had been violated by the Respondent filing an amended CCDR for 1999 and 2000.

Motion to set down.

Support: Mr. Bowers, Mr. Pollard

Against: Mr. Jordan, Mr. Gatewood

Motion failed

In Allegation 2 the Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when reimbursements reported on the December 2002 CCDR to the Respondent were not also noted in the proper reporting period.

Motion to set down.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Jordan

In Allegation 3 the Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when there was no end recipient information provided on the 2000-year end report for several expenditures.

Motion to set down.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 4 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when employer information and PAC affiliation was not disclosed on the June 2001 CCDR. The Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when end recipient information was not disclosed for reimbursements.

Motion to dismiss PAC and technical defect, set down end recipient.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 5 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when PAC affiliation was not disclosed in the December 2001 CCDR. The Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when end recipient information was not disclosed for reimbursements in the December 2001 CCDR.

Motion to dismiss PAC, set down end recipient.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 6 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when PAC affiliation was not supplied in the June 2002 CCDR. The Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when end recipient information was not disclosed for reimbursements in the June 2002 CCDR.

Motion to dismiss PAC, set down end recipient.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Pollard

In Allegation 7 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when PAC affiliation was not disclosed on the September 2002 CCDR or on the October 2002 CCDR.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Jordan

In Allegation 8 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the end recipient information was not disclosed on the June 2004 CCDR.

Motion to dismiss.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Jordan

In the Matter of Ken B. Hodges II
Case No. (2005-0025)

The case was presented by Mr. Tom Plank.

The Commission determined that all criteria for dismissal of the Allegation contained in the complaint were met; however, the Commission ordered the Respondent to amend his disclosure reports within 30 days to properly account for approximately \$24,000 of contributions and expenditures not previously reported.

Motion to table.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

Preliminary Hearings

In the Matter of Rosanna Szabo
Case No. (2006-0044)

The case was presented by Ms. Kay Baker.

In Allegation 1 the Commission found no reasonable grounds to believe that the Respondent violated the Ethics in Government Act by responding to a candidacy question at a Family Violence Task Force meeting.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 2 the Commission found no reasonable grounds to believe that the Respondent violated the Ethics in Government Act by distributing campaign letters in the mailboxes of county employees.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of William Edwards
Case No. (2007-0010)

The case was presented by Mr. Hemanth Digumarthi.

In Allegation 1 the Commission found no reasonable grounds to believe that the Respondent violated the Ethics in Government Act by using county resources to create an information flyer on a ballot measure through his office as Fulton County Commissioner.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 2 the Commission found no reasonable grounds to believe that the Respondent violated the Ethics in Government Act by failing to list the name and principal officer on a “three options flyer” pertaining to the referendum surrounding the incorporation of the City of South Fulton.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In Allegation 3 the Commission found no reasonable grounds to believe that the Respondent violated the Ethics in Government Act when the county spent funds to create a flyer supporting a ballot referendum.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In the Matter of Clinton Young
Case No. (2007-0014)

The Respondent waived his preliminary hearing.

In the Matter of Roger Garrison
Case No. (2007-0013)

The case was presented by Mr. Tom Plank.

The Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent rode in a parade in a civilian vehicle with campaign signs affixed to the vehicle’s sides.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of Bill Lusk
Case No. (2007-0012b)

The case was presented by Mr. Hemanth Digumarthi.

In Allegation 1 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated by the Respondent sending an e-mail from city computers announcing a fundraiser.

Motion to dismiss.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Gatewood

In Allegation 2 the Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent failed to electronically file his CCDRs upon raising and/or spending more than \$10,000.

Motion to table the allegation for 30 days to allow the Respondent time to properly file the referenced reports.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Gatewood

In the Matter of Neal O'Brien
Case No. (2007-0012a)

The case was presented by Mr. Hemanth Digumarthi.

In Allegation 1 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated by the Respondent sending an e-mail from city computers announcing a fundraiser.

Motion to dismiss.

Moved by Mr. Pollard
Carried Unanimously

Seconded by Mr. Jordan

In Allegation 2 the Commission found reasonable grounds to believe that the Ethics in Government Act had been violated when the Respondent failed to electronically file his CCDRs upon raising and/or spending more than \$10,000.

Motion to table this allegation for 30 days to allow the Respondent time to properly file the referenced reports.

Moved by Mr. Bowers
Carried Unanimously

Seconded by Mr. Gatewood

In the Matter of Tracy Bennett
Case No. (2006-0064)

The Respondent waived his preliminary hearing.

In the Matter of Vernon Jones
Case No. (2005-0107)

This matter was presented by Ms. Kay Baker.

The Commission determined that Allegation 1 was not within the jurisdiction of the EIGA.

Motion to dismiss.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Pollard

In Allegation 2 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Dekalb County CEO, Vernon Jones, appeared on Good Day Atlanta to promote the passage of a ballot referendum.

Motion to dismiss.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

In Allegation 3 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when several Commissioners and the CEO made contributions from their campaign accounts to a committee which promoted the passage of a ballot referendum.

Motion to dismiss.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Bowers

In Allegation 4 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated by the Dekalb County CEO and all 7 Commissioners whose personal photographs appeared on a flyer asking voters to say “yes” to a ballot referendum.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In Allegation 5 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated by the Dekalb County CEO, Vernon Jones, attending a public meeting with a State Representative and speaking in favor of a referendum.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In Allegation 6 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when the Dekalb County CEO, Vernon Jones, was featured on a commercial advertisement promoting a ballot referendum.

Motion to dismiss.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

The Commission found that allegation 7 was not within the jurisdiction of the EIGA.

Motion to dismiss.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Pollard

In Allegation 8 the Commission found no reasonable grounds to believe that the Ethics in Government Act had been violated when a Dekalb County Commissioner allegedly publically supported a ballot referendum at the county Commission meeting by asking voters to vote yes.

Motion to dismiss.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Pollard

The following cases were continued:

In the Matter of Realtors PAC
Case No. (PC2007-0003)

In the Matter of James Lientz
Case No. (2006-0060)

In the Matter of Michael Wiggins and Safety Prosperity Coalition
Case No. (PC2006-0050)

In the Matter of Walter Sneed
Case No. (2007-0008)

In the Matter of Allen Freeman
Case No. (2006-0045)

In the Matter of Carlton Corbitt
Case No. (2007-0004)

The Commission adjourned for lunch at approximately 12:44 and returned at approximately 1:30

Waiver of Preliminary Hearing

The following cases waived their Preliminary Hearing:

In the Matter of Mark T. Grant
Case No. (2006-0061)

In the Matter of Lawrence Kaiser
Case No. (2006-0067)

In the Matter of Archbold Hospital
Case No. (2007-0006)

In the Matter of Jerry N. Williams
Case No. (2007-0009)

In the Matter of Chandler Carter Haydon
Case No. (2006-0065)

In the Matter of Cindye Coates

Case No. (2007-0005)

In the Matter of Wesley Nash
Case No. (2007-0015a)

In the Matter of William Fallin
Case No. (2006-0066)

Request for Finding of Probable Cause

In the Matter of PC2007-0009

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into the failure to file three Campaign Contribution Reports (CCDRs) and non-payment of \$825 in late fees.

Motion to find probable cause.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In the Matter of PC2007-0010

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into the failure to file Personal Financial Disclosure Statements (PFDs) two calendar years, the failure to file two Campaign Contribution Reports (CCDRs) and the non-payment of \$800 in late fees.

Motion to find probable cause.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In the Matter of PC2007-0011

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into the failure to file Personal Financial Disclosure Statement for one calendar year, the failure to file eleven Campaign Contribution Reports (CCDRs) and the non-payment of \$1,225 in late fees.

Motion to find probable cause.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Bowers

In the Matter of PC2007-0012

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into the failure to file Personal Financial Disclosure Statements for two calendar years, the failure to file six Campaign Contribution Reports (CCDRs) and the non-payment of \$1,225 in late fees.

Motion to find probable cause.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Gatewood

In the Matter of PC2007-0013

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into the failure to file Personal Financial Disclosure Statements for two calendar years, the failure to file six Campaign Contribution Reports (CCDRs) and the non-payment of \$825 in late fees.

Motion to find probable cause.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Jordan

In the Matter of PC2007-0014

The case was presented by Mr. Hemanth Digumarthi.

A request for finding of probable cause was made to open an investigation into the failure to file Personal Financial Disclosure Statement for one calendar year, the failure to file five Campaign Contribution Reports (CCDRs) and the non-payment of \$1325 in late fees.

Motion to find probable cause.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Pollard

In the Matter of PC2007-0016

The case was presented by Mr. Tom Plank.

A request for finding of probable cause was made to open an investigation to determine if a committee was formed, if said committee registered with the Commission and if said committee failed to file Campaign Contribution Reports.

Motion to find probable cause.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

In the Matter of PC2007-0017

The case was presented by Mr. Tom Plank.

A request for finding of probable cause was made to open an investigation to determine if there was proper disclosure of the value of consulting work .

Motion to find probable cause.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Pollard

In the Matter of PC2007-0018

The case was presented by Mr. Tom Plank.

A request for finding of probable cause was made to open an investigation against Georgia Case Management, LLC to determine if a violation in contribution limits occurred, if it was required to register and if they were required to file Campaign Contribution Disclosure Reports.

Motion to find probable cause.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Gatewood

In the Matter of PC2007-0019

The case was presented by Mr. Tom Plank.

A request for finding of probable cause was made to open an investigation into proper reporting of amount paid for consulting work and if government equipment and government time was used for work on a campaign.

Motion to find probable cause.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Bowers

Consent Order .

In the Matter of Committee to Continue Baldwin County's Progress

Case No. (2005-0101)

This Consent Order was presented by Ms. Rebecca Mick of the Attorney General's Office.

A civil penalty was assessed in the amount of \$750.

Motion to accept.

Moved by Mr. Bowers
Carried unanimously

Seconded by Mr. Jordan

In the Matter of Reginald Boddie

Case No. (2005-0051)

The Consent Order was presented by Ms. Julie Anderson of the Attorney General's Office.

A civil penalty was assessed in the amount of \$2,000.

In the Matter of Leah Sears

Case No. (2004-0049, 2004-0065)

The Consent Order was presented by Ms. Kay Baker.

A civil penalty was assessed in the amount of \$3,100.

Motion to accept.

Moved by Mr. Pollard

Seconded by Mr. Jordan

Carried unanimously

In the Matter of Rachel Kelley Jackson

Case No. (PC2007-0004)

The Consent Order was presented by Ms. Kay Baker.

A civil penalty was assessed in the amount of \$5,000 and \$2,729.32 to the Office of Treasury and Fiscal Services.

Motion to accept.

Moved by Mr. Jordan

Seconded by Mr. Gatewood

Carried unanimously

In the Matter of Victor Hill

Case No. (2007-0011)

The Consent Order was presented by Mr. Tom Plank.

A civil Penalty was assessed in the amount of \$2,000.

Motion to accept.

Moved by Mr. Pollard

Seconded by Mr. Jordan

Carried unanimously

In the Matter of ABATE of Georgia Inc. Motorcyclists PAC

Case No. (2006-0005)

The Case was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$1,750 and late fees were assessed in the amount of \$250.

Motion to accept.

Moved by Mr. Jordan

Seconded by Mr. Pollard

Carried unanimously

In the Matter of Charles Bannister

Case No. (2006-0031)

The Consent Order was presented by Ms. Kay Baker.

A civil penalty was assessed in the amount of \$3,000 and late fees assessed in the amount of \$150.

Motion to accept.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Pollard

In the Matter of Charles Phillips

Case No. (2006-0106)

The Consent order was presented by Ms. Julie Anderson.

A civil penalty was assessed in the amount of \$500.

Motion to accept with a copy of the minutes.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Bowers

In the Matter of James Toby Roberts

Case No. (2006-0053, 0062 &0063)

The Consent Order was presented by Mr. Tom Plank.

A civil penalty was assessed in the amount of \$9,300.

Motion to accept.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Jordan

Compliance Order

In the Matter of Kevin Kenerly

Case No. (2006-0055)

The Compliance Order was presented by Mr. Tom Plank.

Motion to accept.

Moved by Mr. Gatewood
Carried unanimously

Seconded by Mr. Bowers

Other Business

Request for an Advisory opinion

Presented by Mr. Tom Plank.

Request for an Advisory Opinion regarding a public official or candidate's use of campaign funds to make a contribution to a legal defense fund that has been established by a political party for the sole purpose of paying legal fees, arising out of a challenge to the election of the political party's officers.

Motion to accept.

Moved by Mr. Pollard
Adopted

Seconded by Mr. Gatewood

Final Rules (Chapters 4-6)

Presented by Ms. Kay Baker.

Motion to adopt.

Moved by Mr. Pollard
Adopted

Seconded by Mr. Gatewood

* Effective 20 days from the date of filing

Provisional Adoption of Rules (Chapters 4-6)

Presented by Ms. Kay Baker.

Motion to accept.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Pollard

Vendor Gift e-filing

Presented by Mr. Tom Plank.

Lobbyist and Personal Financial Disclosure Statements to be e-filed.

Motion to accept.

Moved by Mr. Jordan
Carried unanimously

Seconded by Mr. Gatewood

Vendor Gift to be e-filed.

Motion to accept.

Moved by Mr. Jordan
Adopted

Seconded by Mr. Gatewood

Resolutions for Brian Hess, DelRico Davis and Reginald Boswell on receiving a national ranking of number 1 in electronic filing were read and accepted by the commission.

Report of the Executive Secretary

The Executive Secretary addressed the success of the staff in completing all backlogged cases. The Commission has begun performing random audits which resulted in 10 Probable Cause cases being opened for investigation. In the future the Commission will be hearing both complaints and probable cause cases.

Motion to adjourn the meeting.

Moved by Mr. Pollard
Carried unanimously

Seconded by Mr. Jordan

The meeting adjourned at approximately 2:42.