

DeKalb County Board of Ethics

Location: Conference Room A, Clark Harrison Building
Date of Meeting: 10/13/2014 Time of Meeting: 7:00 pm

Minutes

Members Present:

John Ernst, Chair
Edwinett Murphy, Secretary
Clara Black DeLay
Susan Neugent
Robert Blackman
Bobbie Sanford

Members Absent

Thelma Grier

Board Affiliates Present:

Gene Chapman, Board Counsel

Attendees who signed the attendance roster:

Mike Cooper
Davis Fox
Larry Danese
Rhea Johnson
Iris Sinkfield
Tony Natri
Viola Davis
Ruby B. Davis
Joel Edwards
Willie Pringle
Preston Price
Gregory Adams

I. Call to Order

John Ernst, Chair, called the meeting to order at 7:05 p.m.

II. Welcome

III. Adoption of the Agenda

The Agenda was reviewed. John Ernst called for a motion to approve the agenda. Robert Blackman moved for approval and the motion was seconded by Bobbie Sanford. John Ernst called for a vote. The vote was 6-0 in favor of approving the agenda with additions.

IV. **Review and Approve Meeting Minutes from September 15, 2014**

The Minutes from September 15, 2014 were reviewed. Bobbie Sanford noted a correction to Item V.A. which should reflect that she voted in favor of the motion, the vote should reflect a 5-1, and her name should not be included with those voting against the motion. John Ernst called for a motion to approve the minutes with the correction. Edwinett Murphy moved for approval and the motion was seconded by Robert Blackman. John Ernst called for a vote. The six members present voted and all six were in favor to approve the Meeting Minutes from September 15, 2014.

V. **New Business – Preliminary Hearings**

A. New complaints – to decide on jurisdiction.

1. Complaint against Commissioner Jeff Rader by Warren Mosby. Gene Chapman reported that the complainant alleges Mr. Rader violated the Code of Ethics by using his purchasing card for personal benefit, utilized county funds and his commission budget for his personal benefit, and did not acknowledge his conflict of interest at each BOC meeting. Susan Neugent moved to accept jurisdiction of the complaint. Clara DeLay stated her concern that the filing and investigation of an ethics complaint can become a “fishing expedition.” Robert Blackman seconded the motion. John Ernst called for a vote. The motion passed with a vote of 5-0-1. Clara DeLay abstained from the vote.
2. Complaint against Commissioner Jeff Rader by Timothy Brantley. Gene Chapman reported that Mr. Brantley filed an “amendment” to his original complaint which the Board previously dismissed. Mr. Brantley complains that Mr. Rader filed a lawsuit against him in retaliation for his ethics complaint; he suspects that Mr. Rader is using county funds to finance the lawsuit; and should have notified the BOC at each meeting regarding his conflict of interest. Clara DeLay moved to dismiss the complaint and Robert Blackman seconded the motion. The motion passed with a vote of 5-1. Susan Neugent voted against the motion.
3. Complaint against Commissioner Stan Watson by Rhea Johnson. Gene Chapman reported that the complainant alleged that Commissioner Watson had violated the Code of Ethics by utilizing county funds for a campaign website and by using his purchasing card for personal items. Robert Blackman moved to accept jurisdiction of the complaint and Bobbie Sanford seconded the motion. John Ernst called for a vote. The motion passed with a vote of 5-0-1. Clara DeLay abstained from voting.
4. Amendment by Tom Owens to V. Davis’ complaint against Sharon Barnes Sutton. Gene Chapman reported that Mr. Owens utilized a complaint form to add his name to the complaints against Sharon Barnes Sutton and Judy Brownlee but did not add additional facts to Ms. Davis’ complaint. Clara DeLay moved to dismiss Mr. Owens’ amendments to the complaints against Ms. Barnes Sutton and Ms. Brownlee and Susan Neugent seconded the motion. The motion passed with a unanimous vote of 6-0.
5. Amendment by Tom Owens to V. Davis’ complaint against Judy Brownlee. See above.

B. New requests for advisory opinions.

1. Anthony Nastri. The Board tabled action on this request.
2. David White. The Board tabled action on this request.

VI. Old Business

A. Approve advisory opinions

1. Cedric Alexander. The Board reviewed the draft of the advisory opinion. Robert Blackman moved to adopt the advisory opinion and Bobbie Sanford seconded the motion. John Ernst called for a vote. The motion passed with a unanimous vote. John Ernst directed Gene Chapman to distribute the opinion to Dr. Alexander, the County Clerk, and the department with responsibility to publish the opinion on the Board's website. Mr. Ernst also asked Mr. Chapman to send a letter to Department of Human Resources to seek clarity in the policies regarding acceptance of gratuities and honoraria by county officials and employees.
 2. Morris Williams. The Board reviewed two alternate drafts of the advisory opinion. After discussion regarding application of the opinion to possible facts, Susan Neugent moved to adopt the advisory opinion which applies to "any meeting of the Board of Commissioners." Robert Blackman seconded the motion. John Ernst called for a vote. The motion passed with a vote of 5-1. Clara DeLay voted against the motion. John Ernst directed Gene Chapman to distribute the opinion to Mr. Williams, the County Clerk, the Board of Commissioners, and the department with responsibility to publish the opinion on the Board's website.
- B. Preliminary hearing – Viola Davis complaint against Kelvin Walton. John Ernst suggested that the Board consider placing the complaints against Mr. Walton and Ms. Hall on an inactive list since Mr. Walton has resigned and Ms. Hall has either been terminated or has resigned. Neither individual is employed by the County. The Board faces the issue of whether jurisdiction still exists with regard to respondents who resign or are terminated from employment. If the complaint is placed on inactive status, the Board could receive a final report from the investigator and notify the pertinent departments that if either individual seeks county employment or funds in the future the department should notify the Board of Ethics and the Board would reactivate the complaint. Clara DeLay voiced disagreement with the suggestion and indicated the Board should seek finality in these matters. Ms. Davis asked to make a statement and the Chair recognized her. Ms. Davis asked the Board to make a finding that Mr. Walton violated the Code of Ethics and recognize that citizens and groups of citizens incur substantial expense and are subject to retaliation for the efforts to hold public officials accountable to the public. Board members voiced their appreciation to Ms. Davis and others who devote their time and resources to work for ethics in government. John Ernst indicated that the issue of jurisdiction will need to be resolved either in an appeal by a respondent or by an action for Declaratory Judgment in Superior Court. Mr. Ernst asked Gene Chapman to draft a budget for the expense the Board would likely incur if it files a Petition for Declaratory Judgment to determine the issue.
- C. Preliminary hearing – Viola Davis complaint against Nina Hall. See discussion in item VI.B.
- D. Status reports – pending matters. John Ernst stated that he listed the pending matters on the agenda to keep the Board and the public informed that the Board is continuing its work on these matters and that each one will be addressed.

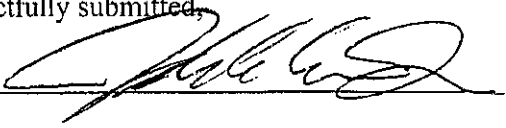
VII. Closing Remarks

Robert Blackman voiced his concern about the significant expense involved in litigating an issue.

VIII. Adjournment

There being no further business, the Chair called for a motion to adjourn. Clara DeLay moved for adjournment and Bobbie Sanford seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Phillip A. [unclear]", written over a horizontal line.

Chair

10/13/14

Date

DeKalb County Board of Ethics

Location: Conference Room A, Clark Harrison Building

Date of Meeting: 10/13/2014 Time of Meeting: 6:00pm

Minutes of Work Session

Members Present:

John Ernst, Chair
Edwinett Murphy, Secretary (joined work session at 6:25 p.m.)
Clara Black DeLay
Susan Neugent
Robert Blackman
Bobbie Sanford

Members Absent

Thelma Grier

Board Affiliates Present:

Gene Chapman, Board Counsel

Attendees who signed the attendance roster:

Mike Cooper
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Larry Danese
Rhea Johnson
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Tony Natri
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Preston Price
Gregory Adams

I. Call to Order

John Ernst, Chair, called the work session to order at 6:10 p.m.

II. Welcome and Introductions

III. Adoption of the Agenda

The Agenda was reviewed and additions noted. John Ernst called for a motion to approve the agenda with additions. The additions were to add items to address the issue of Board seats and terms and the status of the search for an administrative assistant. Clara DeLay moved for approval and the motion was seconded by Bobbie Sanford. John Ernst called for a vote. The vote was 5-0 in favor of approving the agenda with additions. Edwinett Murphy joined the session at 6:25 p.m.

IV. Work Session

A. Clara DeLay recused herself from the work session to avoid an appearance of a conflict of interest. The Board discussed the budget for 2015. The interim CEO has recommended appropriating \$360,000 to the Board of Ethics. Gene Chapman discussed the tasks he performs and the needs of the Board for

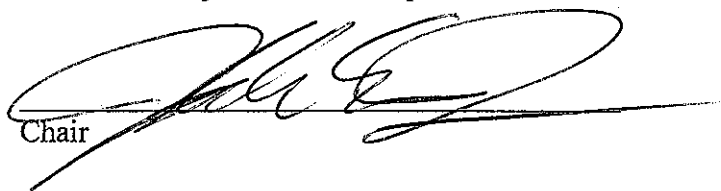
an administrative assistant, investigators, and alternatives for the Board to consider in the form of additional personnel. John Ernst discussed the functions he takes on as Chair and his thoughts for the Board's work in 2015. He indicated that the Board of Commissioners has released the funds it had been holding for the remainder of 2014. Susan Neugent presented the Board with a framework and line items for functions the Board should perform. *See Exhibit A.*

- B. Discussion of Office to assist Board. Susan Neugent continued her discussion of the operation of the Board and stated her opinion that the Board should not utilize an Integrity Officer as this would encroach upon the independence of the Board. The Board discussed making incremental, deliberate changes to the operation of the Board. Bobbie Sanford stated her opinion that the Board should proceed with due speed to hire an Integrity officer and administrative assistant in order to do away with the need for the Board's counsel to spend so much time on Board tasks.
- C. Seats and Terms. Clara DeLay rejoined the work session at 6:50 p.m. Gene Chapman discussed the problem that exists with the current information available on the county website and in other documents that indicates that the terms for five of the Board members expire on 12/31/2016. The Organizational Act staggered the terms of the Board members to expire so that one member would rotate off the Board each year. The CEO would appoint two members in "seats" one and five and the Board of Commissioners would appoint five members in seats two, three, four, six, and seven. Over the years, the CEO and the Board of Commissioners had failed to follow the prescribed terms. Most recently, each appointing entity had appointed a member without indicating which seat he/she was to occupy and for terms that did not coincide with the staggered terms in place. Therefore, there is no definitive way to determine the seats and terms of five of the current members. The Board may wish to issue an advisory opinion to define seats and terms of the current members. John Ernst indicated that he and Edwinett could agree between themselves and suggested Susan Neugent and Thelma Grier do likewise. Gene Chapman asked for direction from the Board. John Ernst suggested placing the matter on the meeting agenda for November.
- D. Status of search for administrative assistant. Gene Chapman reported that he would like for the members on the personnel subcommittee meet with two candidates and make a decision.

V. Closing Remarks

VI. Adjournment

There being no further work, the Chair called for a motion to adjourn. Susan Neugent moved for adjournment and Edwinett Murphy seconded the motion. The motion passed with a unanimous vote. The session was adjourned at 7:05 p.m.

Chair 

Date 12-18-14