

MINUTES
DeKalb County Board of Ethics
Special Session
October 14, 2004

MEMBERS PRESENT: Pat Killingsworth, Chair
Aubrey Villines, Vice-Chair
Jule Lassiter, Secretary
Teri Thompson
Bryan Smith
Stanley Baum

OTHERS PRESENT: JoAnn Rose
(Husband)
Henry Johnson

CALL TO ORDER AND APPROVAL OF MINUTES

Pat Killingsworth, Chair of the Board of Ethics, called the meeting to order at 7:00 p.m. The Chair asked for any corrections or modifications to the minutes of the meeting of September 28, 2004. After no corrections or modifications were raised, the minutes were unanimously approved.

NEW BUSINESS

Preliminary Hearing: Complaint filed against Commissioner Henry C. Johnson

The complaint filed by JoAnn Rose, former assistant to Commissioner Johnson, alleges that Commissioner Johnson violated the Code of Ethics in the following manner:

No member of the governing authority shall [a]ppear on his own personal behalf, or represent, advised, or appear on the personal behalf of, whether paid or unpaid, any person before any court or before any legislative, administrative, or quasi-judicial board, agency, commission, or committee of the state or of any county or municipality concerning any contract or transaction which is or may be the subject of an official act or action of DeKalb County or other wise use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or other persons...DeKalb County Code of Ethics § 22A (c) (4).

Aubrey Villines served as moderator of the preliminary hearing. It was noted in the materials provided by Ms. Rose that the Equal Employment Opportunity Commission

(EEOC) has given her a "right to sue" letter. Ms. Rose further stated that she followed the employee grievance procedure but was not given sufficient time to follow the stated procedure.

Ms. Rose specifically alleges that because Commissioner Johnson was concerned with public perception that he was fiscally responsible, he required her to repay money that was overpaid to her by the payroll department. Ms. Rose contends that while she was required to repay money, other employees were continually allowed by Commissioner Johnson to spend county funds. As an example, Ms. Rose referred to a consultant who went on a trip at the County's expense.

Ms. Rose further alleges that Commissioner Johnson used his position and authority to authorize unlawful deductions from her salary by the payroll division of DeKalb County.

Ms. Rose also asserts that she was improperly pressured numerous times to repay money that was lawfully hers. Ms. Rose states that she was confronted several times by the Commissioner at the office, and that she received telephone calls at her home in the evening by both Commissioner Johnson and his wife regarding the overpayment. According to Ms. Rose, she was subsequently terminated by Commissioner Johnson due to her failure to repay money.

Commissioner Johnson states he hired Ms Rose as an at-will employee on January 2, 2001. Commissioner Johnson explained that Ms. Rose was terminated for insubordination on November 30, 2003. According to the Commissioner, he carefully constructed the termination letter was so as to allow Ms. Rose to receive unemployment benefits, as well as to allow her to collect extra income.

According to Commissioner Johnson, Ms. Rose received four (4) pay raises within a two (2) year and ten (10) month period. Commissioner Johnson states that due to her low salary when she began her employment, he initiated a pay raise so as to make her pay level with other comparable employees. At the time of her termination, Ms. Rose made approximately Forty Eight Thousand Dollars (\$48,000), a salary higher than other staff members.

Commissioner Johnson states that in July 2003, Ms. Rose was given a pay increase. However, according to the Commissioner, Ms. Rose was unhappy because the effective date of the raise (i.e., July 2003) was incorrect. Commissioner Johnson concedes that the date of July 2003 was inaccurate. Commissioner Johnson states that the pay increase should have been effective June 2003. Due to mistakes in her pay, the Commissioner maintains that he allowed Ms. Rose to initiate the paperwork to correct any miscalculations. Commissioner Johnson alleges that he signed the paperwork without reviewing the documents; consequently, the paperwork incorrectly indicated that Ms. Rose's pay raise was retroactive to January 1, 2003, when in fact the paperwork should have only been retroactive to June 2003.

In September 2003, Ms. Rose received a lump sum payment. Commissioner Johnson alleges that in a telephone conversation with Ms. Rose, she acknowledged the overpayment and agreed to repay the money. Commissioner Johnson cites electronic mail dated September 16, 2003, to substantiate that Ms. Rose was aware of the mistake in payment. Commissioner Johnson states that he gave Ms. Rose ample time to repay the money but Ms. Rose refuses to repay money that belongs to the citizens of DeKalb County.

Having heard and considered the testimony and records from the complainant and the Commissioner, the Board determined by a unanimous vote that the issues raised were not in violation of the Code of Ethics, and that there was insufficient evidence presented to warrant more thorough investigation of this matter. It was suggested that this matter was better suited for another venue.

There being no further discussion, the meeting was adjourned.

Respectfully submitted,

Jule Lassiter, Secretary
DeKalb County Board of Ethics