

**DeKalb County Board of Ethics**

Thursday, May 14, 2015

6:30 p.m.

Conference Room A, Clark Harrison Building

**Minutes**

**Members Present:**

John Ernst, Chair  
Clara Black DeLay, Vice-Chair  
Edwinett Murphy, Secretary  
Susan Neugent

**Members Absent:**

Thelma Grier

**Board Affiliates Present:**

Gene Chapman, Board Counsel  
Jennifer Johnson, Administrative Assistant  
Robert Browning, Investigator  
Clinton Browning, Consultant

**Attendees who signed the attendance sheet:**

Ruby Bozeman Davis  
Viola Davis  
Mike Cooper  
Barbara Lee  
Mark Niesse  
J. Jay Vinicki  
T. Phillips  
Davis Fox  
John Evans  
Doreen Carter

I. Call to order

John Ernst, Chair, called the meeting to order at 6:35 pm

II. Welcome

John Ernst welcomed attendees and announced that since the last meeting, Robert Blackman and Bobbie Sanford had resigned their seats on the Board.

III. Adoption of the Agenda

The agenda was reviewed. John Ernst struck item VII.A.8. as the item was an amendment to Mr. Johnson's pending complaint rather than a new complaint. Since complainant and respondent in

item VI.A. Preliminary Hearing had not arrived, John Ernst moved this item and created a new item VIII.A. Preliminary Hearing to give the parties additional time to arrive. Susan Neugent made a motion to adopt agenda with modifications. Clara DeLay seconded the motion. The motion passed unanimously with a vote of 4-0.

IV. Review and Approve Meeting Minutes from March 3, 2015

The Minutes from the Board's meeting on March 3, 2015 were reviewed. Clara DeLay suggested two changes, one in items VII.A.3, 4, and 5 regarding the issue of quorum, and the second change in item VIII.A. regarding clarification of the Board's decision not to act on the proposed resolution. Susan Neugent made a motion to approve the minutes with changes and Edwinett Murphy seconded the motion. The motion passed with a vote of 4-0.

V. Reports – Financial Report

Mr. Jay Vinicki from the Office of Budget and Management presented the Board with reports reflecting the Board's budget and expenditures for 2014 and 2015 to date. He informed the Board that Mr. Robert Warren administered the budget for the Board, but that Mr. Vinicki is the Board's primary point of contact. Edwinett Murphy made a motion to approve the financial report. Susan Neugent seconded the motion. The motion passed unanimously with a vote of 4-0.

VI. Unfinished Business

A. Status reports

John Ernst stated that he is planning to place preliminary hearings for the complaints against Commissioner Barnes-Sutton and Judy Brownlee on the agenda for the next meeting.

The Board noted that since the last meeting, the DeKalb County District Attorney's Office had indicted Mr. Robert Lundsten. Susan Neugent made a motion to table the complaint of Thomas Owens against Robert Lundsten. Edwinett Murphy seconded the motion. Clara DeLay expressed concern about tabling the matter and the Board discussed alternatives to a Board policy of tabling matters when the respondent is under indictment. John Ernst relinquished the chair to Vice-Chair Clara DeLay. Clara DeLay called for a vote on the motion. The motion passed with a vote of 3-0-1. John Ernst abstained.

Complaint against John Ernst. John Ernst recused himself. Vice-Chair Clara DeLay stated that she has the name of an independent investigator for the matter and will proceed with the investigation.

VII. New business

A. New complaints

1. Jeff Rader by Barbara M. Lee. Clara DeLay stated that she felt that she needed to recuse herself from this matter. She was willing to abstain from voting in order to establish a quorum unless the complainant expressed disagreement. Dr. Lee stated that she had filed an amendment to each of her complaints and she did not want the complaints considered without the Board reviewing the amendments. The Board did not have the

amendments and Gene Chapman stated that he would check with the Clerk's office to ensure the Board had the amendments for all three of the complaints at the next meeting. The Board could not consider this matter for lack of a quorum.

2. Kathie Gannon by Barbara M. Lee. The Board could not consider this matter for lack of a quorum.
3. Nancy Jester by Barbara M. Lee. The Board could not consider this matter for lack of a quorum.
4. Jeff Rader by John Evans. The Board could not consider this matter for lack of a quorum.
5. Kathie Gannon by John Evans. The Board could not consider this matter for lack of a quorum.
6. Nancy Jester by John Evans. The Board could not consider this matter for lack of a quorum.

*Item taken out of order:*

VI.B. Request for advisory opinion by Vaughn Irons. John Ernst stated that he had mistakenly passed over this item on the agenda. John Ernst asked whether the Board wished to take any action on Mr. Irons' request for advisory opinion since the Board as constituted in 2009 had never acted upon Mr. Irons' request when he submitted it in October 2009 and the conduct in question had already occurred. Clara DeLay stated that the request was not the Board's concern since so much time had passed. Edwinett Murphy made a motion that the Board should decline to issue an opinion. Susan Neugent seconded the motion. The motion passed with a vote of 4-0.

7. Vaughn Irons by Rhea Johnson. Gene Chapman reported the allegations of the complaint and informed the Board that Mr. Dwight Thomas, Mr. Irons' attorney, had filed his letter of representation and a report of a polygraph examination regarding the allegations. Susan Neugent made a motion to find that the Board has personal jurisdiction and subject matter jurisdiction over the complaint. Edwinett Murphy seconded the motion. The motion passed with a vote of 4-0.

B. New requests for advisory opinion

1. Viola Davis – Ms. Davis told the Board that she had filed an amendment to her request for advisory opinion. She asked the Board to delay consideration of her request to ensure that the amendment is considered.
2. Deputy COO Cedric Alexander. Edwinett Murphy asked whether the Human Resources Department has policies pertaining to publications and websites. Clara DeLay mentioned situations to avoid in publication and sales of a book. Susan Neugent proposed setting a time to discuss with Dr. Alexander his request and obtain answers to specific questions. John Ernst stated that the Board will invite Dr. Alexander to a meeting for discussion. He directed staff to email Board members and ask them to submit their questions in writing regarding Dr. Alexander's request.

The Board recessed from 7:40 p.m. until 7:45 p.m.

VIII. Preliminary hearing: Complaint of Rhea Johnson against Commissioner Stan Watson. Mr. Johnson's counsel and Commissioner Watson received notice of the preliminary hearing but did not appear for the hearing. Robert Browning, the investigator appointed by the Board, discussed his investigation. He divided his discussion into three items.

Item One: Mr. Browning reported that Mr. Watson continued using his personal cell phone after he was elected for county business, the cost of which the county reimbursed. Mr. Browning interviewed Mr. Watson and found that the majority of Mr. Watson's cell phone usage is for county business. Mr. Browning also reported that Mr. Watson reimbursed the county for all of the money it had paid for Mr. Watson's cell phone bills.

Item Two: Mr. Browning reported that Mr. Watson maintained a website called "politicalstan.com" prior to his election to the Board and still maintained the website for use as a communication tool to his constituents. The head of the IT department for DeKalb County stated that the IT department was not staffed sufficiently to handle the frequent updates each of the commissioners requested, so it had knowledge that the commissioners used outside IT vendors to manage their websites. Mr. Johnson's complaint alleged that Mr. Watson improperly used his website to solicit campaign donations. Mr. Browning relayed Mr. Watson's response that he admitted that the portal for campaign donations had been on the website, but that (1) the portal had only been on the website for three days just prior to the election; (2) he directed that the portal be taken off the website; and (3) no donations had been received through the portal. Additionally, the website had a portal for donations to help with expenses which benefited county endeavors. Mr. Watson reimbursed the county \$1,880.00 for the funds disbursed to the IT vendor. John Ernst questioned Mr. Browning as to the exact dates the website had been live, the exact dates during which the campaign donation portal had been on the website, and how much money had been received through the "help" portal. Mr. Browning could not answer the questions with specificity as he did not include those questions in his interview.

Item Three: Mr. Browning also reported his findings regarding Mr. Johnson's allegations that Mr. Watson had failed to disclose a conflict of interest and his voting in the Board of Commissioners' vote pertaining to the bid for a county contract by APD Solutions while Mr. Watson was a paid consultant for APD Solutions. Mr. Browning reported that Mr. Watson admitted that it was improper for him to vote on the agenda items pertaining to APD Solutions and that he should have excluded himself from the vote. Mr. Watson indicated that he did not realize that the award of money to APD Solutions was the subject of the vote.

John Ernst facilitated the Board's discussion as to a finding of probable cause of the three items.

As to Item One, the allegation failed for lack of a motion.

As to Item Two, John Ernst stated that the Board needed to know when the portal went live and for how long it was live on the website. He stated that there is sufficient information to find probable cause since Mr. Watson admitted that the portal for campaign donations

was on his website and that it is a violation of State law to use a county-funded website for a political campaign. Edwinett Murphy stated that she believed more information is needed before going forward to a final hearing. Clara DeLay stated that she did not believe there was any reason to go forward on this item since the county approved the commissioners' use of an outside vendor to maintain their websites, Mr. Watson did not receive any funds through the portal, and that he took it down upon notice of its presence. Susan Neugent agreed that there is sufficient information for a finding of probable cause. Susan Neugent made a motion to find probable cause to set the matter for a final hearing. There was no second to the motion, so the motion failed.

As to Item Three, John Ernst stated his opinion that there was sufficient information to find probable cause and set a final hearing. Susan Neugent agreed. Clara DeLay disagreed. She indicated that since the vote was ministerial in nature and Mr. Watson did not receive any special compensation for his votes, she did not believe the allegations warranted a final hearing. Edwinett Murphy stated that she believed that more investigation was needed regarding Mr. Watson's votes.

Susan Neugent made a motion to find probable cause to set the matter for a final hearing. Edwinett Murphy seconded the motion. The motion passed with a vote of 3-1. Clara DeLay voted no.

IX. Board governance

- A. Discussion of executive search. Clara DeLay recused herself from the discussion. John Ernst introduced Clinton Browning from SSB Group. Mr. Browning discussed the status and progress of his firm's search for an executive to assist the Board. He indicated that his firm has interviewed approximately seventy-seven applicants and has narrowed the search to nine candidates. He may be in a position to present the Board with a short list of two to four finalists within a matter of weeks.

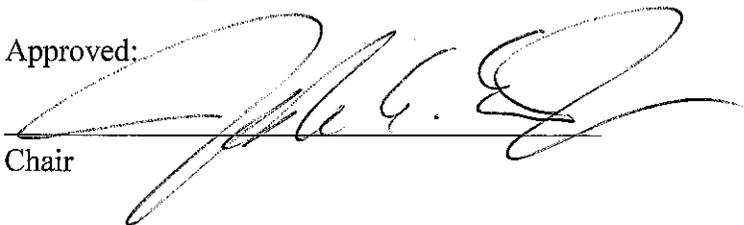
X. Adjournment

Clara DeLay made a motion to adjourn and Susan Neugent seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 8:55 pm.

Approved:

Chair

Date

  
August 13, 2015