

**DeKalb County Board of Ethics**

Thursday, August 13, 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  
Nicole Forman  
Christopher Bruce

**Members Absent:**

Thelma Grier

**Board Affiliates Present:**

Gene Chapman, Board Counsel  
Jennifer Johnson, Administrative Assistant  
Robert Browning, Investigator  
Vic Hartman, Investigator  
Greg Jones, Investigator

**Attendees who signed the attendance sheet:**

Daniel Oak  
T. Phillips  
Trey Benton  
Joel Edwards  
Charles Peagler  
Judy T. Brownlee  
Lynn Whatley  
Pam Stephenson  
Andrew Cauthen  
Ruby Bozeman Davis  
Viola Davis  
Mike Cooper  
Joe Arrington  
Barbara Lee  
Mark Niese  
George Chidi  
Loretta Washington  
Kenneth Browner  
Nadine Ali

I. Call to order

John Ernst, Chair, called the meeting to order at 6:40 p.m.

II. Welcome

John Ernst welcomed attendees and announced that since the last regular meeting, Christopher Bruce and Nicole Forman had been appointed to seats on the Board.

III. Adoption of the Agenda

The agenda was reviewed. John Ernst added item VIII.A. Website and item VIII.B. Executive Session for the purpose of discussing personnel matters with Adjournment moved to item IX. Susan Neugent made a motion to adopt agenda with modifications. Edwinett Murphy seconded the motion. The motion passed unanimously with a vote of 6-0.

IV. Review and Approve Meeting Minutes from May 14, 2015 and August 7, 2015

The Minutes from the Board's meeting on May 14, 2015 were reviewed. Susan Neugent made a motion to approve the minutes and Edwinett Murphy seconded the motion. The motion passed with a vote of 4-0. Christopher Bruce and Nicole Forman did not vote since they did not attend the meeting.

The Minutes from the Board's training meeting on August 7, 2015 were reviewed. Susan Neugent noted a punctuation error. Clara DeLay made a motion to approve the minutes with corrections and Nicole Forman seconded the motion. The motion passed with a vote of 5-0. Edwinett Murphy did not vote since she did not attend the meeting.

V. Report – Financial Report

The Board reviewed the financial report reflecting the Board's expenditures in 2015 to date. Susan Neugent made a motion to approve the financial report. Edwinett Murphy seconded the motion. The motion passed with a vote of 4-0-2. Christopher Bruce and Clara DeLay abstained.

VI. Unfinished Business

- A. Final hearing – Rhea Johnson complaint against Commissioner Stan Watson. Mr. Johnson was not present for the hearing despite receiving notice. Mr. Watson received notice but was not present. Attorney Lynn Whatley announced that he was appearing to represent Mr. Watson in the hearing. Mr. Browning, the Board's investigator, was present. Mr. Whatley admitted that he had not filed a Notice of Appearance with the Clerk, but asked the Board to allow him to participate as Mr. Watson's attorney. The Board discussed whether to allow Mr. Whatley to participate. The Board voted 5-1 in favor of allowing Mr. Whatley to participate. It is unknown who voted against the question.

John Ernst read the text of the sections of the Code of Ethics which the Board was to consider. Mr. Whatley noted that the letter to Mr. Watson gave notice of only Section

22A(c)(1), (2), and (5). Gene Chapman confirmed this assertion and John Ernst emphasized that the Board would consider only those paragraphs.

Mr. Browning was sworn in as the only witness and made his report to the Board. Mr. Browning reported his findings regarding Mr. Johnson's allegations that Mr. Watson had failed to disclose a conflict of interest and participating 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 Board of Commissioners official records reflected that Mr. Watson had participated in the votes regarding the contract for APD Solutions and that he had seconded one motion pertaining to the award. In a personal interview, Mr. Watson admitted that he had been receiving Five Hundred Dollars per month as a retainer for work as a consultant for APD Solutions and that he was receiving this fee during the times that the votes pertaining to APD Solutions occurred. Additionally, he admitted that (1) he did not disclose his financial interest in APD Solutions, (2) he participated in both votes, (3) it was improper for him to vote on the agenda items pertaining to APD Solutions, and (4) he should have recused himself from the vote. Mr. Watson claimed that he did not realize that the award of money to APD Solutions was the subject of the vote. Mr. Whatley cross-examined Mr. Browning and Board members asked questions. Mr. Whatley asked questions on re-cross examination of Mr. Browning. John Ernst closed the evidence and the Board entered into discussion.

John Ernst asked each member to vote as to whether Mr. Watson violated Section 22A(c)(1) of the Code of Ethics. The vote was 4-2 in favor of finding a violation. Susan Neugent, John Ernst, Clara DeLay, and Edwinett Murphy voted in favor and Nicole Forman and Christopher Bruce voted against the question.

John Ernst asked each member to vote as to whether Mr. Watson violated Section 22A(c)(2) of the Code of Ethics. The vote was 5-1 in favor of finding a violation. Susan Neugent, Nicole Forman, John Ernst, Christopher Bruce, and Edwinett Murphy voted in favor and Clara DeLay voted against the question.

John Ernst asked each member to vote as to whether Mr. Watson violated Section 22A(c)(5) of the Code of Ethics. The vote was 5-1 in favor of finding a violation. Susan Neugent, Nicole Forman, John Ernst, Christopher Bruce, and Edwinett Murphy voted in favor and Clara DeLay voted against the question.

John Ernst asked each member to vote as to whether Mr. Watson should be removed from office for violating Section 22A(c)(1), (2), and (5) of the Code of Ethics. The vote was 6-0 against removal from office. John Ernst asked each member to vote as to whether Mr. Watson should be suspended from office for thirty days for violating Section 22A(c)(1), (2), and (5) of the Code of Ethics. The vote for suspension for thirty days failed with a count of 2-4. Susan Neugent and John Ernst voted in favor of a suspension. John Ernst stated that in light of the vote against suspension, the Board would reprimand Mr. Watson for violating Section 22A(c)(1), (2), and (5) of the Code of Ethics.

The Board recessed from 8:05 p.m. to 8:24 p.m. John Ernst called the meeting back into order.

B. Preliminary hearing – Viola Davis and Joel Edwards complaint against Judy Brownlee. Ms. Brownlee appeared before the Board and stated that she had only learned on Monday, August 3 that she was not represented by Ms. Sutton’s attorney. She had retained counsel but learned that he could not serve due to a conflict. After learning that, she retained Mr. Akil Secret, but he could not attend the meeting due to a schedule conflict. She asked the Board for a continuance so counsel could represent her. The Board discussed the matter and voted unanimously to grant a continuance to Ms. Brownlee. Ms. Davis and Mr. Edwards objected to the continuance and discussed their reasoning. John Ernst suggested that the Board strive to keep the participants better informed in the future when there is even the possibility that a continuance might be requested.

C. Status reports

Rhea Johnson against Burrell Ellis. Susan Neugent made a motion to remove the complaint from the table since Mr. Ellis’ trial had concluded. Edwinett Murphy seconded the motion. The motion passed with a vote of 4-0-2. Clara DeLay, Edwinett Murphy, Susan Neugent, and John Ernst voted in favor of the motion. Nicole Forman and Christopher Bruce abstained from the vote.

John Ernst stated that he anticipates the complaints against Commissioner Barnes-Sutton and Judy Brownlee will be placed on the agenda for preliminary hearings at the next meeting.

Complaint against Vaughn Irons. Gene Chapman introduced Greg Jones, who is the Board’s appointed investigator handling the case.

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

Request for advisory opinions. Viola Davis asked for the Board to table her request. Gene Chapman stated that pursuant to the Board’s direction he will invite Dr. Alexander to attend a Board meeting to answer any questions the Board might have regarding his request.

VII. New business

A. New complaints - Clara DeLay recused herself from considering the complaints of Barbara M. Lee and John Evans.

1. Jeff Rader by Barbara M. Lee. Susan Neugent recused herself from the matter. The Board did not make a motion regarding jurisdiction.
2. Kathie Gannon by Barbara M. Lee. Susan Neugent made a motion to dismiss the complaint for lack of subject matter jurisdiction. The Board did not second the motion.
3. Nancy Jester by Barbara M. Lee. Susan Neugent made a motion to dismiss the complaint for lack of subject matter jurisdiction. The Board did not second the motion.

4. Jeff Rader by John Evans. Susan Neugent recused herself from the matter. The Board did not make a motion regarding jurisdiction.
5. Kathie Gannon by John Evans. Susan Neugent made a motion to dismiss the complaint for lack of subject matter jurisdiction. The Board did not second the motion.
6. Nancy Jester by John Evans. Susan Neugent made a motion to dismiss the complaint for lack of subject matter jurisdiction. The Board did not second the motion.
7. Debra DeBerry by Stephen Cox. Susan Neugent made a motion to dismiss the complaint for lack of personal jurisdiction. Edwinett Murphy seconded the motion. The Board voted 6-0 in favor of the motion.
8. Robert James by Beatrice W. Williams. Susan Neugent made a motion to dismiss the complaint for lack of personal jurisdiction. Edwinett Murphy seconded the motion. The Board voted 6-0 in favor of the motion.

VIII. Board governance

- A. Website. John Ernst stated that the Board would like to provide members of the public with a website with more information and the current status of matters pending before the Board to enhance transparency and keep the public better informed. Nicole Forman stated that she would forward information to Board members regarding her research.
- B. Executive session. The Board entered into Executive Session at 9:10 p.m. Clara DeLay recused herself from the discussion. The Board concluded Executive Session at 9:47 p.m. and opened the meeting to the public.

IX. Adjournment

Susan Neugent made a motion to adjourn and Clara DeLay seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 9:50 p.m.

Approved:

Clara Beck DeLay  
Chair

9/22/15  
Date