

DEKALB COUNTY BOARD OF ETHICS RULING &
OPINION NUMBER 14

ORDER/RULING

(Complaint of Fern Garber and William Garber for finding of alleged Conflict of Interest and ethical violations in Ed McBrayer of the Development Authority of DeKalb County)

On 11 August 2010 the DeKalb County Board of Ethics convened a full plenary hearing of evidence to be presented to the Board which might preponderate to support the complaints of Fred Wooten, Fern Garber and William Garber. All parties excepting Fred Wooten were represented by Counsel. The complainants requested an opinion of the Board as to an alleged conflict of interest and other ethical violations of Ed McBrayer as a member of the Development Authority of DeKalb County and as relate to his work with or for the PATH Foundation on projects complainants alleged were governed by or concerned with the work of the Development Authority.

The complaint of Fred Wooten was found to be a motion for reconsideration of Board Advisory Opinion No. 12. Proffered by Fred Wooten as an additional complaint the Board finds and it is hereby ruled that the same is, barred under principles of estoppel, and dismissed and the Motion for Reconsideration is Denied.

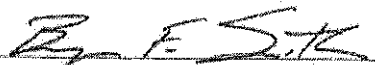
As to the complaints of Fern Garber and William Garber the Board heard all evidence and argument and briefing of counsel and reached a decision and opinion that there was not sufficient evidence to support a finding of ethical violation in Ed McBrayer and, it is

The ruling of this Board is that Ed McBrayer has not violated any ethical provision of the DeKalb County -- Code of Ethics, as amended 1992, and he is, therefore, dismissed from such allegations in the subject complaints filed by Fern Garber and William Garber.

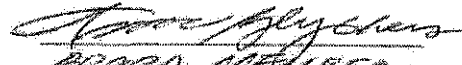
The minutes of meeting dated 15 September 2010, with open deliberation, findings of fact and the ruling of the Board of Ethics, is hereby made the order or opinion of the Board of Ethics and incorporated into this order/ruling of the Board of Ethics.

Advisory Opinion Number 12 decided upon similar facts and conflict allegations remains the advisory opinion of this Board and as it seeks to consult and advise Ed McBrayer. However, Advisory Opinion Number 12 does not find for the complainant Fred Wooten and did not find any ethical violation committed, at any relevant time, by Ed McBrayer under DeKalb County -- Code of Ethics, Georgia Laws 1990 Session No. 790, as amended by Senate Bill No. 539, Ga. Laws 1992, pp. 6137 et. seq. Opinion number 12 is advisory only.

SO RULED by the DeKalb County Board of Ethics this 15th day of September, 2010.


Bryan Smith, Chair
DeKalb County Board of Ethics
nunc pro tunc this 5-17-11

Attest:



BOARD MEMBER
DeKalb County Board of Ethics

To: Lisa Branch, Esq.
Brian Daughdrill, Esq.
Fred Wooten

Attached hereto and made a part hereof is the DeKalb County Board of Ethics Advisory Opinions of numbers 12 and 14 incorporated herein together with the 30 October 2009 presentment of Vaughn D. Irons and the letter of the Chair to the CEO and county attorney's office relative to these issues previously decided by the Board of Ethics and the DeKalb County Board of Ethics Request for Advisory Opinion from Vaughn D. Irons, all contemporaneous with this Opinion filed by the chairman of the Board with the Clerk of the DeKalb County Board of Ethics at the Manual Maloof Building as required by law.