

**DeKalb County Board of Ethics**  
Tuesday, September 22, 2015  
6:30 p.m.  
Conference Room A, Clark Harrison Building

**Minutes**

**Members Present:**

Clara Black DeLay, Chair  
Susan Neugent  
Nicole Forman  
Christopher Bruce  
Thelma Grier

**Members Absent:**

Edwinett Murphy, Secretary

**Board Affiliates Present:**

Gene Chapman, Board Counsel  
Jennifer Johnson, Administrative Assistant  
Vic Hartman, Investigator

**Attendees who signed the attendance sheet:**

T. Phillips  
Judy T. Brownlee  
Pam Stephenson  
Andrew Cauthen  
Mike Cooper  
Joe Arrington  
Mark Niese  
Sherrie Washington  
Nadine Ali  
Jim Walls  
Shaheen Williams  
Dwight Thomas  
Sharon Barnes-Sutton

I. Call to order

Clara DeLay, Chair, called the meeting to order at 6:35 p.m.

II. Welcome

Clara DeLay welcomed attendees.

### III. Adoption of the Agenda

The agenda was reviewed. Christopher Bruce added item IX. Executive Session with Adjournment moved to item X. Gene Chapman indicated that a complaint from the Ethics Hotline needed to be added as item VII.A.9. Thelma Grier added an item for discussion of an annual audit under the Financial Report. Susan Neugent made a motion to adopt agenda with modifications. Thelma Grier seconded the motion. The motion passed unanimously with a vote of 5-0.

### IV. Review and Approve Meeting Minutes from August 13, 2015

The Minutes from the Board's meeting on August 13, 2015 were reviewed. One typographical error was noted. Susan Neugent made a motion to approve the minutes with the correction and Nicole Forman seconded the motion. The motion passed with a vote of 4-0-1. Thelma Grier abstained.

### V. Report – Financial Report

The Board reviewed the financial report reflecting the Board's expenditures in 2015 to date. The members noted that they wanted more detail in the report to include dates of the entries and more specificity to the entries. The approval of the financial report was tabled until more detail is provided.

Thelma Grier suggested that the Board should have an annual audit performed by a person or firm outside of the county government. She made a motion to have an annual audit performed prior to the next meeting of the Board and for Board members to submit their suggestions for an auditor to the Chair by September 30, 2015. Nicole Forman seconded the motion. Susan Neugent suggested that the Board should define the scope of the audit. Thelma Grier suggested an audit for January 2015 through the present date. The Board voted 5-0 in favor of the motion.

### VI. Unfinished Business

- A. 1. Preliminary hearing – Viola Davis and Joel Edwards complaint against Judy Brownlee. Ms. Davis and Mr. Edwards were not present for the hearing. Ms. Davis had requested a continuance until November. Ms. Brownlee was present and was represented by Sherrie Washington, her attorney. Mr. Hartman, the Board's investigator, was present. The Board discussed whether to grant Ms. Davis' request for a continuance. The Board voted 5-0 in favor of denying the request.

Vic Hartman presented his summary of the allegations against Ms. Brownlee, his findings from the investigation he had conducted, and the possible violations of the Code of Ethics. Ms. Washington cross-examined Mr. Hartman. Clara DeLay closed the presentation of information.

As to the first allegation (paid as a consultant while a County employee), Clara DeLay asked each member to vote as to whether the Board should dismiss the allegation in light

of Mr. Hartman's finding of no support for the allegation. The vote was 5-0 in favor of dismissing the allegation.

As to the second allegation (failure to maintain an official record, i.e., P-Card receipts), Clara DeLay asked each member to vote as to whether there was probable cause to believe Ms. Brownlee violated the Code of Ethics. The vote was 5-0 in favor of finding probable cause.

As to the third allegation (use of P-Card for non-County purpose in violation of law), Clara DeLay asked each member to vote as to whether there was probable cause to believe Ms. Brownlee violated the Code of Ethics. The vote was 5-0 in favor of finding probable cause.

As to the fourth allegation (on County time during a political fundraiser golf outing for Commissioner Sutton), Clara DeLay asked each member to vote as to whether there was probable cause to believe Ms. Brownlee violated the Code of Ethics, section 22A(c)(7). The vote was 4-0-1 in favor of finding probable cause. Nicole Forman abstained from the vote.

Mr. Hartman indicated that he could likely have the case ready to present at a final hearing within 60 days.

2. and 3. Preliminary hearing – Rhea Johnson complaint against Sharon Barnes-Sutton and Viola Davis and Joel Edwards complaint against Sharon Barnes-Sutton. Clara DeLay recused herself from participating in the matter. Mr. Johnson, Ms. Davis, and Mr. Edwards were not present for the hearing. Ms. Davis had requested a continuance until November. Ms. Barnes-Sutton was present and represented by Dwight Thomas, her attorney. Mr. Hartman, the Board's investigator, was present. The Board discussed whether to grant Ms. Davis' request for a continuance. The Board voted 4-0 in favor of denying the request. Mr. Thomas, on behalf of Ms. Barnes-Sutton, requested a continuance. After questions by the Board members, the Board voted 4-0 in favor of denying the request. At that point, Mr. Thomas waived the preliminary hearing and the Board indicated that it would set the hearing in early December if possible.

After discussion, Nicole Forman made a motion to combine the complaints of Viola Davis and Joel Edwards with that of Rhea Johnson into one proceeding for the purpose of the final hearing. Christopher Bruce seconded the motion. The motion passed with a vote of 4-0. The Board directed Gene Chapman to determine whether a hearing officer could be appointed to conduct the final hearings.

The Board recessed from 8:49 p.m. to 8:57 p.m. Clara DeLay called the meeting back into order.

## B. Status reports

Clara DeLay announced that the pending complaints are being investigated.

Request for advisory opinions. Clara DeLay announced that she had asked Gene Chapman to draft a proposed advisory opinion in response to Dr. Alexander's request. The Board reviewed the draft and noted the need for one grammatical change. Thelma Grier made a motion to adopt the advisory opinion with the one change. Christopher Bruce seconded the motion. The motion passed with a vote of 5-0.

VII. New business

A. New complaints. After presentation and recommendation by the Board's attorney, the Board took the following actions:

1. and 4. Jeff Rader by Barbara M. Lee and John Evans. Susan Neugent recused herself from the matter. Thelma Grier made a motion to dismiss the complaints for lack of subject matter jurisdiction. Nicole Forman seconded the motion. The Board voted 4-0 in favor of the motion.

2., 3., 5., and 6. Kathie Gannon and Nancy Jester by Barbara M. Lee and John Evans. Nicole Forman made a motion to dismiss the complaints for lack of subject matter jurisdiction. Thelma Grier seconded the motion. The Board voted 5-0 in favor of the motion.

7. Detective Gagnon by Shamika Durden. Thelma Grier made a motion to dismiss the complaint for lack of subject matter jurisdiction. Susan Neugent seconded the motion. The Board voted 5-0 in favor of the motion.

8. Kerry Moyers-Horton by Alton Robinson. Thelma Grier made a motion to dismiss the complaint for lack of subject matter jurisdiction. Nicole Forman seconded the motion. The Board voted 5-0 in favor of the motion.

9. Nancy Jester by an anonymous complaint to the DeKalb County Ethics Hotline. Thelma Grier made a motion to dismiss the complaint for improper procedure and lack of subject matter jurisdiction. Susan Neugent seconded the motion. The Board voted 3-2 in favor of the motion. Thelma Grier, Susan Neugent, and Christopher Bruce voted in favor and Clara DeLay and Nicole Forman voted against the motion. Clara DeLay stated that she thought that the Board should address the complaint which came from the hotline and the Board should address the issue and determine whether it is a conflict of interest for Commissioner Jester to support the initiatives for cityhood.

VIII. Board governance

A. Website. Nicole Forman stated that she would like to defer the matter to another meeting and that she would forward information to Board members regarding her research.

B. Discussion of pending complaints. The Board agreed to defer the matter to another meeting.

C. Discussion of revisions to Board procedures. The Board agreed to defer the matter to another meeting.

Thelma Grier made a motion to convene a meeting in October to discuss the items in Board governance. Nicole Forman seconded the motion. The motion passed with a vote of 5-0.

IX. Executive session. Christopher Bruce stated that he would like to defer the matter to the meeting in October.

X. Adjournment

Christopher Bruce made a motion to adjourn and Thelma Grier seconded the motion.  
The motion passed with a unanimous vote. The meeting was adjourned at 9:50 p.m.

Approved:

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Chair

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Date