



DeKalb County Board of Ethics
Thursday September 23, 2021
6:00 p.m.
Zoom meeting

Minutes

Members Present:

Lonnie Edwards, Sr. – Board Chair
David Moskowitz – Board Vice Chair
Eric Maurer
Rosa Darden Waymon
Candace Rogers
Nadine Ali

Alternate Members Present:

Michelle Long Spears
Candace Walker

Board Affiliates Present:

Stacey Kalberman, Ethics Officer
LaTonya Nix Wiley, Deputy Ethics Officer
Kristin Rodgers, Ethics Administrator
Gene Chapman, Board Counsel

County Technology Personnel Present:

John Matelski
2Host

Attendees

Commissioner Jeff Rader
Kathie Gannon
John Manson
LaDawn Richardson
404-783-7216
470-542-8064
Wes Jackson
Marcus Allen

Stephen Binney
Rhea Johnson
Shannon McGraw
Dennis Jackson

Agenda

I. Adoption of Agenda

Dr. Lonnie Edwards convened the meeting at 6:05pm. Motion was made by Nadine Ali to approve the September 23, 2021 Agenda, seconded by Rosa Darden Waymon. David Moskowitz had not yet joined the meeting. Ambreen Delawalla was absent from the meeting. Motion passed by 4-0 vote.

II. Approval of Minutes

A. July 15, 2021 Meeting (Tabled from August 19, 2021)

Motion was made by Rosa Darden Waymon to approve the Minutes of the July 15, 2021 meeting, seconded by Eric Mauer. David Moskowitz had not yet joined the meeting. Ambreen Delawalla was absent from the meeting. Motion passed by 4-0 vote.

B. August 19, 2021 Meeting

Motion was made by Nadine Ali to approve the August 19, 2021 meeting, seconded by Rosa Darden Waymon. David Moskowitz had not yet joined the meeting. Ambreen Delawalla was absent from the meeting. Motion passed by 4-0 vote.

III. Administrative Items

A. Supplemental Discussion Re: Role of Alternate Board Members

Deputy Ethics Officer LaTonya Wiley advised the Board that alternate member Michelle Long Spears had requested this matter to be placed on the Agenda. Wiley provided background information regarding the Board's previous discussion regarding the role of alternate board members during public meetings which culminated in the adoption of Rule 8 of the Board Rules. The Chairman then opened the floor to alternate Board member Michelle Long Spears. Ms. Spears suggested that the Board reconsider allowing alternates to participate during public meetings on matters other than ethics cases. Alternate Board member Candace Walker was recognized and made similar comments. The floor was opened for discussion. The Chairman stated the request would be taken under advisement.

B. Adoption of Emergency Resolution for Conducting Virtual Trials

Deputy Ethics Officer LaTonya Wiley presented an Emergency Resolution for conducting virtual trials due to the ongoing covid-19 crisis. The floor was opened for discussion.

Motion was made by Nadine Ali to approve the Emergency Resolution, seconded by Eric Maurer. David Moskowitz had not yet joined the meeting. Ambreen Delawalla was absent from the meeting. Motion passed by 4-0 vote

IV. Ethics Cases

A. Probable Cause Hearing

1. Robert Buckler v. Jeff Rader and Kathie Gannon [2017-24]

Board of Ethics Counsel Gene Chapman made the statement that Wes Jackson, counsel for Commissioners Rader and Gannon, has requested that Mr. Chapman recuse himself due to a conflict of interest; in that Mr. Chapman has a professional relationship with Mr. Buckler's attorney, Brian Daughdrill. Mr. Chapman provided a description of his relationship with Mr. Daughdrill's firm and does not believe there to be a conflict of interest, however Mr. Chapman recused himself from advising the Board of Ethics on this matter. Ethics Officer Stacey Kalberman provided background information on this case, and the definition of probable cause in relation to this case. Mrs. Kalberman provided a presentation which detailed the facts of this case. Board members Rosa Darden Waymon, David Moskowitz, Nadine Ali, asked questions. Eric Maurer made the statement that based upon a history of being present in the neighborhood at the time that this occurred and to avoid any impropriety, that he would recuse himself from discussion on this case. The floor was opened for a presentation by Wes Jackson, counsel for Jeff Rader and Kathie Gannon. Mrs. Kalberman made comments in response to Mr. Jackson's presentation.

Robert Buckler v. Jeff Rader:

Motion was made by David Moskowitz to accept there is probable cause to move forward with an evidentiary hearing on the following allegations individually against Commissioner Rader, seconded by Rosa Darden Waymon:

- There is probable cause to believe that the vote taken on December 8, 2015, by Commissioner Rader regarding the appeal of the COA granted by HPC to Buckler is a violation of section (c)(1) of the Ethics Code
- There is probable cause to believe that Commissioner Rader's failure to disclose to the other members of the Board of Commissioners and seek advice from the Board of Ethics as to the propriety of taking a vote on the appeal of the COA granted to Buckler is a violation of the section (d)(1) of the Ethics Code

Eric Maurer recused himself from discussion and vote on this case. Ambreen Delawalla was absent from the meeting. Motion carried by 4-0 vote.

Robert Buckler v. Kathie Gannon

Motion was made by Nadine Ali to accept there is probable cause to move forward with an evidentiary hearing on the following allegations individually against Commissioner Gannon, seconded by Candace Rodgers:

- There is probable cause to believe that the vote taken on December 8, 2015, by Commissioner Gannon, regarding the appeal of the COA granted by HPC to Buckler is a violation of section (e)(1) of the Ethics Code
- There is probable cause to believe that Commissioner Gannon's failure to disclose to the other members of the Board of Commissioners and seek advice from the Board of Ethics as to the propriety of taking a vote on the appeal of the COA granted to Buckler is a violation of the section (d)(1) of the Ethics Code

Eric Maurer recused himself from discussion and vote on this case. Ambreen Delawalla was absent from the meeting. Motion carried by 4-0 vote.

Dismissal Robert Buckler v. Jeff Rader:

Motion was made by David Moskowitz to dismiss all other claims in the complaint made by Robert Buckler individually against Jeff Rader because the claims are outside the two-year statute of limitations of the Ethics Code (Section k(C)), seconded by Candace Rodgers. Eric Maurer recused himself from discussion and vote on this case. Ambreen Delawalla was absent from the meeting. Motion carried by 4-0 vote.

Dismissal Robert Buckler v. Kathie Gannon:

Motion was made by David Moskowitz to dismiss all other claims in the complaint made by Robert Buckler individually against Kathie Gannon because the claims are outside the two-year statute of limitations of the Ethics Code (Section k(C)), seconded by Candace Rodgers. Eric Maurer recused himself from discussion and vote on this case. Ambreen Delawalla was absent from the meeting. Motion carried by 4-0 vote.

B. Request for Dismissal

1. Robert Buckler v. O.V. Brantley and John Jones [2017-24]

Ethics Officer Stacey Kalberman requested dismissal of this case, against both O.V. Brantley and John Jones

Motion was made by David Moskowitz to dismiss all claims in the complaint made by Robert Buckler against O.V. Brantley because the claims are outside the two-year statute of limitations of the Ethics Code (Section k(C)), seconded by Nadine Ali. Eric Maurer recused himself from discussion and vote on this case. Ambreen Delawalla was absent from the meeting. Motion carried by 4-0 vote.

Motion was made by Nadine Ali to dismiss all claims in the complaint made by

Robert Buckler against John Jones because the claims are outside the two-year statute of limitations of the Ethics Code (Section k(C)), seconded by David Moskowitz. Eric Maurer recused himself from discussion and vote on this case. Ambreen Delawalla was absent from the meeting. Motion carried by 4-0 vote.

V. Public Comment

Stephen Binney, 1083 Seville Dr. Clarkston, GA 30021 made comments to the Board

VI. Comments/Questions from Board Members

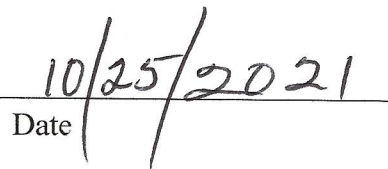
No comments were made by Board members

VII. Adjournment

Motion was made by David Moskowitz to adjourn the September 23, 2021 Board of Ethics meeting at 8:12 p.m., seconded by Rosa Darden Waymon. Motion carried by 6-0 vote. Ambreen Delawalla was absent from the meeting

Approved:


Chair


Date