

DeKalb County Board of Ethics

Thursday, August 25, 2016

3:00 p.m.

Trustee Room, Turner Lynch Campus Center

Oglethorpe University

4484 Peachtree Road NE

Atlanta, GA 30319

Minutes

Members Present:

Greg Russell
Lawrence Schall
Robert Tatum
Dan DeWoskin
Shermanetta Carter
Scott Bonder
Brian Deutsch

Board Affiliates Present:

Stacey Kalberman, Ethics Officer
Gene Chapman, Board Counsel

Attendees:

Mark Niese
Stephen Binney
Joe Arrington
Becky Arrington
Davis Fox
Viola Davis
Terry Phillips
Shaheen Williams

I. Call to order

Lawrence Schall called the meeting to order at 3:01 p.m.

II. Welcome

Lawrence Schall welcomed attendees.

III. Adoption of the Agenda

The members reviewed the agenda. Scott Bonder made a motion to adopt the agenda and Dan DeWoskin seconded the motion. The motion passed unanimously with a vote of 7-0.

IV. Review and Approve Meeting Minutes from June 30, 2016

The members reviewed the minutes from the meeting held on June 30, 2016. Robert Tatum made a motion to approve the minutes and Scott Bonder seconded the motion. The motion passed unanimously with a vote of 7-0.

V. Unfinished Business

A. Reports

7. Complaint against Stan Watson. Stacey Kalberman reported that the investigation of the complaint against Stan Watson is progressing. Ms. Kalberman anticipates that she will amend the complaint based on information the investigator and she are gathering.

6. Complaint against Vaughn Irons. Ms. Kalberman reported that Mr. Greg Jones is investigating this complaint. The case may be ready for hearing at the next meeting.

5. Complaint against Nina Hall. Ms. Kalberman reported that she is waiting to receive the transcript of the grand jury testimony to gather pertinent evidence.

4. Complaint against Kelvin Walton. Ms. Kalberman stated that Mr. Walton is cooperating to an extent. She will report progress at the next meeting.

1, 2, 3, and 8. The complaints against Burrell Ellis and Sharon Barnes Sutton are tabled.

VI. New Business

1. Rhea Johnson against the Ethics Officer and the Board of Ethics. Gene Chapman advised that O.C.G.A. § 50-18-73 provides that jurisdiction of a complaint for violation of the Open Records Act lies with the Superior Court. To pursue a complaint for violation of the ORA, an individual or the Attorney General for the State of Georgia must file a complaint in Superior Court. Therefore, the Board does not have jurisdiction for this complaint that alleges the Ethics Officer and the Board violated the ORA. The Board noted that the transcript Mr. Johnson is seeking is available for purchase from the court reporter. Dan DeWoskin made a motion to dismiss the complaint for lack of jurisdiction and Shermanetta Carter seconded the motion. The motion passed with a vote of 7-0.

2. Discussion regarding use of County resources and political campaigns. Ms. Kalberman presented a memorandum with her research regarding restrictions on public officials using county resources for political campaigns. After discussion, the Board asked Ms. Kalberman to draft an advisory opinion for the Board's consideration. The Board directed that the opinion should specify ninety days before an election day as the time period to restrict an official from utilizing county resources and that any communication should refrain from denigrating an opponent. Once the Board approves the advisory opinion, it will forward the opinion to the Board of Commissioners and ask the Board of Commissioners to consider making it an official policy of the county.

3. Hotline complaints. Ms. Kalberman reported that she and Cornelia Lewis are working together to separate hotline complaints into those complaining of HR issues and ethics issues. Once categorized, Ms. Kalberman investigates the allegations to determine whether to bring an ethics complaint to the Board in her capacity as Ethics Officer.
4. Update on lawsuit. The Board noted that the suit against the Board is on the court's calendar call docket for August 30 and a hearing on the motion to dismiss is scheduled for October 19.

VII. Administrative

1. Review of new website. Ms. Kalberman reported on the progress of website content. Board members requested that the website provide a box for people to fill in content and send to a general email address rather than providing individual email addresses. This will ensure that emails are regularly monitored and the Board will avoid an inadvertent failure to respond to an open records request.
2. Budget update. Ms. Kalberman reported on the budget. The Board asked that the report be made a part of each meeting.

Dr. Schall reported that the presidents of the six universities and institutions of higher learning in DeKalb County had appointed someone to succeed his seat for the term beginning in January 2017. Brian Deutsch plans to speak with the Chief Judge of Probate Court to discuss a new appointee.

Ms. Kalberman reported on her efforts to update the county's guidelines for gifts to officials and employees.

3. Public comment. Stephen Binney and Davis Fox made comments to the Board.

Ms. Kalberman reported that she is enjoying success and receiving good responses in her educational classes with numerous departments of county employees.

VIII. Adjournment

Scott Bonder made a motion to adjourn and Dan DeWoskin seconded the motion. The motion passed with a vote of 7-0 and the meeting adjourned at 4:18 p.m.

Approved:

Chair

9/22/16

Date