

DeKalb County Board of Ethics

Thursday, April 20, 2017

4:00 p.m.

Emory Center for Ethics, Room 162

1531 Dickey Drive

Atlanta, Georgia 30322

Minutes

Members Present:

Robert Tatum

Dan DeWoskin

Edward Queen

Brian Deutsch

Members Absent:

Shermanetta Carter

Board Affiliates Present:

Stacey Kalberman, Ethics Officer

LaTonya Nix Wiley, Deputy Ethics Officer

Gene Chapman, Board Counsel

Suzanne Amato, Administrative Assistant

Attendees:

Mark Niesse

Stephen Binney

Terry Phillips

Shaheen Williams

John Greene

Rhea Johnson, Jr.

Patricia Killingsworth

Marcus Garner

Jay Vinicki

Vernon Jones

I. **Call to order**

Dan DeWoskin called the meeting to order at 4:20 p.m.

II. **Welcome and Introductions**

Dan DeWoskin welcomed attendees and introduced LaTonya Nix Wiley, who is the new Deputy Ethics Officer.

III. Adoption of the Agenda

The members reviewed the agenda. Edward Queen made a motion to adopt the agenda and Robert Tatum seconded the motion. The motion passed unanimously with a vote of 4-0.

IV. Review and Approve Meeting Minutes from March 16, 2017

The members reviewed the minutes from the meeting held on March 16, 2017. Brian Deutsch made a motion to approve the minutes and Robert Tatum seconded the motion. The motion passed unanimously with a vote of 4-0.

V. Unfinished Business

A. Reports

1. Stacey Kalberman reported that her office is investigating the complaint on the agenda except for those the court has precluded from further investigation.

VI. New Business

1. Vernon Jones against Stacey Kalberman. Stacey Kalberman recused herself. Mr. Marcus Garner, Communications Director for the DeKalb County Solicitor's Office informed the Board that the Solicitor would be issuing an advisory opinion regarding this matter. Gene Chapman indicated that he had spoken with the Solicitor and she declared that this matter is a very high priority for her office.

2. Rhea Johnson against Burrell Ellis. Ms. Kalberman reported that she reviewed the complaint and did not find that it alleged conduct which could be a violation of the Code of Ethics, so she recommended dismissal for lack of jurisdiction. Brian Deutsch made a motion to dismiss the complaint and Robert Tatum seconded the motion. The motion failed with a vote of 3-0-1. Edward Queen abstained. The complaint will be on the agenda for the next meeting.

3. Rhea Johnson against John Matelski, Barry Puckett, and Brad Bowen. Ms. Kalberman reported that she reviewed the complaint and did not find that it alleged conduct which could be a violation of the Code of Ethics, so she recommended dismissal for lack of jurisdiction. Robert Tatum made a motion to dismiss the complaint and Edward Queen seconded the motion. The motion passed with a vote of 4-0.

4. Rhea Johnson against Stacey Kalberman and Dan DeWoskin. Stacey Kalberman and Dan DeWoskin recused themselves. Gene Chapman suggested moving the item to the next agenda since a quorum is lacking and the Board cannot take any action on the complaint. The Board agreed with the suggestion and directed Mr. Chapman to send the complaint to the Solicitor's Office to seek advice on how to proceed.

5. Amos King against Stacey Kalberman and the Board of Ethics. Stacey Kalberman and members of the Board recused themselves. This matter was moved to the next agenda and the Board directed Mr. Chapman to send the complaint to the Solicitor's Office to seek advice on how to proceed.

6. Calvin Thompson against unknown police officer. Stacey Kalberman stated that the complaint does not allege conduct which is a violation of the Code of Ethics and the matter is more appropriate for the internal investigation unit with the police department. The members noted that they did not want to prejudge the matter, so it directed Ms. Kalberman to refer the complaint to the police department for an internal investigation but hold the matter open in her office for further consideration after the internal investigation is complete.

7 and 8. Rhea Johnson against Kelly Cato and Kathy Gannon. Mr. Johnson stated that he intends to supplement his complaints with documents so he asked the Board to delay consideration of the complaints until the next meeting. Ms. Kalberman informed the Board that she asked Jay Vinicki, Director of Office, Management, and Budget for the county, to come to the meeting to provide the Board with information regarding procedures for handling requests for funds, procedure for handling requests, and procedures for identifying disbursements. Mr. Vinicki was delayed in arriving by traffic so the Board delayed consideration of the complaints to hear Mr. Vinicki's remarks.

9. Discussion of notice provision in 22A(i)(3)(G). Ms. Kalberman sought the Board's input into interpreting the notice provision in the Code of Ethics as it pertains to information gathered from calls to the Ethics Hotline. The Board members discussed the idea that to achieve consistency of interpretation and intent, any notice as required by the Open Records Act should be provided to the subject of a call to the Ethics Hotline at the time a report is made to the Board and the report is generated after an investigation.

VII. Administrative

1. Expense approval. Stacey Kalberman informed the Board that Leadership DeKalb had invited her to participate and asked the Board for approval of the expense associated with the application and participation. Dan DeWoskin recused himself from the discussion since his seat is appointed by Leadership DeKalb. Robert Tatum asked whether other departments of the county government pay county funds for participation. Ms. Kalberman stated that she would ask for this information and provide it to the Board. The Board asked for the item to be placed on the agenda for the next meeting due to a lack of a quorum for taking any action.

The Board took a recess at 5:05 p.m. and resumed the meeting at 5:10 p.m.

The Chair brought Rhea Johnson's complaints against Kelly Cato and Kathy Gannon. The Chair recognized Jay Vinicki. Mr. Vinicki shared information about his office procedures regarding receiving requests for funds from county departments, assigning these requisitions for funds to assistants in his office, and the entering of codes for the cost centers. He discussed the principle of "legal level of control" as it applies to handling government funds. After members asked questions, the Chair directed that these items should be placed on the agenda for the next meeting per Mr. Johnson's request.

2. Public comment.

VIII. Adjournment

Brian Deutsch made a motion to adjourn and Robert Tatum seconded the motion. The motion passed with a vote of 4-0 and the meeting adjourned at 5:30 p.m.

Approved:



Chair

8/1/17

Date