

## MINUTES

### DeKalb County Board of Ethics

February 25, 2009

**MEMBERS PRESENT:** Teri Thompson, *Chair*  
Bryan Smith, *Vice Chair*  
Honorable Patricia Killingsworth  
Stanley Baum  
Aubrey Villines  
Veronica Higgs Cope, *Secretary*

**OTHERS PRESENT:** Gerald Bryant, member Board of Tax Assessors  
Stephen Irving, Counsel to the Board of Ethics  
Henry Rosenthal, office of CEO  
Revonda Campbell, Property Appraisal  
Dr. Michael Bell, Finance Department  
Richard Belcher, WSB-TV  
Dave Darlins, WSB-TV  
Vivian R. Ingersoll, Board of Tax Assessors  
Robert A. Burroughs, Chair of Board of Tax Assessors  
Kathie Gannon, Board of Commissioners

### CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order at approximately 7:05 p.m. The agenda was adopted. The minutes from the meeting of February 11, 2009, were unable for approval.

### OLD BUSINESS

#### *Request for Information from CEO-Burrell Ellis*

Chair Teri Thompson advised the Board that she had responded to the CEO's latest request for information regarding the BOE. She advised him that the BOE is in dire need of new members. Seven (7) board members are required and currently there are only two (2) members whose terms have not expired. The board has had six (6) members for almost four (4) years since the resignation of Jule Lassiter. Currently, the BOE has only two (2) members whose terms have not expired.

Mr. Haynes from CEO Ellis' office has requested information regarding the dates of appointment of each BOE member so that the issue regarding lack of members may be addressed. Thompson will provide this information to Mr. Haynes.

**Dr. Eugene Walker**

Dr. Eugene Walker, the chair of the DeKalb Development Authority was recently elected to the DeKalb County Board of Education. Morris Williams, III, Chief of Staff of the BOC requested an advisory opinion as to whether the reappointment of Walker to the Development Authority would present an ethical conflict. Aubrey Villines reported that he determined that such reappointment did not appear to be an actual conflict of interest under the Code of Ethics. Villines noted that the existence of a conflict would depend upon whether Walker was a director or the Authority or a member of the Authority. Villines indicated that the County Attorney's office had determined that Walker could legally serve on the Authority and on the Board of Education. Villines agreed to draft a letter to the BOC and/or County Attorney for some insight into the issue of whether Walker is a member or a director of the Development Authority. The Board agreed to revisit this matter at the next regularly scheduled meeting on May 13, 2009.

**Gerald Bryant (Informal Hearing)**

The Board held an informal hearing to investigate the issue of whether Gerald Bryant failed to submit documentation regarding sources of income in violation of Section 20-20.1 of the DeKalb County Code of Ordinances and whether or not such violation resulted in a violation of the DeKalb County Board of Ethics.

Bryant indicated that he did submit the required documentation regarding sources of income to Revonda Campbell at the meeting of the Board of Tax Assessors (BTA) in April 2008. Bryant stated that for the five (5) years that he has served on the BTA the accepted course of conduct has been to submit the disclosure form to Revonda Campbell at the Board Meeting in April. He indicated that he and other members of the Board were generally late in turning in their forms. Ms. Campbell would call and remind them to submit the form by April 30. Bryant stated that although he did submit the form in April 2008, he does not have a copy of the form submitted.

Bryant advised the BOE that he had resubmitted the form for 2008 and had submitted the disclosure form for 2009 and provided copies of his submissions. Bryant stated that he first became aware of the referral of the matter to the BOE two (2) BTA meetings prior to the date of the BOE's informal hearing. Richard Belcher of WSB-TV had inquired about the referral after learning of the referral while preparing for a story on an issue pertaining to the BTA and the alleged undervaluation of commercial properties.

Revonda Campbell, Recording Secretary for the BTA, indicated that she did not recall receiving the disclosure form from Mr. Bryant in 2008. She did receive a disclosure form in 2007. In fact, Campbell stated that none of the BTA members had submitted the form as of April 25, 2008. She had sent correspondence to each of the BTA members on that date reminding them to submit their forms. They were to submit their forms directly to Joel Gottlieb in the Finance Department to ensure timely filing. Ultimately each of the members, with the exception of Bryant, sent in the form prior to

the close of business on April 30, 2008. Campbell stated that each year the BTA members wait until the last minute to submit their forms.

Dr. Michael Bell indicated that he sends out hundreds of disclosure forms each year and most people would return them before the due date. Bell stated that according to the law, if an individual does not file the requisite financial disclosure form, he would take the matter to the BOC to have it placed on the BOC's agenda. The matter was placed on the May 13, 2008, which was the next regularly scheduled meeting after the April 30, 2008, deadline for the form. Bell indicated that the BOC accepted the Bryant matter as an agenda item. Bell stated that he then forwarded the complaint to the BOE in June 2008. Bell stated that Mr. Stump had advised him that Bryant had refused to complete the form. Bell indicated that this was the first complaint regarding failure to complete the disclosure form in ten (10) years.

Commissioner Kathie Gannon stated that in the five (5) years that she has served on the Commission, this is the first complaint regarding failure to complete a financial disclosure form.

Richard Belcher would not disclose how he obtained the BOC's referral to the BOE. Bryant stated that 2009 marked his sixth year serving on the BTA and that he has filled out this form every year. He feels that this complaint was brought against him due to his candidacy for the Chief Appraiser's position and requested a full investigation of the matter. He said that he did not get along with Mr. Stump and believed that the complaint is due to his candidacy for the position of Chief Appraiser.

When asked whether or not he received the email correspondence from Campbell, Bryant stated that he does not recall the emails, but noted that he had switched his email service from Bellsouth to Comcast. He does not recall when he made this switch.

After hearing from all parties present with information regarding this issue, the BOE first addressed the issue of whether it has jurisdiction over this matter. The BOE determined that it has jurisdiction over this matter pursuant to Section 22 (c) (7) and (d). The Board voted to schedule a full hearing with regard to Bryant's failure to file sources of income pursuant to DeKalb County Ordinance 20-20.1 to determine if such conduct amounts to a violation of the Code of Ethics. A full hearing of the matter was scheduled for April 14, 2009, at 6:30 p.m.

#### **Fred Wooten v. Ed McBrayer**

Fred Wooten had previously requested an advisory opinion as to whether or not an ethical conflict was created by virtue of Ed McBrayer being the Treasurer of the Development Authority and the Executive Director of PATH which develops walking and biking trails. Wooten suggested that a conflict exists because the Development Authority makes recommendations to the BOC with in turn votes on PATH projects. Judge Patricia Killingsworth reported that she believes that a conflict exists. Killingsworth indicated that there was an agreement between the County and PATH for

the construction of multi-use trails. A lawsuit was filed in which the court found that the contract between PATH and DeKalb County was not legitimate because the projects were not opened to other contractors for bidding. The BOE determined that it has jurisdiction over this issue since the Development Authority is a governing authority as defined in the Code of Ethics. Killingsworth noted that McBrayer's position as an officer of the Development Authority and the Executive Director of PATH creates the appearance of impropriety if nothing more. The Board moved to further investigate this matter.

### **ANNOUNCEMENTS**

A special meeting of the Board of Ethics will take place on April 14, 2009, at 6:30 p.m. for a formal hearing on the Gerald Bryant matter.

There being no further discussion, the meeting was adjourned at approximately 8:10 p.m.

Respectfully submitted,

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Veronica Higgs Cope, Secretary  
DeKalb County Board of Ethics