

DeKalb County Board of Ethics

Wednesday, May 25, 2016

3:00 p.m.

A LAB Exchange Room, Turner Lynch Campus Center

Oglethorpe University

4484 Peachtree Road NE

Atlanta, GA 30319

Minutes

Members Present:

Scott Bonder
Brian Deutsch
Lawrence Schall
Robert Tatum
Dan DeWoskin

Members Absent:

Greg Russell
Shermanetta Carter

Board Affiliates Present:

Stacey Kalberman, Ethics Officer
Gene Chapman, Board Counsel
Vic Hartman, Investigator

Attendees:

Travis Tarpen
Mark Niese
Karen Bain
Joel Edwards
Viola Davis
Dr. C. Thrasher
Stephen Binney
Terry Phillips
Shaheen Williams
Rhea Johnson
Cornelia Louis
Wayne A. Williams

I. Call to order

Lawrence Schall called the meeting to order at 3:05 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 Robert Tatum seconded the motion. The motion passed unanimously with a vote of 5-0.

IV. Review and Approve Meeting Minutes from April 21, 2016

The members reviewed the minutes from the meeting held on April 21, 2016. Brian Deutsch made a motion to approve the minutes and Dan DeWoskin seconded the motion. The motion passed unanimously with a vote of 5-0.

V. Unfinished Business

A. Reports

Stacey Kalberman reported on the status of pending matters. Regarding the complaint of Stanley Siegel against Billy Malone and Jim Walsh, Ms. Kalberman presented a summary of the allegations and reported that the complainant had withdrawn the complaint. The Board noted that it will evaluate such dismissals on a case by case basis to determine whether it will allow dismissal by the complainant.

Regarding the complaint against Commissioner Sutton and the lawsuit against the Board, Darren Summerville, the Board's litigation counsel, reported on the status of the litigation.

B. Enforcement Hearing against Judy Brownlee.

Although Ms. Brownlee received proper notice of the hearing, she did not attend. Stacey Kalberman reported that Ms. Brownlee's attorney withdrew from representing her the previous day. Ms. Kalberman received an email from Ms. Brownlee on the day of the hearing with statements in her defense. Ms. Kalberman presented the case against Ms. Brownlee by offering testimony from Ms. Cornelia Louis, Mr. Wayne A. Williams, and Mr. Vic Hartman.

The Board made the following findings of fact:

Scott Bonder made a motion to find that Ms. Brownlee failed to maintain receipts and records thereby violating Code of Ethics §22A(c)(7). Dan DeWoskin seconded the motion. The motion passed with a vote of 5-0.

Scott Bonder made a motion to find that Ms. Brownlee purchased gift cards with county funds and used them for her personal benefit thereby violating Code of Ethics §22A(c)(7). Dan DeWoskin seconded the motion. The motion passed with a vote of 5-0.

Scott Bonder made a motion to find that Ms. Brownlee attended a campaign function for Commissioner Sutton while on county time thereby violating Code of Ethics §22A(c)(7). Dan DeWoskin seconded the motion. The motion passed with a vote of 5-0.

The Board made the following rulings regarding sanctions:

Scott Bonder made a motion to assess an administrative sanction in the amount of \$300 per violation and issue a public reprimand. Mr. Bonder allowed a friendly amendment to his motion by Robert Tatum to assess an administrative sanction in the amount of \$250 per violation. There was no second. The motion failed. Lawrence Schall made a motion to assess an administrative sanction in the total amount of \$1,000.00. Dan DeWoskin seconded the motion and the motion passed with a vote of 5-0. Lawrence Schall made a motion to issue a public reprimand and Robert Tatum seconded the motion. The motion passed with a vote of 5-0.

VI. Executive Session

Robert Tatum made a motion to move into executive session for the purpose of discussing litigation against the Board. Scott Bonder seconded the motion and the motion passed with a vote of 5-0. The general meeting of the Board recessed at 4:48 p.m.

At 5:05 p.m., Dan DeWoskin made a motion to come out of executive session and Brian Deutsch seconded the motion. The motion passed with a vote of 4-0. Robert Tatum was out of the room at the time of the vote and rejoined the meeting after the vote.

VII. New Business

- A. Complaint of Jerry Jackson against Michelle Waldorf. Ms. Kalberman presented the allegations of Jerry Jackson in his complaint against Michelle Waldorf. Robert Tatum made a motion to dismiss the complaint for lack of jurisdiction and Scott Bonder seconded the motion. The motion passed with a vote of 5-0.
- B. Request for Advisory Opinion from Commissioner Jeff Rader. Ms. Kalberman presented the request from Commissioner Rader for an advisory opinion regarding a potential conflict of interest regarding his work as a city planner and his position as a County Commissioner. After reviewing the facts as presented in Commissioner Rader's request and Ms. Kalberman's draft advisory opinion stating no conflict existed, Brian Deutsch made a motion to approve the advisory opinion. Robert Tatum seconded the motion. Mr. Deutsch allowed a friendly amendment from Scott Bonder to narrowly tailor the language of the opinion to limit the opinion to the specific facts Mr. Rader presented. Dan DeWoskin seconded the motion. The motion passed with a vote of 5-0.

VIII. Administrative matters

- A. Update on Website. Stacey Kalberman stated that she obtained three quotes from vendors to design and construct the Board's independent website. She has chosen a vendor and she will begin working with the vendor next week.
- B. Ethics Hotline. Ms. Kalberman informed the Board that she has taken over administration of the County's ethics hotline. She is coordinating with Ms. Cornelia Louis, who

previously administered the hotline on her own, to divide the calls according to subject matter since some calls are ethics calls and others are unrelated to ethics issues.

- C. E&O Insurance for the Board. Ms. Kalberman has obtained a quote from a broker for E&O insurance for the members of the Board. She will update the members as she gets more details.
- D. Pledges for Employees, Volunteers, and Officials. Ms. Kalberman reported that the CEO's office supports the use of an ethics pledge for new and current employees. Ms. Kalberman wants to require each official, officer, employee, and appointee of the County to sign a pledge to abide by the Code of Ethics after first going through an education module and then annually thereafter. After discussion, Lawrence Schall directed Ms. Kalberman to suggest that the CEO implement the pledge by requiring all new employees to sign the pledge and requiring all current employees to sign the pledge after undergoing an education module.
- E. Contractor Disclosure Form. Ms. Kalberman related that she has discussed the issue of contractor disclosures with Zach Williams, the county COO. Mr. Williams stated that he would like to require all contractors and vendors to report on a quarterly basis to disclose all gifts made to a county official or employee and he would like for the disclosures to be available on the Board's website. After discussion, Scott Bonder made a motion to approve this recommendation, require disclosure of all gifts, and limit the amount of any gift to no more than \$40.00 with an annual aggregate limit of no more than \$120.00 with all information included on the Board's website. Dan DeWoskin seconded the motion. The motion passed with a vote of 5-0.
- F. Education initiatives. Ms. Kalberman is continuing to work on establishing these initiatives and will update the Board with progress reports.

IX. Public comment

The Chair opened the floor to attendees for public comment. Steve Binney and Rhea Johnson made comments to the Board.

X. Adjournment

Robert Tatum made a motion to adjourn and Scott Bonder seconded the motion. The motion passed with a vote of 5-0 and meeting adjourned at 5:54 p.m.

Approved: _____

Chair

6/30/16

Date