

DeKalb County Board of Ethics

Location: Conference Room A, Clark Harrison Building

Date of Meeting: 6/24/2014 Time of Meeting: 6:30pm

Minutes

Members Present:

John Ernst, Chair
Edwinett Murphy, Secretary
Clara DeLay
Susan Neugent
Thelma Grier
Bobbie Sanford
Robert Blackman

Board Affiliates:

Gene Chapman, Board Counsel
Trumondia Williams, Staff Support

Attendees:

Thomas Owens
Clenty Hinton
Christine Dennis
Robert Dennis
Debra Jennings
DK Jennings
Mardene Taylor (sp)
Sandra Harris
M. J.
J. Clanton
A. Patrick
Kenneth Banks
Vivian Moore
Edmond Richardson
Felicia Weinart
Libby Roquemooore
Lula Graves
Viola Davis
Davis Fox
Charles
Nadine Ali
Chas
Paula Tate
Amy Brown
Carrie Briscoe

Attendees cont.:

Cedric Means
James
Steve Apolinsky
Bob Howard
Jeff Rader
Calvin Sims
Edwina Clanton
J. W. Eady
Roseta McClain
Joel Edward
Robert
Gale Walldorff
Cedric Alexander
Ryan Splitlog
Terry Phillips
Joel Gottlieb
John Evans
Jon Golden
Shaheem Williams
Kelly McManaman
Andrew Cauthen

I. Call to Order

The meeting was called to order at 6:34pm by John Ernst, Chair.

II. Welcome and Introductions

III. Adoption of the Agenda

The Agenda was reviewed. John Ernst entertained a motion to approve the agenda **with revisions**. The revisions were to add (f) to Old Business Status report and (b) to Old Business Hearing. Susan Neugent moved for approval and the motion was seconded by Clara DeLay. John Ernst called for a vote. Only five members were present at the time to vote, and all five were in favor to approve the agenda **with revisions**.

IV. Review and Approve Meeting Minutes from May 8, 2014

The Minutes from May 8, 2014 were reviewed. John Ernst entertained a motion to approve the minutes. Susan Neugent moved for approval and the motion was seconded by Bobbie Sanford. John Ernst called for a vote. The five members present voted and all five were in favor to approve the Meeting Minutes from May 8, 2014.

V. New Business – To Decide on Jurisdiction and Case Management

- a) Rhea Johnson v. Commissioner Larry Johnson: Susan Nugent moved to accept personal jurisdiction and subject matter jurisdiction for this complaint and to further investigate; and the motion was seconded by Thelma Grier. John Ernst called for a vote. Bobbie Sanford, Thelma Grier, Susan

Neugent, Edwinett Murphy, and John Ernst voted to approve. Robert Blackman and Clara DeLay abstained from voting. The motion passed with five votes.

- b) Rhea Johnson v. Commissioner Sharon Barnes-Sutton: Susan Neugent moved to accept personal jurisdiction and subject matter jurisdiction for this complaint and to further investigate; the motion was seconded by Edwinett Murphy. John Ernst called for a vote. Bobbie Sanford, Thelma Grier, Susan Neugent, Edwinett Murphy, Robert Blackman, and John Ernst voted to approve. Clara DeLay abstained from voting. The motion passed with six votes.
- c) Viola Davis v. Commissioner Sharon Barnes-Sutton: Thelma Grier moved to accept personal jurisdiction and subject matter jurisdiction for this complaint and to further investigate; the motion was seconded by Robert Blackman. John Ernst called for a vote. Bobbie Sanford, Thelma Grier, Susan Neugent, Edwinett Murphy, Robert Blackman, and John Ernst voted to approve. Clara DeLay abstained from voting. The motion passed with six votes.
- d) Viola Davis v. Judy Brownlee: Susan Neugent moved to accept personal jurisdiction and subject matter jurisdiction for this complaint and to further investigate; the motion was seconded by Thelma Grier. John Ernst called for a vote. All seven members voted in approval. The motion passed unanimously.
- e) Schanavie Taylor v. Derrick Andrews-Wright and Raja Andrews: Thelma Grier moved to dismiss the complaint because the Board does not have jurisdiction over the Court; the motion was seconded by Bobbie Sanford. John Ernst called for a vote. All seven members voted in approval of dismissal. The motion passed unanimously.
- f) Robert Ballou v. CEO's Office: Edwinett Murphy moved to dismiss the case and due to insufficient information on subject matter and for Mr. Ballou to resubmit with sufficient information against the CEO's Office; the motion was seconded by Robert Blackman. John Ernst called for a vote. All seven members voted, and the motion passed unanimously.

VI. Old Business – Status Reports

- a) Viola Davis against Kelvin Walton (Director & Chief Procurement Officer): Robert Blackman moved to table this complaint to gather more information; Bobbie Sanford seconded the motion but amended it to table until after the trial; Thelma Grier seconded the motion, but Susan Neugent amended the motion to not wait until after the trial, but to table until the Board can receive a certified copy of the full Grand Jury Testimony from Mr. Walton. Clara DeLay seconded the motion. John Ernst called for a vote. All seven members voted and the vote passed unanimously in favor of the amended motion.
- b) Viola Davis against Nina Hall (Project Manager Watershed Management): Robert Blackman moved to table this complaint until the Board can receive a certified copy of the full Grand Jury Testimony from Ms. Hall; and the motion was seconded by Susan Neugent. John Ernst called for a vote. All seven members voted and the vote passed unanimously in favor of the amended motion.
- c) Thomas Mitchell Owens, et al. against Bob Lundsten (Executive Assistant): Victor Hartman of the Hartman Firm is conducting a preliminary investigation and will be ready to report to the Board at its next meeting. Robert Blackman moved to table this complaint until the next meeting; the motion was seconded by Thelma Grier. John Ernst called for a vote; all seven members voted in approval of the motion. The motion passed unanimously.
- d) Thomas Mitchell Owens, et al. against Commissioner Elaine Boyer: Victor Hartman of the Hartman Firm is conducting a preliminary investigation and will be ready to report to the Board at its next meeting. Robert Blackman moved to table this complaint until the next meeting; the motion was

seconded by Thelma Grier. John Ernst called for a vote; all seven members voted in approval of the motion. The motion passed unanimously.

- e) Rhea Johnson against Burrell Ellis, Jr.: Gene Chapman reported receiving a response from Mr. Ellis' attorney on April 22, 2014 which the Clerk filed on June 9, 2014. Mr. Ellis responds that the Board should dismiss the complaint for lack of jurisdiction, investigation of the complaint would violate Mr. Ellis' federal constitutional rights regarding the Fifth Amendment, violations alleged are unconstitutionally vague, and the allegations fail to state a cognizable chain. No investigator has been appointed to the complaint as of yet. Susan Neugent moved to table until after the trial; the motion was seconded by Bobbie Sanford. John Ernst called for a vote. Edwinett Murphy, Susan Neugent, Thelma Grier, Bobbie Sanford and Robert Blackman all voted in favor of the motion. Clara DeLay and John Ernst voted against the motion. The motion passed five votes to two.
- f) Rhea Johnson against Interim CEO Lee May and Morris Williams: Gene Chapman reported that is complaint has been pending since March 12, 2014. Mr. Chapman stated in his opinion that the activity is outside the scope of the Ethics Code and does not invoke the Board's jurisdiction. Clara DeLay moved to dismiss the complaint; the motion was seconded by Robert Blackman. John Ernst called for a vote; all seven members voted to dismiss. The vote passed unanimously.

VII. Old Business – Hearing

- a) Cedric L. Alexander, Advisory Opinion Request: The discussion among the Board was to get the CEO, BOC and HR to provide a broader guideline to Dr. Alexander and other employees' information about receiving gifts and accepting honorariums when not acting in a DeKalb County employee capacity. There is no clarity as to what the potential violation could be per the Code of Ethics. Susan Neugent moved to have Gene Chapman respond to Dr. Alexander's Advisory Opinion; and also contact Human Resources Department regarding guidelines for accepting gifts and honorariums. The motion was seconded by Robert Blackman. John Ernst called for a vote, all seven members voted in favor. The vote was passed unanimously.
- b) Morris Williams, Advisory Opinion Request: This opinion as requested May 8, 2012; however, Mr. Chapman received June 6, 2014 from the Clerk's Office. Mr. Williams requests the Board to opine regarding the propriety of current government contractors or vendors sponsoring meals before or after Commission meetings. Clara Delay moved to discuss this opinion anew per Code of Ethics, and the motion was seconded by Susan Neugent. John Ernst called for a vote. Clara DeLay, John Ernst, Edwinett Murphy, Susan Neugent, Bobbie Sanford and Robert Blackman voted in favor; while Thelma Grier abstained. The motion passed with six votes. Edwinett Murphy moved that vendor sponsored meals create the appearance of impropriety and Gene Chapman should respond to the Advisory Opinion as so. The motion was seconded by Susan Neugent. John Ernst called for a vote. Edwinett Murphy, Susan Neugent, Bobbie Sanford, Robert Blackman, and John Ernst voted in favor; while, Thelma Grier and Clara DeLay abstained. The motion passed with five votes.

VIII. Old Business – Preliminary Hearing

- a) Brent Nieman/Mary Slaughter against Susan Apolinsky (DeKalb Historic Commission): This complaint has been pending since December 1, 2010 regarding the property at 563 Ponce de Leon Manor. The Complainants believe that Susan Apolinsky was in violation of the Code of Ethics by not disclosing that she lives a few houses down from the property to be purchased. Mr. Apolinsky is husband and attorney for Susan Apolinsky. He stated that the Board does not have jurisdiction; Ms. Apolinsky did not have a conflict of interest and she did not violate the Historic Preservation Commission's By-Laws; i.e. she had no duty to disclose her interest in or residency on Ponce de

Leon Manor. Clara DeLay moved that there was conflict; the motion was seconded by Thelma Grier. John Ernst called for a vote. Clara DeLay and Thelma Grier voted in favor of the motion. Edwinett Murphy, Bobbie Sanford, and John Ernst voted against the motion. Susan Neugent and Robert Blackman abstained. The motion did not pass.

- b) Tree Creek Condominium Association against Burrell Ellis (CEO), Joel Gottlieb (former Director of Finance), and Dr. Francis T. Kung'U (former Director of Watershed Management): This complaint has been pending since September 18, 2012. Thelma Grier moved to dismiss Dr. Francis T. Kung'U from the complaint as he was not an employee when the complaint was filed; the motion was seconded by Robert Blackman. John Ernst called for a vote. All seven members voted in favor to dismiss Dr. Kung'U. Tree Creek Condominium Association (TCCA) received extremely high water bills for which they inquired and complained to the County. TCCA met with County officials December 9, 2010. The participants agreed that the county would obtain the report of an independent plumber to inspect the matter. The complainant alleges that the County replaced the meter on January 25, 2011 before the meter inspection was to occur. The inspection occurred on May 19, 2011, apparently revealing that no problem with the meter existed. TCCA complained to the CEO, Finance Director and Watershed Management Director. Investigator Robert Browning with Browning Security Consultants found that it was possible a faulty meter caused the original pipe to burst. Mr. Browning has requested documents from Charles Lambert, Director of Watershed Management, to clarify findings. Mr. Browning is still awaiting those documents regarding the meter and the dial on the meter. Thelma Grier moved to table the decision until Mr. Browning receives documents from Mr. Lambert; the motion was seconded by Susan Neugent. John Ernst called for a vote. Only six members were present at the time to vote and all six were in favor of the motion.

IX. Board Governance

- a) Procedural Rules: Susan Neugent moved to approve the updated Procedural Rules; the motion was seconded by Edwinett Murphy. John Ernst called for a vote. The six members present voted and were in favor of the motion.
- b) Recusal Forms: Thelma Grier moved to adopt the new Recusal forms; the motion was seconded by Edwinett Murphy. John Ernst called for a vote. All seven members were present to vote, and the vote passed unanimously.
- c) Complaint Forms: Thelma Grier moved to accept the new Complaint forms; the motion was seconded by Susan Neugent. John Ernst called for a vote. All seven members voted, and the vote passed unanimously.
- d) P-Card Work Session Scheduling: Possible dates for the Board's Work Session are July 15th, July 17th and July 18th. Gene Chapman will follow up with the administrators for their availability for training. A date will be selected and presented to the Board for approval.

X. Closing Remarks

Thelma Grier voiced the agenda was too full, and requested that the Board not hear two hearings on the same night going forward.

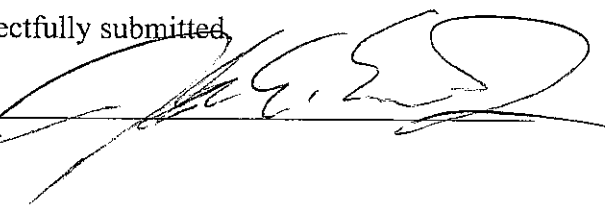
XI. Adjournment

There being no further business, the Chair entertained a motion to adjourn. Thelma Grier moved for adjournment and Bobbie Sanford seconded the motion. The motion passed with a unanimous vote from all seven members. The meeting was adjourned at 10:04pm.

Respectfully submitted,

Chair

Date



8-19-14