

DeKalb County Board of Ethics

Location: Conference Room A, Clark Harrison Building

Date of Meeting: 8/14/2014 Time of Meeting: 6:30pm

Minutes

Members Present:

John Ernst, Chair
Edwinett Murphy, Secretary
Clara Black DeLay
Susan Neugent
Robert Blackman

Members Absent:

Thelma Grier
Bobbie Sanford

Board Affiliates Present:

Gene Chapman, Board Counsel
Vic Hartman, Investigator

Board Affiliates Absent:

Trumondia Williams, Staff Support

Attendees who signed the attendance roster:

Ann H. Brown
Vivian Moore
Gloria Rainey
Johnny Cole
Sylvia Walker
Stepp Stuart
Joel Edwards
Jeff Rader
Viola Davis
Ruby B. Davis
Rhea Johnson
Charles E. Peavy
Joe (illegible)
Mike Cooper
Thomas Mitchell Owens

I. Call to Order

John Ernst, Chair, called the meeting to order at 6:30 p.m.

II. Welcome and Introductions

III. Adoption of the Agenda

The Agenda was reviewed and additions noted. John Ernst called for a motion to approve the agenda with additions. The additions were to add the review and approval of minutes from the August 5 agenda and to add items to Board Governance for Clara DeLay's comments and Executive Session to address a personnel matter and a legal matter. Susan Neugent moved for approval and the motion was seconded by Edwinett Murphy. John Ernst called for a vote. The vote was unanimous in favor of approving the agenda with additions.

IV. Review and Approve Meeting Minutes from June 24, 2014 and August 5, 2014

The Minutes from June 24, 2014 were reviewed and several corrections were noted. John Ernst called for a motion to approve the minutes. Robert Blackman moved for approval and the motion was seconded by Clara DeLay. John Ernst called for a vote. The five members present voted and all five were in favor to approve the Meeting Minutes from June 24, 2014.

The Minutes from August 5, 2014 were reviewed and corrections and additions were noted. John Ernst called for a motion to approve the minutes. Robert Blackman moved for approval and the motion was seconded by Susan Neugent. John Ernst called for a vote. The five members present voted and all five were in favor to approve the Meeting Minutes from August 5, 2014.

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

- a) Timothy Brantley v. Commissioner Jeff Rader: Gene Chapman reported that Commissioner Rader received an Advisory Opinion from the Board of Ethics in 2007 and the complainant did not allege that Mr. Rader had violated the directives set forth in the Advisory Opinion. Additionally, the complainant did not allege specific facts to give the Board direction in any investigation it might conduct. Clara DeLay moved to dismiss the complaint on the basis of lack of subject matter jurisdiction. Robert Blackman seconded the motion. John Ernst called for a vote. The vote was unanimous in favor of dismissing the complaint.
- b) Rhea Johnson v. Commissioner Stan Watson: Gene Chapman reported that the complainant alleged that Commissioner Watson had violated the Code of Ethics by using his purchasing card for personal items and further that he had been implicated in a federal criminal trial in South Carolina. Robert Blackman moved to dismiss the complaint on the basis of lack of subject matter jurisdiction. Clara DeLay seconded the motion. John Ernst called for a vote. Robert Blackman, Clara DeLay, and Edwinett Murphy voted in favor of the motion. John Ernst and Susan Neugent voted against the motion. The motion passed with three votes.
- c) Rhonda Taylor v. Interim Sheriff Jeff Mann: Clara DeLay moved to dismiss the complaint because the Board does not have jurisdiction over the Sheriff's Office. Robert Blackman seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to dismiss.
- d) Rhonda Taylor v. Xernia Fortson: Robert Blackman moved to dismiss the complaint because the Board does not have jurisdiction over the Sheriff's Office. Clara DeLay seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to dismiss.
- e) Rhea Johnson v. Interim CEO Lee May: Clara DeLay moved to dismiss the complaint because the Board does not have subject matter jurisdiction regarding the Interim CEO's recommendations set forth in his Executive Order. Robert Blackman seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to dismiss.

- f) Monica Parrott v. Commissioner Kathy Gannon: Susan Neugent moved to accept jurisdiction of the complaint. Clara DeLay seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to accept jurisdiction of the complaint.
- g) Rhea Johnson v. Each one of the members of the Board of Commissioners: Robert Blackman moved to dismiss the complaint because the Board does not have subject matter jurisdiction regarding the Interim CEO's recommendations set forth in his Executive Order. Clara DeLay seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to dismiss.
- h) Rhea Johnson – Request for Advisory Opinion regarding the propriety of the Board of Ethics' use of an employee of the County Attorney's Office as its staff support person. Robert Blackman moved to table the request until its next meeting. Clara DeLay seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to table the request until the Board's next meeting.
- i) Rhea Johnson – Request for Advisory Opinion regarding the propriety of the Board of Ethics maintaining its records with an employee of the County Attorney's Office. Robert Blackman moved to table the request until its next meeting. Clara DeLay seconded the motion. John Ernst called for a vote. All five members voted in favor of the motion to table the request until the Board's next meeting.
- j) Viola Davis – Request for subpoenas. Robert Blackman moved to dismiss the request and Clara DeLay seconded the motion. Susan Neugent proposed a friendly amendment to the motion to separate the cases and dismiss Ms. Davis' request for a subpoena regarding the Monica Parrott complaint against Commissioner Gannon, but table the request for a subpoena in the Walton and Hall complaints until those cases were before the Board for hearings. Mr. Blackman declined to permit the friendly amendment. Susan Neugent moved to amend the motion to separate the cases and dismiss Ms. Davis' request for a subpoena regarding the Monica Parrott complaint against Commissioner Gannon for lack of standing, but table the request for a subpoena in the Walton and Hall complaints until those cases were before the Board for hearings. John Ernst called for a vote. Susan Neugent and John Ernst voted in favor of the motion to amend, Robert Blackman voted against, and Clara DeLay and Edwinett Murphy abstained. The motion to amend did not pass. John Ernst called for a vote on Mr. Blackman's motion. The motion to dismiss the request for subpoenas passed. Robert Blackman, Clara DeLay, and Edwinett Murphy voted in favor of the motion and Susan Neugent and John Ernst voted against the motion.

VI. Old Business – Status Reports

- a) Viola Davis against Kelvin Walton - Tabled.
- b) Viola Davis against Nina Hall - Tabled.
- c) Thomas Mitchell Owens, et al. against Bob Lundsten (Executive Assistant): Victor Hartman gave the Board a brief report on the status of his preliminary investigation. John Ernst stated that the Board would set the case for a preliminary hearing in mid-September.
- d) Thomas Mitchell Owens, et al. against Commissioner Elaine Boyer: Victor Hartman gave the Board a brief report on the status of his preliminary investigation. John Ernst stated that the Board would set the case for a preliminary hearing in mid-September.
- e) Rhea Johnson against Burrell Ellis, Jr. - Tabled.
- f) Rhea Johnson against Commissioner Larry Johnson: Gene Chapman reported that an investigator had been appointed to conduct a preliminary investigation.
- g) Rhea Johnson against Commissioner Sharon Barnes-Sutton: Gene Chapman reported that an investigator had been appointed to conduct a preliminary investigation.

- h) Viola Davis against Commissioner Sharon Barnes-Sutton: Gene Chapman reported that an investigator had been appointed to conduct a preliminary investigation.
- i) Viola Davis against Judy Brownlee: Gene Chapman reported that an investigator had been appointed to conduct a preliminary investigation.

VII. Old Business – Advisory Opinion

- a) Cedric L. Alexander, Advisory Opinion Request: Gene Chapman is drafting a response to Dr. Alexander's request for an Advisory Opinion and will also contact Human Resources Department regarding guidelines for accepting gifts and honorariums.
- b) Morris Williams, Advisory Opinion Request: Gene Chapman is drafting a response to Mr. Williams' request regarding the propriety of current government contractors or vendors sponsoring meals before or after Commission meetings.

VIII. Old Business – Preliminary Hearing

- a) Tree Creek Condominium Association against Burrell Ellis and Joel Gottlieb: Investigator Robert Browning reports that he is making progress in making a determination regarding the issues in this matter.

IX. Board Governance

- a) Clara DeLay moved for the Board to enter into Executive Session. Robert Blackman seconded the motion. All five members voted in favor of the motion.
- b) Robert Blackman moved for the Board to adjourn from Executive Session. Clara DeLay seconded the motion. All five members voted in favor of the motion.
- c) Clara DeLay moved that the Board should take appropriate steps regarding its decision pertaining to the personnel matter. Robert Blackman seconded the motion. All five members voted in favor of the motion.
- d) Clara DeLay moved that the Board should take appropriate steps regarding its decision pertaining to the legal matter. Robert Blackman seconded the motion. All five members voted in favor of the motion.

X. Closing Remarks

John Ernst stated that the Board would set the preliminary hearings in both the Lundsten and Boyer matters for mid-September.

XI. Adjournment

There being no further business, the Chair called for a motion to adjourn. Susan Neugent moved for adjournment and Robert Blackman seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Chair

Date

9-15-14