

DeKalb County Board of Ethics

Location: Conference Room A, Clark Harrison Building

Date of Meeting: 9/15/2014 Time of Meeting: 6:30pm

Minutes

Members Present:

John Ernst, Chair  
Edwinett Murphy, Secretary  
Clara Black DeLay  
Susan Neugent  
Robert Blackman  
Bobbie Sanford  
Thelma Grier (joined meeting at 6:50 pm)

Board Affiliates Present:

Gene Chapman, Board Counsel  
Vic Hartman, Investigator

Attendees who signed the attendance roster:

Lisa George  
Kathy Zickert  
Bob Lundsten  
Mike Cooper  
Joe Arrington  
Tony Nastri  
Trey Benton  
Terry G. Phillips  
Tom Owens  
Davis Fox  
Rhea Johnson  
Viola Davis  
Ruby Bozeman Davis  
Mark Niesse  
Shaheen Williams

I. Call to Order

John Ernst, Chair, called the meeting to order at 6:33 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 an Executive Session to address a personnel matter and a legal matter. Susan Neugent moved for approval and the motion was seconded by Bobbie Sanford. John Ernst called for a vote. The vote was 6-0 in favor of approving the agenda with additions.

**IV. Review and Approve Meeting Minutes from August 14, 2014**

The Minutes from August 14, 2014 were reviewed. 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 six members present voted and all six were in favor to approve the Meeting Minutes from August 14, 2014.

**V. Old Business – Preliminary Hearings**

- a) Thomas Mitchell Owens, et al. against former Commissioner Elaine Boyer. Mr. Owens was present. Ms. Boyer was not present. Ms. Anne Lewis, counsel for Ms. Boyer, argued in favor of Ms. Boyer's Motion to Dismiss for Lack of Jurisdiction. Ms. Lewis commented that the only issue for the Board's decision was that the Board lost jurisdiction over Ms. Boyer after she resigned her position as Commissioner and the applicable statute restricted the Board's jurisdiction to current officials. Clara DeLay stated that the issue of discipline may be moot considering that Ms. Boyer is no longer a Commissioner, but the issue of whether the Code of Ethics was violated is still an open question that needs to be addressed and would not be subject to dismissal simply because there has been no decision on the issue. The Board members engaged Ms. Lewis in a discussion of the issues. John Ernst asked the Board to vote on the question of whether the Board should grant or deny the Motion to Dismiss. The Board voted to deny the Motion to Dismiss with five voting in favor (Ernst, Neugent, Murphy, Sanford, Blackman), one voting against (DeLay), and one abstention (Grier). Ms. Lewis stated that she wants to preserve her client's objection to the proceeding moving forward, but Ms. Boyer would waive her right to a preliminary hearing. John Ernst stated that the Board would issue notice of the final hearing.
- b) Thomas Mitchell Owens, et al. against Robert G. Lundsten. Mr. Owens was present. Mr. Lundsten was present with his counsel, Ms. Kathryn Zickert. Ms. Zickert argued in favor of Mr. Lundsten's Motion to Dismiss and discussed the issues set forth in the Motion. The Board members engaged Ms. Zickert in a discussion of the issues. John Ernst asked the Board to vote on the question of whether the Board should grant or deny the Motion to Dismiss. The Board voted to deny the Motion to Dismiss with six voting in favor (Grier, Sanford, Blackman, Ernst, Neugent, Murphy), none voting against, and one abstention (DeLay). Ms. Zickert stated that she wants to preserve her client's objection to the proceeding moving forward, but Mr. Lundsten would waive his right to a preliminary hearing. John Ernst stated that the Board would issue notice of the final hearing.

**VI. Board Governance**

- a) Robert Blackman moved for the Board to enter into Executive Session. Bobbie Sanford seconded the motion. All seven members voted in favor of the motion.
- b) Robert Blackman moved for the Board to adjourn from Executive Session. Edwinett Murphy seconded the motion. All seven members voted in favor of the motion.

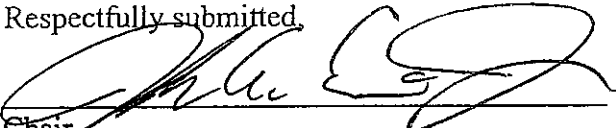
**VII. Closing Remarks**

Robert Blackman stated that the Board should have more meetings to address the pending cases. Bobbie Sanford commented that the Board should move with due speed to address the needs of the Board discussed in Executive Session.

VIII. Adjournment

There being no further business, the Chair called for a motion to adjourn. Robert Blackman moved for adjournment and Susan Neugent seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

  
Chair

Oct 13, 2014  
Date