



DeKalb County Board of Ethics
Thursday March 17, 2022
6:00 p.m.
Zoom meeting

Minutes

Members Present:

David Moskowitz – Board Vice Chair
Rosa Darden Waymon
Nadine Ali
Candace Rodgers
Candace Walker

Alternate Members Present:

Bill Clark
Alex Joseph

Board Affiliates Present:

LaTonya Nix Wiley, Deputy Ethics Officer
Kristin Rodgers, Ethics Administrator

County Technology Personnel Present:

John Matelski
2Host

Attendees

Clive
Mary Hinkel
Wes Jackson
Leighton Berry Digital Business Group
Sbinney
Kathie Gannon
Jeff Rader
Claudette Leak

Agenda

I. Adoption of Agenda

Before the adoption of the Agenda, the following items were approved to be removed from the Agenda:

- III. Administrative Items B, C, E, G
- VI. Executive Session for Personnel Matters

Motion was made by Rosa Darden Waymon to adopt the Agenda as amended, seconded by Candace Rodgers. Motion passed by 5-0 vote

II. Approval of the Minutes of February 17, 2022

Motion was made by Rosa Darden Waymon to approve the February 17, 2022 Board of Ethics meeting, seconded by Nadine Ali. Motion passed by 5-0 vote

III. Administrative Items

A. Recognition of New Alternate Board Member Alex M. Joseph

The floor was opened for a brief history was given by Deputy Ethics Officer LaTonya Wiley of Ms. Joseph's appointment. Ms. Joseph provided a personal introduction.

B. Discussion of Policy Re: Swearing In Board Members

Motion was made by Nadine Ali to remove this item from the Agenda until such time as the Board Chair returns, seconded by Candace Rodgers. Motion carried by 5-0 vote

C. Discussion of Policy Re: Officer Nomination and Election Process

Motion was made by Candace Rodgers to remove this item from the Agenda until such time as the Board Chair returns, seconded by Nadine Ali. Motion passed by 5-0 vote

D. Resolution Re: Process for Conducting Background Checks on Board Members

Deputy Ethics Officer LaTonya Wiley provided background information contrasting the background check process as it relates to the employment of the Ethics Administrator, and the background check process for Board members; and the importance of complying with the current mandate of legislation as it relates to background checks for Board members. The revised Resolution provides that the Ethics Administrator facilitate the function of conducting Board background checks. The floor was opened for discussion.

Motion was made by Rosa Darden Waymon to adopt the Resolution for conducting background checks on Board members, seconded by Nadine Ali. David Moskowitz abstained. Motion passed by 4-1

E. Annual Report Re: Ethical Health of DeKalb County

Motion was made by Candace Rodgers to remove this item from the Agenda until such time as the Board Chair returns, seconded by Nadine Ali. Motion passed by 5-0 vote

F. Agreement with Diligent Re: Digital Ethics Library

Deputy Ethics Officer LaTonya Wiley provided information on the agreement with Diligent and the use of the Digital Ethics Library to provide targeted Ethics education. The floor was opened for discussion.

Motion was made by Nadine Ali to defer this item to the next meeting or after more research is provided, seconded by Rosa Darden Waymon. Motion passed by 5-0 vote

G. Resolution Re: Appointment of Interim Board Counsel

Motion was made by Candace Rodgers to remove this item from the Agenda until such time as the Board Chair returns, seconded by Nadine Ali. Rosa Darden Waymon opposed. Motion passed by 4-1 vote

IV. Ethics Cases

A. Robert Buckler v. Jeff Rader and Kathy Gannon [Case No. 2017-24]

Board member Bill Clark recused himself from the discussion of this item. Deputy Ethics Officer LaTonya Wiley provided a presentation regarding Advisory Opinions, Probable Cause hearings, and procedural defects as it relates to this case. Ms. Wiley requested that the Board:

1. Reverse the Probable Cause determination issued on 9/23/2021, based on the 2/17/22 recommendations of the Ethics Officer that the charges therein would not withstand judicial challenge; and
2. Revise its previous determination of 2/17/22, that the Buckler complaint would be dismissed following the issuance of an Advisory Opinion assessing conduct from 2015, because Board Rule 2.3, only authorizes the Board to consider requests involving future conduct and Dismiss the complaint without condition; and

3. Take the 3/16/22, request for Advisory Opinion received from Commissioner Jeff Rader under advisement and exercise its discretion per Board Rule 2.4 to determine whether the Board chooses to answer the question raised

The floor was opened for discussion.

Motion was made by Candace Rodgers to defer this item until the Board has a better understanding of the procedural defects as it relates to this case and legal counsel has been obtained, seconded by Nadine Ali. Motion passed by 5-0 vote

B. Clive Neish v. Jason Smith [Case No. 2020-3]

Deputy Ethics Officer LaTonya Wiley provided a presentation and requested a dismissal based on the lack of jurisdiction. The floor was open for discussion. Mr. Clive Neish was allowed to address the Board.

Motion was made by Nadine Ali to dismiss this case due to a lack of jurisdiction, seconded by Candace Rodgers. Motion carried by 5-0 vote

V. Public Comment

Mary Hinkel, 1718 Mason Mill Rd. Atlanta GA, Stephen Binney, 1083 Seville Dr. Clarkston, GA 30021, made public comments

VI. Executive Session for Personnel Matters

Motion was made by Candace Rodgers to remove this item from the Agenda, seconded Nadine Ali. Rosa Darden Waymon opposed. Motion carried by 4-1 vote

VII. Board Comments/Future Action Items

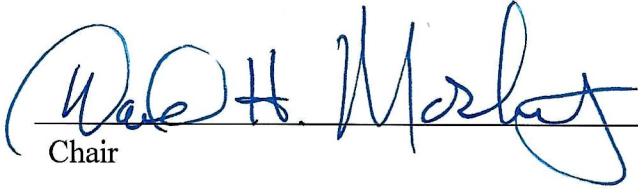
The Board Vice Chair made comments regarding removing some of the items from the Agenda due to the absence of the Board Chair

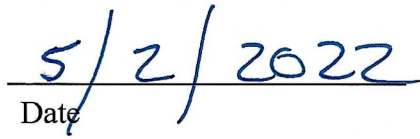
VIII. Announcement of Next Regular Meeting Date of April 21, 2022

IX. Adjournment

Motion was made by Nadine Ali to adjourn the March 17, 2022 Board of Ethics meeting at 9:18 p.m., seconded by Candace Rodgers. Motion passed by 5-0 vote

Approved:


Chair


Date