



DeKalb County  
GEORGIA

Board of Ethics  
of DeKalb County

**DeKalb County Board of Ethics**

Thursday December 16, 2021

6:00 p.m.

Zoom meeting

**Minutes**

**Members Present:**

Lonnie Edwards, Sr. – Board Chair  
David Moskowitz – Board Vice Chair  
Ambreen Delawalla  
Eric Maurer  
Rosa Darden Waymon  
Nadine Ali  
Candace Rodgers

**Alternate Members Present:**

Michelle Long-Spears  
Candace Walker

**Board Affiliates Present:**

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

**County Technology Personnel Present:**

John Matelski  
2Host

**Attendees**

David Metzger  
Joe Hughes  
Leticia Beatty  
M. Cooper  
Mario Evans  
Rashad Cash  
Linda Tanner  
Kenneth Gobin Snapfinger  
Claudette Leak

Ja Jarrington  
Rhea Johnson  
“G”

## **Agenda**

### **I. Adoption of Agenda**

Motion was made by Nadine Ali to adopt the December 16, 2021 Board of Ethics Agenda, seconded by David Moskowitz. Motion passed by 7-0 vote

### **II. Approval of the Minutes of the November 17, 2021 Special Called Meeting**

Motion was made by Rosa Darden Waymon to approve the November 17, 2021 Board of Ethics meeting Minutes, seconded by Eric Maurer. Motion passed by 7-0 vote

### **III. Administrative Items**

#### *A. Update on Search for Legal Counsel*

Ethics Officer Stacey Kalberman gave an update on the search for legal counsel and advised the Board of the limited response received to the various job postings that were in place for several months. Due to the limited responses, both the Ethics Officer and Deputy Ethics Officer reached out to several firms. The information each received to date was sent to the Board in advance of the meeting. The floor was opened for discussion.

Lonnie Edwards stated that the Board has formed a committee that will make a recommendation to the Board regarding the candidates. Deputy Ethics Officer LaTonya Wiley stated it was her belief that any committee formed by the Board might be subject to the Open Meetings Act and advised that she will forward information to the Board to confirm whether this is correct after the meeting. No additional action was taken on this matter.

#### *B. 2022 Board of Ethics meeting calendar*

Discussion by the Board of alternative dates took place, but it was decided to maintain the current board meeting schedule.

Motion was made by David Moskowitz to adopt the 2022 Regular Meeting Calendar to meet on the 3rd Thursday of every month at 6pm, with the exception of the month of November's meeting date which will be held on Wednesday November 16th at 6pm, seconded by Rosa Darden Waymon. Eric Maurer

abstained as his Board term ends as of January 1, 2022. Motion passed by 6-0 vote

*C. Executive Session*

Motion was made by David Moskowitz to convene an Executive Session for the purposes of litigation, seconded by Candace Rodgers. Motion passed by 7-0

Motion was made by Nadine Ali to adjourn an Executive Session, seconded by Ambreen Delawalla. Motion passed by 7-0

Outside counsel, Attorney Kurt Kastorf summarized the nature of the terms of a Settlement Agreement in the civil litigation case of Sharon Barnes SHARON BARNES SUTTON, Et. Al., Petitioners vs. STACEY KALBERMAN, Et. Al., Respondents, Civil Action No. 17-CV-3557, DeKalb County Superior Court. The floor was opened for discussion.

Motion was made by David Moskowitz to accept the Sharon Barnes Sutton Settlement Agreement, and to authorize execution of the agreement by Attorney Kurt Kastorf, seconded by Candace Rodgers. Motion passed by 7-0 vote

**IV. Ethics Cases**

*A. Request for Dismissal*

**1. Jenna Bird v. Zack Ray [2021-7]**

Ethics Officer Stacey Kalberman presented background information as to the nature of this complaint and concluded the Ethics Board had no jurisdiction and requested that this case be dismissed. The floor was opened for discussion.

Motion was made by Nadine Ali to approve to dismiss this case, seconded by David Moskowitz. Motion passed by 7-0 vote

**2. Nailah Douglas v. Officer Lake [2021-8]**

Ethics Officer Stacey Kalberman presented background information as to the nature of this complaint and concluded the Ethics Board had no jurisdiction and requested that this case be dismissed. The floor was opened for discussion.

Motion was made by Rosa Darden Waymon to approve to dismiss this case, seconded by Eric Maurer. Motion passed by 7-0 vote

*B. Probable Cause Hearings*

Prior to taking up the Probable Cause Hearings, Deputy Ethics Officer LaTonya Wiley suggested the Board take up the matter of approving the Executive Session Affidavit.

Motion was made by Nadine Ali to approve the Executive Session Affidavit, seconded by David Moskowitz. Motion passed by 7-0 vote

**1. Stacey Kalberman v. Marcus Kellum [2018-1]**

Deputy Ethics Officer LaTonya Wiley provided background information. The Board was first advised that Mr. Kellum, through his attorney, had submitted a letter waiving Mr. Kellum's right to both a Probable Cause Hearing and Final Evidentiary Hearing. There are no current Board rules addressing the procedure for such waivers. After consideration, the Board determined that it would proceed with taking up both matters. Deputy Ethics Officer LaTonya Wiley gave a presentation which detailed the facts of this case and evidence supporting the basis for (3) Probable Cause recommendations as outlined in the Probable Cause Report previously issued in this matter. Deputy Ethics Officer LaTonya Wiley asked the Board to accept the Probable Cause recommendations and find that there was a preponderance of evidence to support finding that Mr. Kellum's conduct violated Sections 22A(c)(5) and 22A(c)(7) of the Code of Ethics. Deputy Ethics Officer LaTonya Wiley also stated that Mr. Kellum's attorney requested that he only be given a Public Reprimand. The floor was opened for discussion and deliberation.

The Board found that, based on a preponderance of the evidence, Mr. Kellum violated:

Section 22A(c)(7) of the Ethics Code, by obtaining a \$600 advance payment for air travel to attend the ACCE Conference in Cincinnati, Ohio on October 6, 2017, and after receipt of the same, using your position and authority to direct the use of a County issued Purchasing Card to pay for this same air travel on October 18, 2017; and

Section 22A(c)(7) of the Ethics Code, by failing to reconcile and improperly retaining for your personal benefit, excess travel payments funded with taxpayer money totaling \$1,683, over a multiple year period from 2013 through 2017; and

Section 22A(c)(5) of the Ethics Code, by engaging in private work during a February 20, 2015, GACE conference and receiving personal remuneration for such work, while simultaneously being paid by DeKalb County to attend this conference on that date.

Based on the findings, a recommendation for a \$1000 administrative sanction per violation was suggested by Ambreen Delawalla.

Motion was made by David Moskowitz to impose a \$1000 administrative sanction per violation for a total of \$3000, as authorized by Section 22A(k) of the Ethics Code, seconded by Nadine Ali. Motion passed by 7-0

**2. Atlanta Air Tours, LLC v. Mario A. Evans [2021-5]**

Deputy Ethics Officer LaTonya Wiley provided background information. The Board was first advised that Mr. Evans, through his attorney, had submitted a filing waiving Mr. Evans' right to a Probable Cause Hearing and requesting that this matter proceed to a Final Evidentiary Hearing. There are no current Board rules addressing the procedure for such a waiver. After consideration, the Board determined that it would proceed with hearing the case. Deputy Ethics LaTonya Wiley presented the Probable Cause Report previously issued in this matter and asked the Board to accept the Probable Cause recommendation based on a likely violation of section 22A(c)(7) of the Code of Ethics. The floor was opened for discussion.

Motion was made by Rosa Waymon Darden to accept the Probable Cause recommendation in this case, seconded by Candace Rodgers. Ambreen Delawalla opposed, David Moskowitz abstained. Motion passed by 5-0

**3. Malcolm Whichard v. Ozell Hayes/Rashad Cash [2021-4]**

Deputy Ethics Officer LaTonya Wiley provided background information and a presentation detailing the facts of this case and presented recommendations as provided in the Probable Cause Report previously issued. Deputy Ethics Officer asked the Board to dismiss the complaint against Mr. Ozell Hayes as the allegations against Mr. Cash could not be imputed to Mr. Hayes. However, Deputy Ethics Officer LaTonya Wiley stated that there was sufficient evidence that Mr. Cash likely violated section 22A(c)(1) of the Code of Ethics by virtue of his having a conflict of interest arising from an inappropriate, personal relationship with a County vendor employed by All-In-One Security. The floor was opened for discussion.

Motion was made by Eric Maurer to accept the recommendation to dismiss the case against Mr. Ozell Hayes, seconded by Nadine Ali. Motion passed by 7-0 vote

Motion was made by David Moskowitz to accept the probable cause recommendation in the case against Mr. Rashad Cash, seconded by Candace Rodgers. Motion passed by 7-0 vote

**V. Public Comment**

No public comments were made.

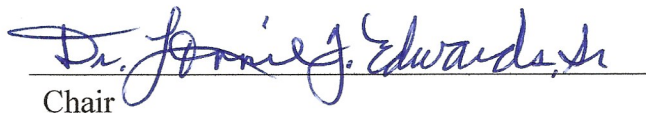
**VI. Comments/Questions from Board Members**

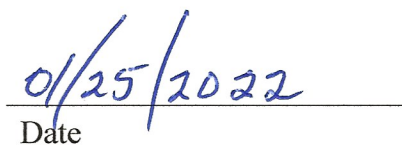
Lonnie Edwards made comments regarding the departure of Eric Maurer from the board. The Chairman and several board members thanked Mr. Maurer for his service and wished him well in his future endeavors.

**VII. Adjournment**

Motion was made by David Moskowitz to adjourn the December 16, 2021 Board of Ethics meeting at 9:30 p.m., seconded by Eric Maurer. Motion passed by 7-0

Approved:

  
Chair

  
Date