

DeKalb County Board of Ethics

Thursday, June 30, 2016

3:00 p.m.

Trustee Room, Turner Lynch Campus Center

Oglethorpe University

4484 Peachtree Road NE

Atlanta, GA 30319

Minutes

Members Present:

Greg Russell
Lawrence Schall
Robert Tatum
Dan DeWoskin
Shermanetta Carter

Board Affiliates Present:

Stacey Kalberman, Ethics Officer
Gene Chapman, Board Counsel
Travis Tarpeh, Intern
Suzanne Amato, Administrative Assistant

Members Absent:

Scott Bonder
Brian Deutsch

Attendees:

Scott Krafl
Mark Niese
Rhea Johnson
Stephen Binney
Terry Phillips
Shaheen Williams

I. **Call to order**

Lawrence Schall called the meeting to order at 3:10 p.m.

II. **Welcome**

Lawrence Schall welcomed attendees.

III. Adoption of the Agenda

The members reviewed the agenda. Lawrence Schall added Executive Session. Greg Russell made a motion to adopt the agenda as amended and Dan DeWoskin seconded the motion. The motion passed unanimously with a vote of 5-0.

IV. Review and Approve Meeting Minutes from May 25, 2016

The members reviewed the minutes from the meetings held on May 25, 2016. Dan DeWoskin made a motion to approve the minutes and Shermanetta Carter seconded the motion. The motion passed unanimously with a vote of 5-0.

V. Unfinished Business

A. Reports

Stacey Kalberman reported that the items numbered 1, 1, and 2 are tabled so no report is necessary.

4. Complaint against Nina Hall. Ms. Kalberman is trying to settle the matter. As it looks like a hearing will be necessary, Ms. Kalberman stated that she is having difficulty getting the Grand Jury testimony which is pertinent. She informed the Board that Ms. Hall is only willing to make an admission, receive a reprimand, and pay a fine of \$100. The Board declined her offer to settle.

3. Complaint against Kelvin Walton. Ms. Kalberman stated that she was close to settling, but Mr. Walton hired new counsel who is currently unavailable. Ms. Kalberman is waiting to speak with him.

5. Complaint against Robert Lundsten. Ms. Kalberman stated that she has an agreement in place with Mr. Lundsten's attorney for him to accept a reprimand with no fine imposed since he entered a plea of guilty in the criminal case against him. The Board voted 5-0 in favor of approving the agreement.

6. Complaint against Vaughn Irons. Ms. Kalberman reported that Mr. Greg Jones is investigating this complaint and is making good progress.

7. Complaint against Stan Watson. Ms. Kalberman reported that Vic Hartman is investigating this complaint and that he is asking the Board for subpoenas to obtain documents.

VI. New Business.

1. Jerry Jackson against Mereda Johnson and Jerry Jackson against Larry Johnson. Travis Tarpeh, intern to Stacey Kalberman, reported that the allegations on the face of the complaints do not show any possible violation of the Code of Ethics. Dan DeWoskin made a motion to dismiss both complaints and Robert Tatum seconded the motion. The motion passed with a vote of 5-0.

2. Rhea Johnson against Jeff Rader. Ms. Kalberman stated that the allegations in the complaint are almost identical to the facts in the Advisory Opinion the Board issued to Commissioner Rader at its last meeting. The complaint does not allege facts which have occurred. Greg Russell made a motion to dismiss and Dan DeWoskin seconded the motion. The motion passed with a vote of 5-0.
3. Sandra Kaye Bowen against Commissioner Sharon Barnes Sutton. Ms. Kalberman discussed the Order of the Court in the Commissioner's lawsuit against the Board which estops the Board from proceeding against Ms. Sutton. The Board declared that it would discuss this matter in Executive Session as it relates to ongoing litigation against the Board.
4. Rhea Johnson against the Ethics Officer and the Board of Ethics. There was a discussion regarding whether this item was published with adequate notice to the public. Dan DeWoskin made a motion to move the complaint to the agenda of the Board's next meeting and Robert Tatum seconded the motion. The motion passed with a vote of 5-0.
5. Discussion Regarding Use of County Resources and political campaigns. Ms. Kalberman stated that no discussion was necessary.
6. Reprimand of Judy Brownlee. Ms. Kalberman asked for direction as to how to handle the reprimand. Larry Schall stated that the Board should attach a copy of the reprimand to its minutes and publish a copy of the reprimand on the County website.

VII. Administrative.

1. Update on website and education. Ms. Kalberman is making progress on website content. She has chosen Navex as the vendor to provide e-training to County employees. Schott Krafl from Navex gave a brief demonstration of the content Navex will provide and answered questions from Board members.

VIII. Executive Session.

Dan DeWoskin made a motion to go into Executive Session to discuss litigation against the Board. Greg Russell seconded the motion and the motion passed with a vote of 5-0.

Robert Tatum made a motion to come out of Executive Session and Greg Russell seconded the motion. The motion passed with a vote of 5-0.

The Board revisited an item from New Business, the complaint of Sandra Kaye Bowen against Commissioner Sharon Barnes Sutton. Dan DeWoskin made a motion to table the new complaint and Greg Russell seconded the motion. The motion passed with a vote of 5-0.

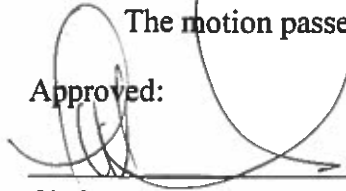
IX. Public comment

The Chair opened the floor to attendees for public comment. Rhea Johnson and Steve Binney made comments to the Board.

X. Adjournment

Dan DeWoskin made a motion to adjourn and Shermanetta Carter seconded the motion.
The motion passed with a vote of 5-0 and meeting adjourned at 4:42 p.m.

Approved:



Chair

8/25/16

Date

Open Meetings Affidavit

STATE OF GEORGIA
COUNTY OF DEKALB

Personally came Lawrence Schall, who on oath says that, to the best of his/her knowledge and belief, on the 30 day of June, 2016 in the aforesaid County, a meeting of the Board of Ethics was closed to the public for the following reasons (check appropriate line(s)):

- 1. Meeting with legal counsel, to discuss or vote upon any pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any department, officer or employee thereof, or in which the agency or any department officer or employee thereof may be directly involved. O.C.G.A. § 50-14-3-(b)(1)(A); O.C.G.A. §50-14-2(1).
- 2. Meeting to discuss, or vote upon authorizing negotiations to purchase, dispose of, or lease property. O.C.G.A §50-14-3(b)(1)(B).
- 3. Meeting to discuss, or vote upon authorizing the ordering of an appraisal related to the acquisition or disposal of real estate. O.C.G.A. 50-14-3(b)(1)(C).
- 4. Meeting to discuss, or vote upon entering into a contract to purchase, dispose of, or lease property. O.C.G.A. § 50-14-3(b)(1)(D).
- 5. Meeting to discuss, or vote upon entering into an option to purchase, dispose of, or lease real estate. O.C.G.A. § 50-14-3(b)(1)(E).
- 6. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, or interviewing applicants for the position of the executive head of an agency. O.C.G.A. § 50-14-3(b)(2).
- 7. Meeting of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when discussing matters pertaining to investment securities or investment portfolio positions and composition. O.C.G.A. § 50-14-3(b)(3).
- 8. Meeting to consider a portion of a record made exempt from public inspection or disclosure pursuant to O.C.G.A. §50-18-70 et al., and there were no reasonable means by which to consider the record without disclosing the exempt portions if the meeting were not closed. O.C.G.A. § 50-14-3(b)(4); O.C.G.A. § 50-14-2(2).
- 9. Other (please provide legal authority): _____

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation or action on any other matter.

Sworn to and subscribed before me,
this 30 day of June, 2016

[Signature]
Notary Public

[Signature]
Signature of Chair or Presiding Officer

My commission expires on: _____

