

**DeKalb County Board of Ethics**

Thursday, February 18, 2016

3:00 p.m.

Trustee Room, Turner Lynch Campus Center

Oglethorpe University

4484 Peachtree Road NE

Atlanta, GA 30319

**Minutes**

**Members Present:**

Scott Bonder  
Shermanetta Carter  
Brian Deutsch  
Greg Russell  
Lawrence Schall  
Robert Tatum

**Members Absent:**

Dan DeWoskin

**Board Affiliates Present:**

Gene Chapman, Board Counsel

**Attendees who signed the attendance sheet:**

Viola Davis  
Joel Edwards  
Vic Hartman  
Clint Browning  
Mark Niese  
Terry Phillips  
Shaheen Williams  
Joe Arrington

I. **Call to order**

Lawrence Schall called the meeting to order at 3:06 p.m.

II. **Welcome**

Lawrence Schall welcomed attendees.

III. **Adoption of the Agenda**

The members reviewed the agenda. Lawrence Schall added items under New Business to discuss the budget, the process of appointing the Ethics Officer, and procedural issues regarding handling

pending complaints. Lawrence Schall made a motion to adopt the agenda and Scott Bonder seconded the motion. The motion passed unanimously with a vote of 4-0. Greg Russell arrived after the vote.

IV. Review and Approve Meeting Minutes from January 6, 2016

The members reviewed the Minutes from the Board's meeting on January 6, 2016. Scott Bonder made a motion to approve the minutes and Brian Deutsch seconded the motion. The motion passed with a vote of 5-0.

V. Unfinished Business

A. Status reports

Gene Chapman stated that he had received oaths from the complainants in all but one of the pending complaints. The complaint submitted by Robert Lundsten was not verified as of the date of the meeting.

VI. New Business.

- A. Gene Chapman stated that Mr. Johnson had submitted an oath for the new complaint against Mr. Watson.
- B. Gene Chapman reported that the new complaint against Judge Seeliger is excluded from the jurisdiction of the Board. Scott Bonder made a motion to dismiss the complaint for lack of jurisdiction and Brian Deutsch seconded the motion. The motion passed with a vote of 5-0. Robert Tatum arrived after the vote.
- C. Gene Chapman gave a summary of Viola Davis' request for an advisory opinion. After discussion, Scott Bonder made a motion to dismiss the request without prejudice and Brian Deutsch seconded the motion. The motion passed with a vote of 6-0.
- D. Website. Lawrence Schall stated that the Board's present website is under the umbrella of the county's website which includes the Board of Commissioners and the Office of the CEO, which diminishes the notion of an independent Board of Ethics. Lawrence Schall stated that he would explore obtaining the Board's own website if the Board desired. Greg Russell made a motion to give authority to the Chair to explore obtaining the Board's own website and Robert Tatum seconded the motion. The motion passed with a vote of 6-0.
- E. Budget. Lawrence Schall reported that the Board's budget is currently about \$214,000 and that he is communicating to the Director of Budget and Management the Board's request for an additional appropriation to operate with an annual budget of \$300,000. The request is primarily due to the necessity to fund the position of Ethics Officer, any staffing needs, and operating expenses. He anticipates that litigation expenses will be handled outside of the Board's operating budget.
- F. Ethics Officer. Lawrence Schall stated that in light of the requirements of HB597, the offer to the candidate for Ethics Officer needs to be contingent on the confirmation of the Board of Commissioners and the approval of the Office of the CEO.
- G. Procedural issues. Lawrence Schall questioned if the Board needs to be proactive regarding handling existing complaints prior to the appointment of an Ethics Officer.

Members generally agreed that the investigation of complaints needs to wait until after an Ethics Officer assumes office.

VII. Board governance.

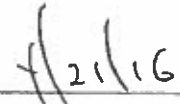
- A. Email policies. The Chair reported that each member had an email account which the members would use exclusively for Board communications.
- B. At 3:30 p.m., Greg Russell made a motion to go into Executive Session and Robert Tatum seconded the motion. The motion passed with a vote of 6-0. The Board met in Executive Session to discuss the search for an Ethics Officer and pending litigation.
- C. At 6:34 p.m., Greg Russell made a motion to come out of Executive Session and Scott Bonder seconded the motion. The motion passed with a vote of 6-0.
- D. Scott Bonder made a motion to extend an offer to Candidate A for the position of Ethics Officer and Robert Tatum seconded the motion. The motion passed with a vote of 6-0. The Chair stated that the Board would make the name of the candidate known by Monday, January 22 if the offer was accepted.

VIII. Adjournment

Sherman Carter made a motion to adjourn and Brian Deutsch seconded the motion. The motion passed with a vote of 6-0 and meeting adjourned at 6:45 p.m.

Approved:

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Date

Open Meetings Affidavit

STATE OF GEORGIA  
COUNTY OF DEKALB

Personally came Lawrence M. Schall, who on oath says that, to the best of his/her knowledge and belief, on the 18 day of February, 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. X 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. X 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 18 day of February, 2016

Notary Public

My commission expires on: \_\_\_\_\_



[Signature]  
Signature of Chair or Presiding Officer