

DeKalb County Board of Ethics

Thursday, October 20, 2016

3:00 p.m.

Trustee Room, Turner Lynch Campus Center

Oglethorpe University

4484 Peachtree Road NE

Atlanta, GA 30319

Minutes

Members Present:

Lawrence Schall

Robert Tatum

Dan DeWoskin

Shermanetta Carter

Scott Bonder

Brian Deutsch

Greg Russell

Board Affiliates Present:

Stacey Kalberman, Ethics Officer

Gene Chapman, Board Counsel

Suzanne Amato, Administrative Assistant

Vic Hartman, Investigator

Attendees:

Mark Niese

Stephen Binney

Davis Fox

Shaheen Williams

John Green

Doug Chalmers

Richard Belcher

I. Call to order

Lawrence Schall called the meeting to order at 3:04 p.m.

II. Welcome and Introductions

Lawrence Schall welcomed attendees.

III. Adoption of the Agenda

The members reviewed the agenda. Scott Bonder made a motion to adopt the agenda and Robert Tatum seconded the motion. The motion passed unanimously with a vote of 6-0.

IV. Review and Approve Meeting Minutes from September 22, 2016

The members reviewed the minutes from the meeting held on September 22, 2016. Dan DeWoskin made a motion to approve the minutes and Scott Bonder seconded the motion. The motion passed unanimously with a vote of 6-0.

V. Unfinished Business

A. Reports

1, 2, 3, 4, 5, 6, and 8. The status of the matters which are tabled have not changed.

Stacey Kalberman reported that the court had set a hearing date of December 12 for the Motion to Dismiss in the Sutton lawsuit. The Board directed Ms. Kalberman to begin discussions with the DeKalb County delegation to the legislature about possible changes to the new Code of Ethics.

Greg Russell joined the meeting at 3:10 p.m.

7. Preliminary hearing for the complaint against Stan Watson. Greg Russell abstained from the deliberations on the basis of a possible conflict of interest. Mr. Doug Chalmers appeared as attorney for Mr. Watson. Mr. Chalmers presented motions and arguments regarding jurisdictional issues, procedural issues, and substantive issues opposing the complaint against his client. Ms. Kalberman presented arguments in support of her probable cause report to the Board.

Scott Bonder made a motion to find that the complaint against Mr. Watson is a valid complaint and Shermanetta Carter seconded the motion. The motion passed with a vote of 6-0-1. Greg Russell abstained.

Scott Bonder made a motion to accept the Ethics Officer's report and recommendation to find probable cause to proceed to a final hearing. Dan DeWoskin seconded the motion. The motion passed with a vote of 6-0-1. Greg Russell abstained.

Scott Bonder made a motion to direct the Ethics Officer at the conclusion of her investigation to provide the respondent with copies of all documents, a list of any other evidence, and a list of witnesses which she intends to use at a final hearing and that this disclosure should occur at least sixty days prior to the date of the final hearing. Robert Tatum seconded the motion. The motion passed with a vote of 6-0-1. Greg Russell abstained.

Mr. Chalmers presented his Motion to Quash the Subpoena against his client and his argument. Ms. Kalberman responded. Scott Bonder made a motion to deny the motion

and Brian Deutsch seconded the motion. The motion passed with a vote of 6-0-1. Greg Russell abstained.

VI. New Business

1. and 2. Proposed advisory opinion regarding use of County resources and political campaigns and opinions reviewed at the meeting in September. Ms. Kalberman presented the revised draft opinion 2016-2 and the opinions which the Board reviewed and revised at its September meeting. Dan DeWoskin made a motion to approve the opinions and Brian Deutsch seconded the motion. The motion passed with a vote of 7-0.
3. Request for new advisory opinion from the Development Authority. Ms. Kalberman presented the request from the DeKalb Development Authority for an advisory opinion regarding the maintenance and disposition of a bank account which commissioners used to pay for county events. After discussion, the Board directed Ms. Kalberman to delete the notion of the Ethics Officer and Board's involvement in disposing of the funds and inserted the direction for the Development Authority to consult its own counsel. Scott Bonder made a motion to approve the opinion with the change and Brian Deutsch seconded the motion. The motion passed with a vote of 6-0-1. Greg Russell abstained.


VII. Administrative

1. Ms. Kalberman informed the Board that the new website is up and running and invited everyone to inspect it online.
2. Public comment. Stephen Binney made remarks to the Board.


VIII. Adjournment

Robert Tatum made a motion to adjourn and Dan DeWoskin seconded the motion. The motion passed with a vote of 7-0 and the meeting adjourned at 4:53 p.m.

Approved:



Vice-Chair



Date