

MINUTES
DeKalb County Board of Ethics
January 10, 2006

MEMBERS PRESENT: Aubrey Villines, Chair
Pat Killingsworth
Stanley Baum
Teri Thompson
Bryan Smith
Stephen W. Irving, *Counsel for the Board*

OTHERS PRESENT: Ron Marshall
Gwen Marshall
Al Nixon
Rodney Johnson
Dwight Thomas, Esq. (Atty. for Vernon Jones, CEO
DeKalb County)
Mark W. Forsling, Esq. (Atty. for Legacy Investment
Group, LLC)
Robert H. Benfield (Atty. for Donald Broussard)
Donald J. Broussard (DeKalb Planning Commissioner)
Kathie Gannon (DeKalb County Board of Commissioners)
Deborah Hamilton
Johnny Fogle
Viola Davis
Julia Steinich

CALL TO ORDER AND APPROVAL OF MINUTES

Aubrey Villines, Chair of the Board of Ethics, called the meeting to order at approximately 7:09 p.m. The Chair asked for any corrections or modifications to the minutes of the prior meeting, no corrections were made and a motion to approve the minutes was properly made and seconded, the minutes were approved.

OLD BUSINESS

Ron Marshall's "lawsuit" filed against the Board of Ethics

Attorney Irving discussed with the Board that he had looked into the suit filed against the Board. He informed us that the suit had been dismissed *sua sponte* and communicated that he would mail the Board members copies if the Final Order.

Allegations of Misconduct by CEO Jones and Merit Employees

Complaint initially filed on July 9, 2004, alleged that CEO Vernon Jones improperly used county employees, to campaign during his re-election bid during the summer of 2004.

The Board, upon recommendation of Atty. Irving, decided to only hear allegation #8 of the Complaint.

Al Nixon, Chief Inspector for County Construction and Rodney Johnson, Assistant Director of Human Development, the DeKalb County Employees named by Ron Marshall as the employees that helped the CEO campaign, were subpoenaed by the Board and both were in attendance.

Ron Marshall began questioning Al Nixon concerning his involvement in CEO Jones re-election. Marshall presented an email listing of dates that he recalled seeing both Nixon and Johnson at campaign events. Mr. Nixon presented to the Board a copy of his timesheets disputing that there were times in which he campaigned and was on the clock for DeKalb County. Mr. Nixon asserted his willingness to help CEO Jones but he emphatically denied doing so to earn favor from the CEO. He reasserted his position to Board member Stanley Baum. Mr. Rodney Johnson, not fully understanding why he was asked to attend the proceedings, informed the Board that he was not comfortable continuing with any of the proceedings without obtaining Counsel. Ron Marshall wanted to proceed with questioning that addressed the issue of whether or not Nixon and Johnson violated the County Employee's Handbook Policies but he was informed, by the Chair (Mr. Villines), that the Board had no jurisdiction over the Policies outlined in the employee's handbook. Mr. Nixon, also stated he would prefer to seek legal counsel.

Mrs. Killingsworth made a Motion to dismiss the Complaint. The Motion passed and the Complaint was dismissed.

The Broussard Matter

Legacy Investment Group, LLC brought a complaint against DeKalb Planning Commissioner Donald J. Broussard, alleging that Mr. Broussard deliberately undermined the efforts of an applicant's attempt to seek approval from the Planning Commission. Legacy states that Mr. Broussard did not give the impression of being "independent and impartial".

Mr. Forsling, representing Legacy, began by explaining a "sketch plat" and the procedures for plats being reviewed by the Planning Commission. Legacy alleges that Mr. Broussard was overheard, by Mrs. Deborah Hamilton, discussing with opponents of Legacy how they could undermine the developers. Mrs. Hamilton was called as a witness to tell what she heard. Attorney Benfield, representing Broussard, asserts that Mr. Broussard, in his capacity as a Planning Commissioner may in fact converse with citizens to explain to them any procedures that may be available to them. Benfield called County Commissioner Kathie Gannon as a witness to say that she did not hear any inappropriate statements on the part of Broussard – she further stated that she also had conversations with citizens opposed to the plat review passing and she simply suggested that they (the group) seek counsel. Mrs. Gannon stated that the plat review had passed as a result of a tie ("no action") and that Broussard typically would not be in a position to influence any future actions concerning the plat review. Johnny Fogle, an individual in

the community group opposed to the plat review passing, was called to explain conversations had between Mr. Broussard and the citizens opposed to the plat review (it should be noted that Broussard voted against the plat review). Mr. Bogle stated that he was confused as to the outcome and that Broussard only informed him of what actually happened – the plat review passed. Bogle said that other individuals in his group could possibly discuss what more, if anything, was said by Broussard.

Mr. Forsling said that Broussard was in violation of the Ethics Rules due to the “quasi-judicial” nature of the Planning Commission. After discussions between the Board Members, it was decided, after a Motion presented by Stanley Baum, that evidence would no longer be heard and both sides would enter Briefs explaining whether or not the Planning Commission is a “quasi-judicial” entity. Stanley Baum’s Motion passed by a 4-1 vote, with Bryan Smith entering the only vote in opposition to the Motion. The Complainant will have 15 days to submit his Brief and there will be 10 days allowed for a response.

NEW BUSINESS

A Complaint drafted by Barry Milteer was addressed. The Board determined that the Milteer case was not within the Board’s jurisdiction and the Complaint was dismissed.

It was decided that the next meeting date would February 7, 2006, at 7:00 p.m. in the Maloof Building, at which time the Board will discuss the Briefs that are to be drafted by both sides in the Broussard case.

There being no further discussion, the meeting was adjourned at approximately 9:10 p.m.

Respectfully submitted,

Bryan Smith, Member
DeKalb County Board of Ethics