

**MINUTES**  
**DeKalb County Board of Ethics**  
**Special Session/Preliminary Hearing**  
**January 24, 2005**

Members Present: Aubrey Villines, Chair  
Teri Thompson, Secretary  
Pat Killingsworth  
Stanley Baum  
Veronica Higgs  
Bryan Smith

Others Present: Ron Marshall, Complainant  
Georgia Anderson, Complainant  
Dwight Thomas, Attorney for Vernon Jones  
Debra Golymbieski, Attorney for Robert Brown  
Robert Wilson, Attorney for Robert Brown  
Bill Bozarth, Executive Director, Common Cause of Georgia  
Michael Mears, Governing Board Member, Common Cause of Georgia  
Jennifer Parks, Crossroads News Agency  
Keith Whitney, 11Alive News Agency  
Gwen Marshall  
Viola Davis  
Doug Monroe  
Joel Finegold  
Steve Carr  
Chuck Brown

CALL TO ORDER AND APPROVAL OF MINUTES

Aubrey Villines, Chair of the Board of Ethics, called the meeting to order at 7:10 p.m. The Chair asked for any corrections or modifications to the minutes of the previous meeting (*get date*). Board Member Stanley Baum noted that the previous references to Ron Marshall as one of the complainants in the minutes was ~~in~~ proper as Mr. Marshall did not formally enter the case as a until after the meeting via electronic communication to the Board members. The minutes were adopted as corrected.

Re 2/24/05  
to

NEW BUSINESS

Chairman Villines informed the body that all issues regarding the Board of Ethics should be directed to him at the following e-mail address: [atvillethics@msn.com](mailto:atvillethics@msn.com).

Attorney Michael Mears appeared on behalf of Common Cause of Georgia. Mr. Mears currently serves on the Governing Board of Common Cause, a “watchdog” of local government. Mr. Mears stated that he received information that complaints presented to the Board of Ethics were not being moved forward, and that he was concerned that no formal hearings were being held. Mr. Mears requested that there be open hearings of any complaint brought before the Board.

Chairman Villines expressed concern that someone wrongfully, and perhaps maliciously, informed the various media outlets that the Board would be hearing evidence of rape allegations by CEO Jones when in fact no such matter was scheduled to be heard by the Board of Ethics.

### **Preliminary Hearing: Ethics Complaint against Vernon Jones**

Complainant Ron Marshall raised the following issues in his opening statement to the Board:

- The attorneys’ fees for Brown and Jones are improperly paid by public funds;
- Citizens should not be afraid of receiving sanctions for speaking out, and witnesses have suffered severe retaliation;
- Marshall was personally threatened with abusive litigation, i.e. Brown directed the law firm of Alston and Bird to send a threatening letter to him;<sup>1</sup>
- A federal grand jury indicted Charles Walker;
- Brown serves at the pleasure of Jones, and Jones has not tapped anyone else for Brown’s position;
- Unethical payments were paid to Walker from Brown.

Mr. Marshall stated that the issues presented create a prima facie case of misconduct, and the Board should act accordingly.

Complainant George Anderson raised the following issues in his opening statement to the Board:

- Anderson has filed numerous ethics complaints as a concerned citizen;
- There is a need for stronger ethics legislation in DeKalb;
- There is ample evidence that Brown and Jones have retaliated against individuals who speak out against them.

Mr. Anderson requested a formal hearing in light of the evidence presented.

Attorney Dwight Thomas stated that CEO Jones has had no personal contact with any alleged witness, nor has he engaged in any form of retaliation. Attorney Thomas further stated that the CEO is given the authority to appoint a trustee. He is not required to appoint such a person within a certain timeframe, and his failure to appoint someone is

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<sup>1</sup> Said letter is attached hereto and marked as Complainants’ Exhibit 1.

not a violation of any existing law or regulation. Attorney Thomas maintained that Mr. Jones is not involved with any indictment of Mr. Walker, nor is he personally the subject of any such investigation.

Attorney Thomas referred to the documentation filed by Mr. Jones' "political adversary," Ron Marshall, wherein it is noted that Mr. Jones has a contract with Grady Hospital and Robert Brown. (See materials dated December 29, 2004, at page 2, paragraph 7.) Vernon Jones, according to Attorney Thomas, does not have a contract with Grady Hospital; therefore the allegations are untrue and have no merit.

Mr. Marshall objected to Attorney Thomas' reference to "political adversary."

Attorney Thomas stated that he has no problem with any citizen voicing his or her First Amendment right to lodge a complaint. However, according to Thomas, frivolous complaints are unacceptable, and "sanctions may be appropriate because these hearings are at taxpayers' expenses."

Mr. Anderson stated that he filed an Open Records Request in order to get documents that are related to the present issues. Unfortunately, the request was not acted upon.

Board Member Pat Killingsworth asked the complainants why witnesses were not ~~present at~~ subpoenaed for this hearing. Mr. Marshall stated that witness were reluctant to appear; in fact, "one witness was poisoned." Mr. Anderson added that the position of the witnesses is that there is "nondisclosure" unless the parties are subpoenaed.

Board Member Stanley Baum questioned Attorney Thomas about Vernon Jones' absence from the board meetings. Attorney Thomas stated that the rules do not require his presence at such hearings, although Vernon Jones has appeared at State Ethics Board Meetings. Attorney Thomas also stated that Mr. Jones should not have to be subjected to the "circus environment" created by the complainants.

Board Member Baum questioned Mr. Marshall about the content of the letter, and specifically about which portion he deemed to be threatening. (See Exhibit 1) According to Mr. Marshall, he met with the board members listed in the letter as having received a carbon copy as soon as he received the letter. According to Mr. Marshall, none of the members that he talked to knew anything about the letter, and therefore he deemed the letter was a personal threat to him.

*alleged threatening letter sent to him  
by Astor + Erd*

**Preliminary Hearing: Ethics Complaint against Robert Brown**

Counsel for Robert Brown filed and submitted a Motion to Dismiss the complaint on the following ground: The Fulton County Hospital Authority exists and is created by state law and therefore preempts any local body, including the DeKalb Board of Ethics.

According to Attorney Golymbieski, there is a general body of law that covers the existence of the hospital authority. Mr. Brown is bound to follow the authority created by general statute and the standards set out for public office. See Little and Richmond cases (*add citations here.*) Accordingly, Mr. Brown is subject to the Administrative Procedures Act. Counsel further asserts that the complainants have brought their allegations before the wrong body.

In response to the inquiry about the failure of Mr. Brown to appear at the present hearing, Attorney Wilson stated that while Mr. Brown appeared before the DeKalb County Board of Ethics previously, and that he was in attendance at a Grady Hospital Board Meeting.

*Eff. on him, 262645*  
Chairman Villines addressed the issue of preemption. Specifically, Mr. Villines noted that Grovenstein v. (*get complete citation*), 414 S.E. 2d 207 (1992), stands for the proposition that preemption is not relevant where local law does not hinder or conflict with state law.

Attorney Wilson maintained that this is a matter of jurisdiction. "It is clear that Robert Brown's position falls under state law." Attorney Golymbieski added that preemption and conflict of laws are two different areas. See O.C.G.A. § 45-10-3. Counsel argued, in relevant part,

Under preemption, a legislative body cannot pass a law on the same subject. A conflict of laws is not required for there to be preemption. State law creates the hospital authority. The DeKalb County Board of Ethics was created by a special law.

In response, Mr. Marshall argued that previous correspondence from Robert Brown conceded the jurisdictional authority of the Board to hear the matters presented. Mr. Anderson agreed, and further argued that they have submitted enough information against Mr. Brown for a formal hearing to be held.

Board Member Stanley Baum moved to dismiss the complaint against Mr. Brown due to lack of jurisdiction. The motion was seconded by Teri Thompson. The vote was as follows: Two (2) voted yes; three (3) voted no. The motion failed.

Attorney Wilson stated that following the arguments of the complainants which are based on innuendo, suspicion and hearsay is dangerous. He further stated that Mr. Walker's indictment has nothing to do with Mr. Brown.

that the Board

Board Member Pat Killingsworth moved to dismiss the complaint against Mr. Brown, because of lack of evidence. The motion was seconded by Veronica Higgs. The vote was as follows: Four (4) voted yes; one (1) voted no. The motion carried.

as presented by  
the complainants

to support an investigation or formal hearing on the matter.

Board Member Killingsworth moved to dismiss the complaint against Mr. Jones for failure to state a cause of action. The motion was seconded by Teri Thompson. The vote was as follows: Four (4) voted yes; one (1) abstained (Veronica Higgs). Before votes were counted, Complainant Anderson abruptly walked out of the hearing.

Ms. Killingsworth noted for the record that she was concerned about the allegations against the parties, as she had been alleged to have been "doing business" with Mr. Jones and DeKalb County, and that she maintained a website advertising such. Ms. Killingsworth stated she has no such website, nor does she contract with DeKalb County as alleged by the complainants.

noting that the complainants had alleged vague nature of the  
in an ex-parte e-mail that

not are such unfounded allegations appropriate.

The next meeting is scheduled for February 9, 2005. The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

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Teri L. Thompson, Secretary