

DeKalb County Board of Ethics

Thursday, December 18, 2014

6:30 p.m.

Conference Room B, Clark Harrison Building

Minutes

Members Present:

John Ernst, Chair
Edwinett Murphy, Secretary
Clara Black DeLay
Robert Blackman
Bobbie Sanford
Thelma Grier (joined meeting at 6:34 p.m.)

Board Affiliates Present:

Gene Chapman, Board Counsel
Jennifer Johnson, Administrative Assistant
Robert Browning, Investigator
Victor Hartman, Investigator

Attendees who signed the attendance roster:

Vivian Moore
Johnny Cole
Thomas Mitchell Owens
Ruby Bozeman Davis
Viola Davis
Leila Marcus
Janet Pierce
John Evans
Rhea Johnson
Bob Lundsten
Ken Watts
Zepora Roberts
Mike Cooper
Joe Arrington

I. Call to order

John Ernst, Chair, called the meeting to order at 6:31 pm

II. Welcome

III. Adoption of the Agenda

The agenda was reviewed. Robert Blackman made a motion to adopt agenda. Motion seconded by Bobbie Sanford. The motion passed with a vote of 5-0. Thelma Grier joined the meeting after the vote.

IV. Review and Approve Work Session Minutes and Meeting Minutes from October 13, 2014

The Work Session Minutes from October 13, 2014 were reviewed with the 2015 Budget Proposal Framework attached as requested in the Board's meeting on November 13, 2014. Robert Blackman made a motion to approve the Work Session Minutes from October 13, 2014 with attachment. Seconded by Edwinett Murphy. The motion passed with a vote of 3-0-2 (Grier and DeLay abstained).

The Minutes from November 13, 2014 were reviewed. Corrections noted for V.A., adding Robert Blackman as the member who seconded the motion. Correction noted for VI.F., adding Susan Neugent as the member who seconded the motion. Robert Blackman made a motion to approve minutes with the changes and Edwinett Murphy seconded. The motion passed with a vote of 4-0-2 (Grier and Sanford abstained).

V. Unfinished Business

- A. Preliminary hearing: Complaint of Rhea Johnson against Commissioner Larry Johnson. Attorney Stephen H. DeBaun representing Rhea Johnson stated that the complaint was focused on budget procedures for the County and argued that using the purchasing card to transfer money to the Porter Sanford Arts Center unlawfully avoided the requirements of budget procedures. Victor Hartman (investigator) reported that he found no systemic abuse and stated that the only unusual thing he saw was seven (7) charges totaling \$12,000 to the Arts Center. Attorney Mawuli Davis, representing Commissioner Larry Johnson, asked the Board to dismiss the complaint since the investigator found no ethics violation or mismanagement. Attorney Davis also wanted the board to know that Larry Johnson returned money to the county and made the seven transfers to the Arts Center over a period of several years. Bobbie Sanford made a disclosure regarding her relationship to Larry Johnson. She stated that she wished that the other commissioners would have used their P cards in the way that Larry Johnson used his to benefit the county. John Ernst presented the question of whether to find probable cause. The question failed to pass with a vote of 0-5-1 (Sanford abstained).
- B. Consideration of questions for advisory opinions: John Ernst gave clarification for Thelma Grier that her seat term will be not expire until 12/31/16. John suggested that a letter be forwarded to the Board of Commissioners two months prior to the expiration of a term of a member to give the BOC notice that a new appointee is needed. Thelma Grier questioned how the chart was composed. Gene Chapman stated that he put together the chart with information gathered from various sources and cross-referenced the information with public records. Thelma made a request that the Board members be able to view documentation supporting the text of the opinion and exhibits before the advisory opinion is presented to the commissioners. Clara DeLay proposed that the complete chart be kept for record keeping and that the revised chart start with the year 2010.
- C. Status reports
 - a. Tree Creek Condominium Association complaint against Burrell Ellis and Joel Gottlieb. Investigator Robert Browning reported that he had a meeting on December 3, 2014 with a representative of the Watershed Department and was presented documentation to support the fact that the meters were replaced. Robert Blackman stated that the TCCA problem was not a decision with which the Board should be spending its time and resources. Edwinett Murphy commented that the initial goal was to find out who violated proper county procedure and that the Board should make a decision as to whether or not the Board of Ethics has done enough to move the issue back to Tree Creek to resolve the problem on their own. After further discussion, Bobbie Sanford made a motion to conclude the case and send a letter to TCCA and Watershed Department with a copy of the investigator's report. Robert Blackman seconded the motion. The motion passed with a vote of 5-0-1 (Grier abstaining).

b. - k. Pending matters are still being investigated.

l. - m. Rhea Johnson indicated that he would prefer the Board to discuss his requests for advisory opinions at next meeting.

n. Robert Lundsten complaint against John A. Ernst, Jr. – preliminary investigation. John Ernst recused himself from the discussion. Gene Chapman reported that he had sent a letter to John Ernst advising him that he could submit a response to the complaint. Chapman stated that he had not received a response from Mr. Ernst. Board members asked Chapman to identify the date on which he sent the letter to Ernst and the date by which Ernst had to respond. Mr. Chapman did not know the exact date of the letter to Mr. Ernst. After a brief discussion, it was decided that Gene Chapman would provide the Board members via email with the date the letter was forwarded to Ernst and the date by which the response is due.

- D. Discussion of compensation for legal counsel. Thelma Grier made a request to see the Board's financial report before an increase of compensation to counsel is approved. Grier made a motion that the Board should appoint a person as a second approver of invoices. Bobbie Sanford stated she wants to see detailed invoices from counsel. Sanford amended the motion on the floor to appoint a Treasurer to serve as second approver of all invoices. Robert Blackman voiced his concern over how the Board was to go about appointing a treasurer. Sanford suggested that the duty of a Treasurer could be a part of the administrative assistant's duties. Grier suggested that Vice-Chair Clara DeLay be the Treasurer. Blackman disagreed with utilizing someone as a second approver of invoices. The Board decided to postpone the matter until the next meeting. After notice to the Chair that a motion was on the floor but had not been seconded, Bobbie Sanford withdrew the amendment to the initial motion and Thelma Grier withdrew her motion.

VI. NEW BUSINESS

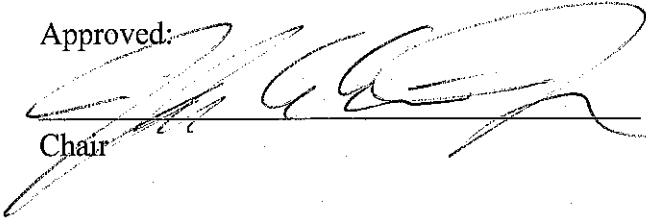
- A. Discussion of Office and Personnel to aid the Board of Ethics. Clara DeLay recused herself from this part of the meeting. Gene Chapman presented the Board with a proposal for a job description for an Executive Director of the Board of Ethics. John introduced Clinton Browning, an independent recruiter, to give insight and opinion of how his company would go about hiring the candidate for Executive Director. Bobbie Sanford stated that John Ernst was out of order for inviting a representative of a search firm to the meeting and that the Board should have voted on whether or not a search firm was needed. Sanford suggested that the Board proceed with resumes already on file with the Human Resources of DeKalb County. Thelma Grier made a motion for the Board to not move forward using a search firm. Motion seconded by Bobbie Sanford. The motion failed with a vote of 2-3. Sanford and Grier voted for the motion; Murphy, Blackman, and Ernst voted against the motion. Edwinett Murphy made a motion to receive proposals from search firms with information as to costs and then decide whether the Board can afford to use a search firm to find candidates for an Executive Director. Motion seconded by Robert Blackman. The motion passed with a vote of 3-2. Murphy, Blackman, and Ernst voted for the motion; Sanford and Grier voted against the motion. Ernst stated that counsel should draft a Request for Proposal and send it to the County for distribution. Sanford suggested that the Board should review the RFP prior to sending it to the County.

- VII. Closing Remarks: Grier voiced her concern that the Board should see the RFP at the next meeting. John Ernst stated that the Board would meet in January on a date to be determined.

VIII. Adjournment.

Edwinett Murphy made a motion to adjourn and Robert Blackman seconded the motion. The motion passed with a unanimous vote. The meeting was adjourned at 8:35 pm.

Approved:



Chair

3-3-15
Date