

DeKalb County Board of Ethics

Location: Conference Room A, Clark Harrison Building

Date of Meeting: 3/31/2014 Time of Meeting: 6:30pm

Minutes

Members Present:

Isaac Blythers, Acting Chair
Clara DeLay
Susan Neugent
John Ernst
Thelma Grier
Edwinett Murphy

Members Absent:

Bobbie Sanford

Board Affiliates:

Trumondia Williams, Staff Support
Gene Chapman, Board Counsel

Attendees:

April Hunt
Joe Arrington
Viola Davis
Joe Newton
Tom Owens
Rhea Johnson
Gale Walldorff
Ruby Bozeman Davis

I. Call to Order

The meeting was called to order at 6:37pm by Isaac Blythers, Acting Chair.

II. Welcome and Introductions

III. Adoption of the Agenda

The Agenda was reviewed. Isaac Blythers entertained a motion to amend the agenda by adding 2 items: IX Ratify appointments of Attorney and X Ratify October 28, 2013 vote on media communications. Susan Neugent moved for approval and the motion was seconded by Thelma Grier. Isaac Blythers called for a vote. All six members voted and all six were in favor to approve adopting the amended agenda.

IV. Adoption of Minutes

The Minutes, dated March 28, 2014, were reviewed and approved with corrections. Isaac Blythers entertained a motion to approve the minutes with corrections. Edwinett Murphy moved for approval and the motion was seconded by Thelma Grier. Isaac Blythers called for a vote. All six members voted and all six were in favor to approve adopting the corrected minutes from March 28, 2014.

V. Ethics Board Elections

Isaac Blythers vacated the Chair and transferred authority to Gene Chapman for the purpose of conducting the Ethics Board elections. Gene Chapman entertained a motion to nominate Isaac Blythers as the Chair of the DeKalb County Board of Ethics. John Ernst moved for approval and the motion was seconded by Thelma Grier. Mr. Chapman called for a vote. All six members voted in favor for electing Isaac Blythers as the Chair of the DeKalb County Board of Ethics. Isaac Blythers was elected as the Chair of the DeKalb County Board of Ethics.

Gene Chapman entertained a motion to nominate John Ernst as the Vice Chair for the DeKalb County Board of Ethics. Susan Neugent moved for approval and the motion was seconded by Clara DeLay. Gene Chapman also entertained a motion to nominate Susan Neugent as the Vice Chair of the DeKalb County Board of Ethics. Thelma Grier moved for approval and the motion was seconded by Isaac Blythers. Susan Neugent respectfully declined the nomination and Thelma Grier withdrew the nomination of Susan Neugent as Vice Chair. Gene Chapman entertained a motion to nominate Edwinett Murphy as the Vice Chair for the DeKalb County Board of Ethics. Thelma Grier moved for approval and the motion was seconded by Isaac Blythers. Edwinett Murphy respectfully declined the nomination as Vice Chair, and Thelma Grier withdrew the nomination. Gene Chapman called for a vote to nominate John Ernst as the Vice Chair for the DeKalb County Board of Ethics. Isaac Blythers, Clara DeLay, Susan Neugent, John Ernst, and Edwinett Murphy voted to in favor; and Thelma Grier abstained from voting. The motion passed, and John Ernst was elected as the Vice Chair of the DeKalb County Board of Ethics.

Gene Chapman entertained a motion to nominate Edwinett Murphy as Secretary for the DeKalb County Board of Ethics. Isaac Blythers moved for approval and the motion was seconded by Thelma Grier. All six members voted in favor for electing Edwinett Murphy as the Secretary for the DeKalb County Board of Ethics. Edwinett Murphy was elected as the Secretary of the DeKalb County Board of Ethics. Gene Chapman returned the Chair back to Chairman Isaac Blythers.

VI. Discuss and approve final Procedural Rules changes

Gene Chapman discussed changes made to the Procedural Rules. The sections that were changed included the section on Open meeetings act and Quorum, and the section on appointment of special counsel. Isaac Blythers entertained a motion to accept the Procedural Rules with corrections. Thelma Grier moved for approval and the motion was seconded by John Ernst. Isaac called for a vote. All six members voted in favor for accepting the Procedural Rules with added corrections.

VII. Discuss Chief Cedric Alexander's Advisory Opinion Request

Gene Chapman read the ^{request for} Advisory Opinion submitted by Dr. Cedric Alexander. John Ernst suggested this question would be a Human Resource question, but also could prove to be an ethical concern when dealing with monetary value. Clara DeLay suggested the opinion is asking if he could speak as a Clinical Psychologist and not in the capacity as Public Safety Director. The

speaking engagements should not be a DeKalb County vendor. Susan Neugent suggested that Human Resources should have a policy in place for addressing this type of concern. Isaac Blythers suggested the concern could be problematic and recommended asking Human Resources to look into this concern. Thelma Grier suggested that the possible Code violation be pointed out and addressed. Edwinett Murphy suggested the Board gather more information from Dr. Alexander for more clarity, especially describing how honorarium differs from receiving pay.

Isaac Blythers entertained a motion to table the pending Advisory Opinion in order to send questions for response to Dr. Cedric Alexander either in writing or appear before the Board. John Ernst moved for approval and the motion was seconded by Thelma Grier. Isaac Blythers called for a vote. Susan Neugent, John Ernst, Thelma Grier, Isaac Blythers, and Edwinett Murphy voted in favor of the motion; and Clara DeLay voted in opposition of the motion. The motion passed with five votes to one.

VIII. Discuss and prioritize outstanding complaints

Gene Chapman read the outstanding complaints.

- Brent Nieman / Mary Slaughter against Susan Apolinsky (DeKalb County Historic Commission), filed December 1, 2010. The Board does have jurisdiction on this complaint. Isaac Blythers entertained a motion to bind this complaint over for a full hearing, ~~at the next scheduled Board meeting.~~ John Ernst moved for approval and the motion was seconded by Clara DeLay. Isaac called for a vote. Clara DeLay, Susan Neugent, John Ernst, Edwinett Murphy, and Isaac Blythers all voted in favor, and Thelma Grier abstained from voting. ~~The vote passed to bind this complaint over for a full hearing at the next scheduled Board meeting.~~ *Get response from Susan Apolinsky*
- Tree Creek Condominium Association against Burrell Ellis (CEO), Joel Gottlieb (former Director of Finance), Dr. Francis T. Kung'U (former Director of Watershed Management), filed May 29, 2012. The Board does have jurisdiction on this complaint. The ~~known~~ *Alleged* violation was the moving of the water meter (missing meter). An investigation should take place. Isaac Blythers entertained a motion to start an investigation into this complaint to gather more facts surrounding the missing water meter. Thelma Grier moved for approval and the motion was seconded by Susan Neugent. Isaac called for a vote, and all six members were in favor of the motion to start an investigation. Isaac entertained a second motion to empower Attorney Gene Chapman to provide the scope of the project and hire an investigator at a reasonable rate. John Ernst moved for approval and the motion was seconded by Edwinett Murphy. Isaac called for a vote, and all six members were in favor of said motion.
- Rhea Johnson against Lee May (Interim CEO) filed March 12, 2014. Mr. Johnson chooses to not have his complaint discussed without the representation of his attorney. There was discussion among the Board members as to why the Board should not discuss this complaint which was part of the Agenda. Clara DeLay had opposition to honoring the request on the basis that his case was on the agenda for the Board to decide how to move forward, and ~~since~~ *since* neither he nor his attorney would have an opportunity to comment on the Board's business as an attendee. ~~She felt that he was not a party to any proceedings and his due process rights would not be denied by the Board's discussion on the matter during~~

the meeting, as the approved Agenda indicated. This complaint will be discussed at the next scheduled Board meeting.

- Viola Davis against Kelvin Walton (Director and Chief Procurement Officer) and Nina Hall (Project Manager in Watershed Management) filed March 17, 2014. The Board does have jurisdiction on this complaint. Isaac Blythers entertained a motion to notify Kelvin Walton and Nina Hall of the complaint against them and ask them to respond either in writing or appear before the Board. Edwinett Murphy moved for approval and the motion was seconded by Thelma Grier. Isaac called for a vote, and all six members were in favor of said motion.

IX. Ratify Appointment of Attorney

Isaac Blythers entertained the motion to ratify the selection and appointment of Gene Chapman as DeKalb County Board of Ethics Attorney. Thelma Grier moved for approval and the motion was seconded by Susan Neugent. Isaac called for a vote, and all six members were in favor to ratify the selection and appointment of Gene Chapman as DeKalb County Board of Ethics Attorney.

X. Ratify October 28, 2013 vote on media communication

Isaac Blythers entertained the motion to ratify the prior vote that all communications to media should come from the Chair. Thelma Grier moved for approval and the motion was seconded by Edwinett Murphy. Isaac Blythers called for a vote. Thelma Grier was in favor, and John Ernst, Clara DeLay, Edwinett Murphy, Susan Neugent, and Isaac Blythers opposed the motion to ratify the prior vote that all communications to media should come for the Chair. The motion did not pass.

XI. Closing Remarks

The Board has made significant progress with clearing back logged complaints. Isaac Blythers asked for a special meeting to be called in April to review responses. The meeting was declined for April, and the next meeting will be as scheduled May 8, 2014.

XII. Adjournment

There being no further business, the Acting Chair entertained the motion to adjourn. Thelma Grier moved for adjournment and Edwinett Murphy seconded the motion. The motion passed with a unanimous vote from the six members. The meeting was adjourned at 8:48pm.

Respectfully submitted,

Chairman

Date