

## MINUTES

### DeKalb County Board of Ethics

May 12, 2010

MEMBERS PRESENT: Bryan Smith, Chair  
Bobbie Sanford  
Isaac Blythers  
Susan Neugent  
Thelma Grier  
Stephen Irving, Board Attorney

#### CALL TO ORDER

Chair Bryan Smith called the meeting to order at 6:07 p.m.

#### ADOPTION OF AGENDA

The Agenda was reviewed and approved as provided.

#### OLD BUSINESS

##### Ed McBrayer (PATH), Development Authority

Attorney Stephen Irving drafted written interrogatories to the parties, in an effort to resolve the matter and will be sending notice to the Parties that Board will have a hearing on the matter on August 11, 2010

##### Gerald Bryant, Board of Tax Assessors

Gerald Bryant verbally requested a dismissal of the Complaint against him. The Board, by unanimous decision, decided that Mr. Bryant would have to reduce his request for dismissal to a formal writing. Member Blythers moved (and it was properly seconded) that all materials necessary to prosecute a Formal Hearing in the Gerald Bryant matter be produced and submitted to the Board no later than June 15, 2010.

##### Ethics Code Book for New Members

Bryan issued a Code Book to all new members with the exception of Member Bobbie Sanford.

### Complaint against Commissioner Sharon Barnes Sutton

It was decided that the Counsel for the Board, Stephen Irving, would draft and deliver the Complaint against Commissioner Sutton. The essence of the Complaint is whether Commissioner Sutton has violated the Code of Ethics by issuing bad checks, which resulted in a warrant, and using her influence as a county commissioner to avoid getting arrest. The officers who stopped Commissioner Sutton were disciplined for failing to arrest her.

The following Code Section applies: Section 22 (A) (c) (1) addresses the conduct of governing authorities; Section 22 (A) (c) (2) (A) provides that no member shall request or receive gifts or favors. Section 22 (A) (c) (7) prohibits any member of the governing authority from engaging in any activity that is prohibited by law.

### NEW BUSINESS

The Chair, Bryan Smith, presented to the Board information received from Gordon Burkette, Legislative Liaison to DeKalb County CEO Burrell Ellis, a letter from Housing Authority officials outlining a possible Code of Ethics violation. The Board voted to have a Complaint drafted against Housing Authority Commissioners Maddox and Williams.

Advisory Opinions were requested by the CEO concerning a consultant contract with Neville Anderson, Sr. and by Vaughn Irons in reference to Economic Development Authority bids. The Board Counsel will draft those Advisory Opinions for Board review.

### ADJOURNMENT

The meeting adjourned at 8:13 p.m.

Respectfully submitted,

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Bryan F. Smith

### Open Records Request by Attorney Hayden Pace

Attorney Steve Irving responded and the matter was resolved.

### NEW BUSINESS

#### Updating Members' Contact Information

Each member gave Chair Bryan Smith his or her contact information so that this information can be posted on the DeKalb County website. Bryan will schedule a meeting with Gordon Burkette, CEO Liaison.

#### Ethics Code Book for New Members

Bryan will schedule a meeting for the exclusive purpose of explaining and reviewing the Code of Ethics to all new members.

#### Complaint against Commissioner Sharon Barnes Sutton

For the limited purpose of discussing the issue of filing a complaint against Commissioner Sutton, Bryan moved that he be permitted to vacate his position as Chair and to designate Teri Thompson as Chair. The motion was seconded and the vote was unanimous.

The essence of the complaint that Bryan is initiating is whether Commissioner Sutton has violated the Code of Ethics by issuing bad checks which resulted in a warrant, and using her influence as a county commissioner to avoid getting arrested. The officers who stopped Commissioner Sutton were disciplined for failing to arrest her.

The following Code Section applies: Section 22 (A) (c) (1) addresses the conduct of governing authorities; Section 22 (A) (c) (2) (A) provides that no member shall request or receive gifts or favors. Section 22 (A) (c) (7) prohibits any member of the governing authority from engaging in any activity that is prohibited by law.

Bryan moved that the Board of Ethics should initiate a preliminary investigation of Commissioner Sutton to determine whether she violated Sections Section 22 (A) (c) (2) (A) and Section 22 (A) (c) (7) of the Code of Ethics. The motion carried and the vote was unanimous. Thereafter, Bryan resumed his position as Chair of the Board.

The next step in this process is for the Board of Ethics to file a written complaint. The respondent has twenty (20) days to respond.

#### Needs of the Board of Ethics

Members discussed the immediate needs of the Board which included ~~the~~ having a person designated to take minutes, provide copies, etc. It was suggested that a county employee

could be selected to do so and be given compensatory time for the time expended at the Board of Ethics meetings.

There is an ongoing need for supplies to include refreshments. The members also discussed that we consider who will maintain our records and where our records will be maintained. This matter is more urgent in light of the filing of complaints which may contain confidential information such as one regarding Commissioner Sutton.

The members also expressed concern regarding the absence of Board counsel and the need to have another person selected by Steve in his absence.

Amendment to Board Rules

Isaac moved to amend the Board Rules regarding the times and location of our meetings from 7:00 p.m. to 6:00 p.m. and from the Maloof Building to the Harrison Building. The motion carried and the vote was unanimous.

ADJOURNMENT

The meeting adjourned at 8:43 p.m.

Respectfully submitted,

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Teri L. Thompson  
Acting Secretary