



Draft
DeKalb County Board of Ethics
Thursday January 19, 2023
6:00 p.m.
Zoom meeting

Minutes

Members Present:¹

Alex Joseph – Board Chair
David Moskowitz – Board Vice Chair
Candace Rodgers – Board Secretary
Nadine Ali
Candace Walker
Shawanda Reynolds-Cobb

Alternate Members Present:

Bill Clark
Cathea Simelton-Treminio

Board Affiliates Present:

Elisa Murphy, Ethics Officer
Kristin Rodgers, Ethics Administrator
Bonnie Levine, Board Counsel

County Technology Personnel Present:

John Matelski
2Host

Attendees (names as designated on Zoom platform)

Call in user 1
Daniel Sanmiguel
Joe Hughes
Larry Foster
Laura Johnson
Lynn Ganim
M. Cooper
M.H.
Mary Hinkel
Rep. Viola Davis
Stacey Kalberman
Tanya Demjanec
Terrell Davis
Timothy Hardy

¹ Board Member Reynolds-Cobb departed the meeting prior to adjournment.

Tom Woodard
S. Binney
Walter Nix
Zoorjh12
Ann Abramowitz
Kwasi Obeng
Brenda Harrison
Claudette Leak
Morgan

Agenda

I. Adoption of Agenda

Vice Chair David Moskowitz made a motion to adopt the January 19, 2023 Board of Ethics (“hereinafter the Board) meeting agenda, seconded by Member Nadine Ali. Member Rosa Darden Waymon was absent from the meeting and Shawanda Reynolds-Cobb was absent from this vote. Motion passed by 5-0 vote.

II. Administrative Items

A. Approval of the Minutes of the Regular Board Meeting of December 15, 2022

Vice Chair David Moskowitz to approve the December 15, 2023 Board of Ethics Meeting Minutes, seconded by Member Nadine Ali. Member Rosa Darden Waymon was absent from the meeting and Shawanda Reynolds Cobb was absent from the vote. Motion passed by 5-0 vote.

B. Construction of Wall for Ethics Administrator’s Office (tabled from the October 20, 2022 Board of Ethics meeting)

Board Chair Alex Joseph gave an update on the construction of the wall for the Ethics Administrator and stated that the wall has been completed without any additional use of office funds.

III. Operations Update

A. Personnel Evaluations

Board Chair Alex Joseph provided an update on personnel evaluations possibly being done in March 2023, Rules updates pertaining to record keeping of personnel files and other records of the Ethics Board, recommended staff increases, and a Board committee to handle personnel matters.

B. Motion to eliminate Supervising Attorney/Deputy Ethics officer position as part of operational restructuring (see Agenda attachment 1)

Board Chair Alex Joseph designated Vice Chair David Moskowitz as presiding officer. Vice Chair David Moskowitz took over as presiding officer. Motion was made by Board Chair Alex Joseph to eliminate the Supervising Attorney/Deputy

Ethics Officer position as part of operation restructuring, seconded by Nadine Ali. Rosa Darden Waymon was absent from the meeting. Alex Joseph read into the record Board Member Waymon's email supporting the motion. Shawanda Reynolds-Cobb, who had planned to second the Chair's motion, was having technical issues and could not unmute to second or vote. Due to Board Member Reynolds-Cobb's technical issues, Vice Chair Moskowitz took a roll call vote. Motion passed by 5-0 vote. Vice Chair Moskowitz designated Chair Joseph as presiding officer to resume the remainder of the agenda.

C. *Proposed Ethics Board Rules Amendments (see Agenda attachments 2 and 3)*

1. <https://dekalbcountyethics.org/wp-content/uploads/2022/10/Rules-of-BOE-2021.pdf>

Vice Chair David Moskowitz made a motion to amend Ethics Rule 7.5 as proposed by Board Chair Alex Joseph to clarify that anyone that has a case that is dismissed or adjudicated under Rules 5.4, 5.9, or Rule 6.2, has the right to appeal, seconded by Nadine Ali. Member Rosa Darden Waymon was absent from the meeting. Motion passed by 6-0 vote.

2. <https://dekalbcountyethics.org/wp-content/uploads/2022/09/Parliamentary-Rules-for-Ethics-Board.pdf>

Member Nadine Ali made a motion to amend Ethics Rule 7.5 regarding Open Meetings as proposed by Board Chair Alex Joseph to define a quorum of the Board for transacting meetings and business of the Board, seconded by Vice Chair David Moskowitz. Member Rosa Darden Waymon was absent from the meeting. Motion passed by 6-0 vote.

IV. Cases

Ethics Officer Murphy provided a brief synopsis of the stages in the complaint process.

A. *Stacey Kalberman v. Terrell Davis [2017-20]*

Ethics Officer Murphy gave an update on the facts and a recommendation for this case.

Mr. Terrell Davis was sworn in by the Ethics Administrator. Mr. Terrell Davis was given 10 minutes to make statements. Board Vice Chair David Moskowitz asked questions of Mr. Terrell Davis regarding this case. The floor was opened to the Board for questions.

Motion was made by Vice Chair David Moskowitz to adopt the recommendation of the Ethics officer to dismiss this case, seconded by Member Nadine Ali. Member Rosa Darden Waymon was absent from the meeting and Shawanda Reynolds-Cobb was absent from the vote. Motion passed by 5-0 vote.

B. *Viola Davis and Joel Edwards v. Nina Hall, Kelvin Walton [filed 2014]*

Ethics Officer Murphy gave a brief history of the DeKalb Ethics Board as it relates to this case and an update on the facts and a recommendation for this case. The floor was opened to the Board for questions.

Vice Chair David Moskowitz to adopt the recommendation of the Ethics officer to dismiss this case, seconded by Member Nadine Ali. Member Rosa Darden Waymon was absent from the meeting and Member Shawanda Reynolds-Cobb was absent from the vote. Motion passed by 5-0 vote.

C. Tanya Demjanec v. Timothy Hardy [2021-9]

Ethics Officer Murphy provided information on dismissal of complaints at the Preliminary stage, but before the Probable Cause stage. Ethics Officer Murphy also provided the facts of this case. The floor was opened to the Board for questions.

Vice Chair David Moskowitz made a motion to adopt the recommendation of the Ethics officer to dismiss this case based on lack of personal jurisdiction, seconded by Member Candace Rodgers. Member Rosa Darden Waymon was absent from the meeting and Member Shawanda Reynolds Cobb was absent from the vote. Motion passed by 5-0 vote

D. Loretta Washington v. Thurmond, Towler, Clark & Rhinehart [2018-2]

Board Chair Alex Joseph recommended that this item be tabled to the February 16, 2023 Board of Ethics meeting due to the request for an extension by Ms. Loretta Washington.

Vice Chair David Moskowitz made a motion to table this case to the February 2023 Board of Ethics meeting, seconded by Member Candace Rodgers. Member Rosa Darden Waymon was absent from the meeting and Shawanda Reynolds-Cobb was absent from the vote. Motion passed by 4-0 vote.

E. Case Updates from December 2022

Ethics Officer Murphy provided the following updates on the Rhea Johnson v. Vaughn Irons [filed 2015] and the Malcom Whichard v. Rashad Cash [2021-4] cases:

1. Regarding both cases, more than 30 days lapsed since the Board's decision. The last day to appeal occurred on January 14, 2023 or Monday January 16, 2023, but because it was Martin Luther King Day, arguably, Tuesday January 17, 2023.
2. The Board of Ethics is seeking placement on the Board of Commissioner's docket to discuss the Rhea Johnson v. Vaughn Irons [filed 2015] case.
3. The Public Reprimand(s) may be on the website by March 16, 2023.

V. Public Comment

Tanya Demjanec, Spring Cir., Representative Viola Davis, 909 Rays Rd. Stone Mountain, Ga., Stephen Binney, 1083 Seville Dr. Clarkston, Ga. 30021, gave public comments.

VI. Board Comments/Future Action Items

Chair Alex Joseph and Ethics Officer Murphy responded to public comments.

VII. Announcement of Next Regular Meeting Date of Thursday February 16, 2023

VIII. Adjournment

Vice Chair David Moskowitz made a motion to adjourn the January 19, 2023 Board of Ethics meeting at 7:54 p.m., seconded by Member Nadine Ali. Members Rosa Darden Waymon was absent from the meeting and Shawanda Reynolds-Cobb was absent from the vote. Motion passed by 5-0 vote.

Approved:

Chair

Date