



MEDIA CONTACT

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FOR IMMEDIATE RELEASE

January 12, 2023

DeKalb County Ethics Board to Meet January 19, 2023

DECATUR, Ga. – The DeKalb County Board of Ethics will conduct a board meeting on Thursday, January 19, 2023 at 6 p.m. The meeting will be held via Zoom at

<https://dekalbcountyga.zoom.us/j/88137432677>

Join by phone at **602-333-0032** or **888-270-9936** and use conference **code 171493**.

Agenda

- I. Adoption of Agenda
- II. Administrative Items
 - A. Approval of the Minutes of the Regular Board Meeting of December 15, 2022
 - B. Office Update Construction of Wall for Ethics Administrator's Office (tabled from the October 20, 2022 Board of Ethics meeting)
- III. Operations Update
 - A. Personnel Evaluations
 - B. Motion to eliminate Supervising Attorney / Deputy Ethics officer position as part of operational restructuring (see attachment 1)
 - C. Proposed Ethics Board Rules Amendments
 1. <https://dekalbcountyethics.org/wp-content/uploads/2022/10/Rules-of-BOE-2021.pdf> : Proposed amendment regarding Judicial Review (see attachment 2)

2. <https://dekalbcountyethics.org/wp-content/uploads/2022/09/Parliamentary-Rules-for-Ethics-Board.pdf> : [Proposed amendment regarding Quorum \(see attachment 3\)](#)

IV. Cases

- A. Stacey Kalberman v. Terrell Davis **[2017-20]**
- B. Viola Davis and Joel Edwards v. Nina Hall, Kelvin Walton **[filed 2014]**
- C. Tanya Demjanec v. Timothy Hardy **[2021-9]**
- D. Loretta Washington v. Thurmond, Towler, Clark & Rhinehart **[2018-2]**
- E. Case Updates from December 2022

V. Public Comment

VI. Board Comments/Future Action Items

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

VIII. Adjournment

Attachment 1 to Agenda:

Motion (Item III.B):

[Summary from Movant Chair Alexandra Joseph to Board Members]

I support position elimination for the following reasons:

- The position is not authorized by the statute. While the Board was empowered to authorize the previous Chief Ethics Officer Stacey Kalberman to create it, the Board did so based only on her self-described desire to do so and not on a demonstrated need.
- We now have some data about what our operational needs are, including having survived a period of months with only one staff member (not an attorney) and no Board Counsel or Ethics Officer.
- We also have a different Chief Ethics Officer, and while I want to be clear that this is our decision to make and not hers, we have now had enough time to observe her in action to make informed decisions about the best use of taxpayer funds in terms of ongoing staffing.
- I have worked very closely with our staff in my time as Chair, and even given the months of backlog and the operational gaps to fill, I have not personally observed a role for a second full-time staff attorney to play in this Ethics Office.
- Ms. Murphy and Ms. Rodgers are putting in too many hours right now, but this is a product of transition and in my view, not reflective of end / steady-state; we cannot continue to bleed a second six-figure salary indefinitely while we figure out whether we need a third staff member and what kind.
- And the information I have presently suggests that if the Ethics Office wants to hire another staff person, it would not resemble what I understand of the deputy ethics officer position.
 - Ms. Murphy does not intend to delegate certain core statutory responsibilities involving presenting cases, for example, as she sees this as a civic duty that the statutorily-appointed ethics officer should perform. I agree with her; the presentation of cases that Ethics Code ascribes to the Ethics Officer should not be delegated to an employee who is not required to be vetted or meet the statutory qualifications or procedural requirements that the Ethics Officer position does.
 - Further, in my review of the available email correspondence and file documents, it seems that Ms. Wiley was involved in Board governance and rulemaking beyond what I would be comfortable with as Board Chair. By statute, governance is a Board function. The Board, ideally through a designated member or committee, should drive governance; the appropriate role of the Chief Ethics Officer and other staff in that process is to execute on it.
- Finally, in terms of staff expenditure, I would like to have budgetary room to give our current staff increases to reflect their role, contribution, and value, and I would like to have it soon. Our 2023 budget includes this position, which makes it

more difficult for me to justify the compensation increases I want to recommend for the staff we have. As you know, Ms. Murphy's engagement letter states that her compensation will be reevaluated shortly. Ms. Murphy retired from a judgeship and moved from Ohio after a stressful recruiting process, taking a huge leap of faith for us; yet, I feel constrained that we are spending so much of our budget on full-time staff that we don't have sufficient left over for counsel, independent investigators, hearing officers, and other expenses.

Attachment 2 to Agenda:

Motion (Item III.C.1):

7.5 Right of Review. The decision of the board shall be final. Such decision shall be subject to review by writ of certiorari to the DeKalb County Superior Court. A final decision rendered pursuant to Rule 5.4, Rule 5.9, or Rule 6.2 shall be subject to appeal in the same manner as a final decision of the board.

Attachment 3 to Agenda:

Motion (Item III.C.2):

FOR PUBLIC MEETINGS

SECTION 1. OPEN MEETINGS. All meetings of the DeKalb County Board of Ethics shall be held in accordance with the Georgia Open Meetings Law (O.C.G.A. § 50-14-1 et seq.). The public shall be granted access to all meetings at all times, except closed executive sessions and other gatherings held in accordance with legal exemptions from open meeting requirements.

SECTION 2. QUORUM.

(a) When quorum required. A quorum must be present for conducting meetings and transacting business of the Board. It is the duty of the chair to enforce this rule.

(b) Definition of quorum. A quorum is defined as four out of seven Board members. Alternate members count toward a quorum when appointed by the chair to participate in accordance with Rule 8 of the Ethics Board Rules. If, after appointment of alternates, the total number of members eligible to vote on a particular item of business is five or fewer due to Board vacancies or recusals, a quorum will be the majority of that number.

(c) Absence of quorum. In the event that there is no quorum present at the scheduled starting time for that meeting or motion, the chair shall wait 30 minutes to see whether a quorum will be present. If a quorum is not obtained after this waiting period, the chair shall adjourn the meeting. If, during the course of a meeting, a Board member or Board members leave such that a quorum no longer exists, the meeting may not continue. If a quorum is not re-established within 30 minutes, the chair shall adjourn the meeting.