

2023 Annual Report of DeKalb County's Ethics Officer

Overall:

The Ethics Officer's assessment of DeKalb County suggests an improved ethical standing compared to previous years. This evaluation is based on factors such as the efficiency of handling cases, the number of complaints related to ethical violations, increased outreach to the ethics office, transparent communication with other departments, increased in-person training, and the successful establishment of rapport and relationships with public officials and employees.

Training:

The number of individuals trained within DeKalb County has increased, encompassing new employees across various departments on a countywide scale. In 2023, the Ethics Officer, responsible for employee training, transitioned to in-person sessions for all new hires. In 2023, the Ethic's Officer conducted 26 new hire training sessions, reaching a total of 1,209 employees from diverse departments. Please see the table below regarding new employee training.

Month	Attendees
January 9, 2023	40
January 10, 2023 (Fire Rescue)	25
January 23, 2023	20
February 6, 2023	28
February 21, 2023	41
March 6, 2023	39
March 20, 2023	48
April 3, 2023	56
April 17, 2023	37
May 1, 2023	44
May 15, 2023	40
May 30, 2023	72
June 12, 2023	57
June 26, 2023	28
July 10, 2023	36
July 24, 2023	31
August 7, 2023	87
August 21, 2023	52
September 5, 2023	42
September 18, 2023	59
October 2, 2023	71
October 16, 2023	67
October 30, 2023	50
November 13, 2023	61
November 27, 2023	36
December 11, 2023	42
December 26, 2023	N/A
Grand Total	1209

To ensure comprehensive training, three digital sessions were introduced. An inclusive email communication was devised, addressing ethical aspects such as gifts, conflict of interest, duties of public employees and public officials of DeKalb County, and an overview of ethics laws. This information reached all DeKalb County public official and employees via email.

Beyond new employee training, the Ethics Officer organized two additional training sessions in 2023 and provided tailored sessions for the Board of Ethics in July and December and conducted two sessions of training for the Planning and Sustainability Department in July. During public meetings, the Ethics Officer incorporated relevant statute or code section training for each case presented to the Board of Ethics and the County public. In October 2023, the Ethics Officer had a meeting with human resources and the innovation and technology department aimed to initiate a countywide ethics training program. Earlier in the year, discussions with NAVEX (an external training platform) explored training opportunities, revealing that the county's internal database, CV360, is a more suitable platform. This collaboration with CV360 ensures ongoing support from human resources and the department of innovation and technology.

Additionally, the Ethics Administrator and the Ethics Officer sought assistance from the Carl Vinson Institute of Government from the University of Georgia to provide us with additional training. This training covered topics such as Open Records Act, Open Meetings Act, Parliamentary Rules (specifically Roberts Rules of Order), and Implicit Bias along with Sensitivity Training; however, the training has been temporarily postponed.

Review: Old and New Ethics Cases:

For the Board of Ethics to proceed, it necessitates both personal and subject matter jurisdiction. In terms of personal jurisdiction, the Board of Ethics exercises authority over public officials and employees within DeKalb County. However, it does not extend to state public employees or public officials, employees or officials of other municipalities, superior court personnel (including judges, staff, and court officials), and specific roles within the legal system.

Subject matter jurisdiction is defined by the Ethics Board's authority to address certain matters, including conflict of interest, abuses of public office, inappropriate gifts, misuse of county property, and accounting and audit irregularities. Clarifying these jurisdictional boundaries is crucial for the effective functioning of the Board of Ethics in addressing ethical concerns within its purview.

The Ethics Officer's goal for this year was to ensure that cases from 2014 to 2023 were investigated and brought to the attention of the Board of Ethics. At the outset of 2023, six older cases were on the docket, three of which were entangled in pending litigation. Throughout the year, an additional 12 cases were filed with the Board of Ethics. Notably, the Ethics Officer presented 18 cases before the Board of Ethics in January 2023 and from August 3, 2023, to December 31, 2023, marking a notably busy period exacerbated by an upsurge in open records requests.

In January and November 2023, the Ethics Officer alerted the Board of Ethics to pending cases involving the Superior Court of DeKalb County and the federal court from the previous administration. Presently, the sole older case in the appeal process pertains to Sharon Barnes Sutton. Subsequent to the Ethics Officer's reintroduction of these cases to the Board of Ethics, a unanimous vote on September 21, 2023, propelled the resolution to proceed with the older cases entangled in litigation.

The Board of Ethics Rules, specifically Section 5.3, empower the Ethics Officer to temporarily hold pending cases. It is apparent that the previous administration had utilized this section, as allowed, and this practice was acknowledged by the Board of Ethics in their previous decision to hold the cases in abeyance. Please see the applicable Ethics Rule:

5.3 Referral to Other Agencies.

If another county employee, department, or agency is investigating the same complaint or similar allegations, the ethics officer may defer any investigation until the other investigation or proceeding is completed. In addition, the ethics officer may refer a complaint for investigation to other departments or agencies that have authority over the matter. Complaints that allege violations of criminal laws shall be reported to the appropriate county, state, or federal law enforcement agencies.

Open Records Requests:

From previous years, there was a substantial increase in open records requests, peaking from February 2023 to August 2023 and resurging from September 2023 to December 2023. In 2022, the Ethics Office received six open records requests, while in 2023, the number increased to 23. Of these, three requests came from the press, 20 were submitted by citizens, and one citizen alone accountant for 16 of those open records requests. Notably, there was a decline until the new reconstituted Board of Ethics began hearing cases. In April or May 2023, the Board of Ethics hired an open records request attorney. However, this attorney was engaged on an as-needed basis and has not been involved in open record requests since around the end of August or beginning of September 2023.

Responsibilities for managing open records requests have since shifted to the General Counsel, with the Board of Ethics charging the Ethics Administrator to correspond with requesters, and for the Ethics Officer to review, add, and assist with each request. Although, I assist in gathering information, my role also includes ensuring compliance with open record requests by providing oversight before the requests reach the open records request attorney or General Counsel.

Composite of the Board of Ethics:

In 2023, a transition period occurred for the Board of Ethics, marked by the resignation of five Board of Ethics members and the general counsel in February, with a total of seven Board of Ethics members resigning in 2023. This pause, lasting from January 19, 2023, to

August 17, 2023, resulted in a temporary cessation of case hearings. As per Ethics Code Section 22A(h)(3), during such instances, the Ethics Officer is obligated to notify the appointing authorities, which include state senators, state house representatives, DeKalb County Tax Commissioner, and the DeKalb County Superior Court Clerk of Courts, about the vacancies.

The Board of Ethics addressed the vacancy of the general counsel this by hiring a new general counsel in April 2023. In June 2023, appointments were made, bringing in new Board of Ethics Members who commenced hearing cases in August 2023. Currently, the Board of Ethics comprises seven voting members and one alternate, with a single opening for an alternate position.

On August 17, 2023, the Board of Ethics conducted elections, resulting in Dr. Tammy Greer being voted as the Chair, Robert Dallas as the Vice Chair, and Scott Mathews as the Secretary. Throughout 2023, the Board of Ethics convened a total of 10 meetings, including two special called meetings, a retreat featuring ethics training, and an orientation session, which also incorporated ethics training.

Board of Ethics Rule Changes:

The Board of Ethics revisited and revised the following Parliamentary Rules and Ethics Rules in 2023, the changes appear in *italics*:

1. 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.
2. 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 reestablished within 30 minutes, the chair shall adjourn the meeting.

3. 7.5 Right of Review. The decision of the Board of Ethics 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, 5.9, or Rule 6.2* shall be subject to appeal in the same manner as a final decision of the Board of Ethics.
4. 4.7 Response to Allegations.
 - (a) The respondent *may* file a written response to the complaint within thirty days of its receipt; *The ethics officer may agree to a thirty-day extension upon written request from the respondent, for good cause shown. If the ethics officer receives a timely written request within five days of the original deadline, the ethics officer may extend this matter for another 30 days from the original deadline.*
 - (b) *The ethics officer may agree to a reasonable extension of time upon written request from a complainant or respondent. The request for an extension must occur within five days of the original deadline. A one-time discretionary extension shall be for a maximum period of thirty days from the original deadline. Requested extensions beyond thirty days shall be subject to the Board of Ethics approval, but the Board of Ethics shall not extend beyond sixty days.*
5. 4.8 Reports to the Board of Ethics. *The ethics officer shall file annually with the Board of Ethics, the Chief Executive Officer, and the Commission on the first Tuesday of each February a written report describing the activities of the ethics officer in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of DeKalb County.*
6. 8.3 Participation by Alternate Board of Ethics Member.
 - (a) If an alternate is participating in a meeting due to lack of a quorum, the alternate *shall* participate as a full member with respect to all business taking place during that particular meeting. If an alternate is asked to participate in a particular matter due to a conflict of interest and/or recusal of another Board of Ethics member, the alternate shall only participate in the business involving the matter *in which the recusal or conflict exists.*
 - (b) *In addition to serving to make a quorum due to the circumstances described in Rule 8.1, Alternate Board of Ethics members may contribute to the work of the Board of Ethics by being included in, and fully participating in, the discussions of the Board of Ethics on all matters taken up during meetings of the Board of Ethics, including any executive sessions of such meetings. However, Alternate Board of Ethics members shall not have the right to make or second*

motions or to vote on motions during such meetings unless appointed to make a quorum as described in Rule 8.1.

Hotline Anonymous Reports:

Upon receiving anonymous reports through the hotline, we engaged with approximately 28 participants, guiding them on the subsequent steps in the process. As custodians of the hotline's recordkeeping and ethics report processing, our office manages the reports obtained. Following each report to the anonymous hotline number, we promptly issued corresponding letters detailing the next steps.

Among the various categories of reports, only one participant proactively responded after receiving our follow-up letter. This specific case pertained to the sale of an automobile, demonstrating the importance of our outreach efforts in fostering accountability and ethical practices.

A. Types of Hotline Reports:

1. Unfinished calls - 6 reports
2. Lack of Jurisdiction:
 - Court Cases - 6 reports
 - Landlord Tenant - 4 reports
 - Employee/Employer issues outside of DeKalb County - 3 reports
 - Automobile Accident - 1 report
 - Wrongful Termination - 1 report
 - School Board of Ethics Issues -1 report
 - Automobile Sales - 1 report
 - Road Issues (potholes) - 1 report
 - Neighbors disputing over mailboxes - 1 report
3. Union Contractual Disputes:
 - Overtime Union Issues - 2 reports
 - Hospital: nurses' shifts - 1 report
4. Trash pick-up issue - 1 report
5. Human Resources – Two weeks of annual leave (vacation) not being given to an employee during the holidays - 1 report

Advice or Opinions:

The Ethics Officer regularly receives questions from both public employees and officials, particularly on the topics of gifts and conflicts of interest. While these inquiries didn't necessitate formal opinions, the responses have long been available on the Board of Ethics' website. Numerous questions on gifts were addressed during various training sessions, and an additional eight written questions on gifts were received, including one from an internal

department seeking guidance on the types of cases suitable for referral to the Ethics Office. Moreover, a question involving conflicts of interest arose, encompassing both verbal and written inquiries, particularly in the context of an individual running for a county public office seat, see the applicable Ethics rules below:

(1) Ethics Rule 3.1, which reads as follows:

3.1 Verbal or Written Request. The Ethics Code gives the ethics officer the duty to advise all county officials and employees about the provisions of the code. The official or employee may seek advice in writing, over the telephone, or in person.

(2) Ethics Code Section 22A(i)(3) is the applicable rule, in part, regarding these transactions:

The duties of the ethics officer shall include, but not be limited to, the following:

(A) Educating and training all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising them of the provisions of the code of ethics of DeKalb County.

New Items on the Horizon and Conclusion:

In December 2023, we initiated Ethics Blasts, which are informative emails disseminated county-wide to train every public official and employee in DeKalb County. These Ethics Blast will increase to weekly during the month of March, which is National Ethics Awareness Month. Furthermore, during the last quarter of the year, the Ethics Officer started the development of a webinar designed for all county employees, with plans to launch it in the first quarter of 2024. To enhance training outreach, the Ethics Officer will engage directors or managers from each department for in-person or team Zoom meetings, ensuring comprehensive training for a broader employee base annually.

Maintaining transparency is a priority, and the Ethics Officer is committed to fostering open and honest dialogues with the Board of Ethics members. This ensures that the citizens of DeKalb County receive clear and transparent information about the state of the Ethics Office.

Respectfully submitted,

Elisa Murphy

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Ethics Officer of DeKalb County, Georgia