

ALABAMA ETHICS COMMISSION
MINUTES

December 2, 2020

9:30 a.m.

9th Floor, RSA Union Building
Montgomery, Alabama

The Alabama Ethics Commission met on December 2, 2020, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

Present:

Honorable Beverlye Brady, Chair
Honorable John Plunk, Vice-Chair
Honorable Lyn Stuart, Ret. Chief Justice, Member
Honorable Stanton H. McDonald, Member
Honorable BG (R) Edward Crowell (USAF), Member
Thomas B. Albritton, Executive Director
Cynthia Propst Raulston, General Counsel
Brian Paterson, Assistant General Counsel
R. Christopher Clark, Chief Special Agent
Dustin Lansford, Senior Special Agent
Byron Butler, Senior Special Agent
Chris McCay, Special Agent
Brian Baker, Special Agent
Elizabeth Robison, Director of Finance and Administration
Jessica L. Grant, Administrative Support Assistant III
Austin Gilmore, Administrative Support Assistant I
Mary Johnson, Legal Research Assistant
Patrick Miller, Court Reporter

Absent:

Ms. Brady called the meeting to order at 9:48 a.m., and introduced Reverend John Leach, who gave the invocation.

Old Business:

Approval of the minutes from the October 7, 2020 meeting:

Mr. Plunk moved to adopt the minutes as written. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

New Business:

Advisory Opinion No. 2020-06

Requested by Ronald Davis, City Attorney, City of Northport, Northport, Alabama

Mr. Paterson explained the request for Advisory Opinion No. 2020-06. *General Crowell moved to adopt Advisory Opinion No. 2020-06 as written. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2020-06 holds that a newly elected Mayor and his firm may present materials for consideration and vote to a city's Planning and Zoning Commission provided that the mayor does not supervise the Commission, appoint members to the Commission, or attempt to corruptly influence any action of the Commission.*

Advisory Opinion No. 2020-07

Requested by David O'Brien, Senior Associate Counsel, Alabama Community College System, Montgomery, Alabama

Mr. Paterson explained the request for Advisory Opinion No. 2020-07. *Chief Justice Stuart moved to adopt Advisory Opinion No. 2020-07 as written. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.* Opinion No. 2020-07 holds that a public employee who holds a position of authority may later seek re-employment with the governmental agency which previously employed them, the Alabama Community College System, or any other public entity without violating the "Revolving Door." This opinion is limited to the facts presented here and only addresses the applications of Ala. Code § 36-25-13(c) and Ala. Code § 36-25-13(d). It does not address other sections such as Ala. Code §§ 36-25-5, 7, or 8, which could exist in any fact situation but were not raised by the facts presented in this opinion.

FCPA Appeals

Alabama Development PAC

Ms. Raulston explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State and Michael Davis were present to speak and answer any questions. *Chief Justice Stuart moved to set aside the October 2, 2020 and October 13, 2020 penalties and offenses. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

CCRWPAC

Ms. Raulston explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State and Carolyn Arnberg were present to speak and answer any questions. *Mr. Plunk moved to set aside the October 2, 2020 and October 18, 2020 penalties and offenses. General Crowell seconded the motion. Motion passed with four ayes (Brady, Crowell, McDonald, Plunk) and one recusal (Stuart).*

Susan Dye Lane

Ms. Raulston explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the October 13, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Randolph County Democratic Executive Committee

Ms. Raulston explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the July 2, 2020, August 4, 2020, September 2, 2020, October 2, 2020, October 13, 2020, and October 19, 2020 penalties and offenses. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Jackie Witt

Mr. Plunk moved to continue the appeal to the February 2021 meeting. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

At 10:15 a.m. General Crowell moved that the Commission go into Executive Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

At 2:06 p.m. Mr. Plunk moved that the Commission go back into Open Session. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-093

Kimberly Wilkins, Regional Extension Agent, Alabama Cooperative Extension System

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Kimberly Wilkins has committed one (1) minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-163

Phillip McCallum, Former Executive Director, Alabama State Bar

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Phillip McCallum has committed seventeen (17) minor violations of the Alabama Ethics Act. He further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the Attorney General of the State of Alabama. Mr. McDonald seconded the motion. Motion passed with four ayes (Brady, Crowell, McDonald, Stuart) and one recusal (Plunk).

Case No. 2020-245

William Shelton, Mayor, City of Scottsboro

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that William Shelton has committed one (1) minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-072

Shelley Rhodes, Former School Bookkeeper, West Morgan Elementary School

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Shelley Rhodes has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-176

Kevin O'Connell, Lieutenant, Huntsville Police Department

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Kevin O'Connell has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-092

Derek Herscovici, Communication Specialist/Editor, Auburn University Alumni Association

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Derek Herscovici has committed one (1) minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-153

Jason Abernathy, Employee, City of Lanett

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Jason Abernathy has committed one (1) minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-154

Jody Lowery, Employee, City of Lanett

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Jody Lowery has committed one (1) minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-155

William Lauderdale, Employee, City of Lanett

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that William Lauderdale has committed one (1) minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-231

Trey Miller, Police Officer, City of Lincoln

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Trey Miller has committed one (1) minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-156 / 339

Tony Chandler, Employee, City of Lanett

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Tony Chandler has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the Attorney General of the State of Alabama. Mr. Plunk seconded the motion. Motion passed unanimously with all those present

voting.

Case No. 2020-229

Johnny Dyar, Former Mayor, Town of Baileyton

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Johnny Dyar has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-014

Stancil Handley, Mayor, City of Columbiana

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Stancil Handley has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-378

Mr. McDonald moved that the Commission request an audit be done by the Examiners of Public Accounts regarding case 2020-378. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-379

Mr. McDonald moved that the Commission request an audit be done by the Examiners of Public Accounts regarding case 2020-379. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Cases Recommended for Dismissal

The following cases were presented to the Commission by Executive Director Albritton, with the recommendation that they be dismissed: Case No. 2020-027; Case No. 2020-028; Case No. 2020-029; Case No. 2020-062; Case No. 2020-063; Case No. 2020-253; and Case No. 2020-256. *Mr. Plunk moved that the Commission dismiss the cases as recommended. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Case No. 2019-351

Sonya McKinstry, Council Member, Tuscaloosa City Council

Mr. McDonald moved that on August 5, 2020, the Alabama Ethics Commission found that Sonya McKinstry, Council Member, Tuscaloosa City Council, had committed one (1) minor violation of the Alabama Ethics Law. Sonya McKinstry requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the Attorney General of the State of Alabama. That request has been approved by Steve Marshall, Attorney General, State of Alabama. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$500.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-437

Sonya McKinstry, Council Member, Tuscaloosa City Council

Mr. McDonald moved that on August 5, 2020, the Alabama Ethics Commission found that Sonya McKinstry, Council Member, Tuscaloosa City Council, had committed one (1) minor violation of the Alabama Ethics Law. Sonya McKinstry requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the Attorney General of the State of Alabama. That request has been approved by Steve Marshall, Attorney General, State of Alabama. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$2,500.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-464

Ora Gordon, Former Board Member, Lowndes County Water Authority

Mr. Plunk moved that on October 7, 2020, the Alabama Ethics Commission found that Ora Gordon, Former Board Member, Lowndes County Water Authority, had committed one (1) minor violation of the Alabama Ethics Law. Ora Gordon requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 2nd Judicial Circuit. That request has been approved by Charlotte Tesmer, District Attorney, 2nd Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$400.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-084

Lanny Jones, Former Athletic Director, Elbert High School

General Crowell moved that on October 7, 2020, the Alabama Ethics Commission found that Lanny Jones, Former Athletic Director, Elbert High School, had committed one (1) minor violation of the Alabama Ethics Law. Lanny Jones requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 28th Judicial Circuit. That request has been approved by Robert Wilters, District Attorney of the 28th Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$100.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-107

Daniel Glover, Former Sergeant/Investigator, Lawrence County Sheriff's Office

General Crowell moved that on October 7, 2020, the Alabama Ethics Commission found that Daniel Glover, Former Sergeant/Investigator, Lawrence County Sheriff's Office, had committed one (1) minor violation of the Alabama Ethics Law. Daniel Glover requested an administrative

resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 36th Judicial Circuit. That request has been approved by Errek Jett, District Attorney of the 36th Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$250.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-120

Stanley Wilson, Deputy, Lee County Sheriff's Office

Mr. Plunk moved that on October 7, 2020, the Alabama Ethics Commission found that Stanley Wilson, Deputy, Lee County Sheriff's Office, had committed one (1) minor violation of the Alabama Ethics Law. Stanley Wilson requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the Attorney General of the State of Alabama. That request has been approved by Steve Marshall, Attorney General, State of Alabama. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$200.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-145

Kathleen Sheeley, Town Clerk, Town of Jackson's Gap

Chief Justice Stuart moved that on October 7, 2020, the Alabama Ethics Commission found that Kathleen Sheeley, Town Clerk, Town of Jackson's Gap, had committed one (1) minor violation of the Alabama Ethics Law. Kathleen Sheeley requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 5th Judicial Circuit. That request has been approved by Jeremy Duerr, District Attorney of the 5th Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$200.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-146

Heather Glenn, Councilmember, Town of Jackson's Gap

Chief Justice Stuart moved that on October 7, 2020, the Alabama Ethics Commission found that Heather Glenn, Councilmember, Town of Jackson's Gap, had committed one (1) minor violation of the Alabama Ethics Law. Heather Glenn requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 5th Judicial Circuit. That request has been approved by Jeremy Duerr, District Attorney of the 5th Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$200.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December

16, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-148

Dana Ford, Councilmember, Town of Jackson's Gap

Chief Justice Stuart moved that on October 7, 2020, the Alabama Ethics Commission found that Dana Ford, Councilmember, Town of Jackson's Gap, had committed one (1) minor violation of the Alabama Ethics Law. Dana Ford requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 5th Judicial Circuit. That request has been approved by Jeremy Duerr, District Attorney of the 5th Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$200.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-184

Bradley Skipworth, Drug Task Force Officer, Colbert County Sheriff's Office

Mr. Plunk moved that on October 7, 2020, the Alabama Ethics Commission found that Bradley Skipworth, Drug Task Force Officer, Colbert County Sheriff's Office, had committed one (1) minor violation of the Alabama Ethics Law. Bradley Skipworth requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the Attorney General of the State of Alabama. That request has been approved by Steve Marshall, Attorney General, State of Alabama. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) that an administrative penalty in the amount of \$1,420.00 is ordered by the Commission; and 2) that the administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before December 16, 2020. General Crowell seconded the motion. Motion passed unanimously with all those present voting.


Penalty Imposition Against 2019 Statement of Economic Interests Non-Filers from the State Level of Government

The Commissioners had been provided with a list of names of individuals at the state level of government who had not filed their Statement of Economic Interests after having been notified by the Commission of the Code provisions concerning non-filers. *Mr. Plunk moved that the Commission approve/authorize the staff to proceed with assessing penalties against the individuals named in the lists provided to the Commission beginning December 31, 2020. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Adjournment

There being no further business at 2:31 p.m., Mr. Plunk moved that the meeting be adjourned and General Crowell seconded the motion. Motion passed unanimously with all those present voting.

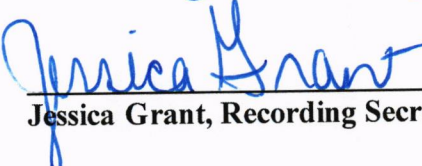
The next regularly scheduled meeting of the Commission is February 3, 2021.



Beverlye Brady, Chair



Thomas B. Albritton, Executive Director



Jessica Grant, Recording Secretary