

**ALABAMA ETHICS COMMISSION  
MINUTES**

**February 3, 2021  
9:30 a.m.  
9th Floor, RSA Union Building  
Montgomery, Alabama**

The Alabama Ethics Commission met on February 3, 2021, 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  
Victoria Costello, Court Reporter

**Absent:**

Ms. Brady called the meeting to order at 9:31 a.m., and introduced Reverend Deonna Neal, who gave the invocation.

**Old Business:**

Approval of the minutes from the December 2, 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. 2021-01**

**Requested by Clay Carmichael, City Councilman, City of Selma, Selma, Alabama**

Mr. Paterson explained the request for Advisory Opinion No. 2021-01. ***Chief Justice Stuart moved to adopt Advisory Opinion No. 2021-01 as written. General Crowell seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2021-01 holds that under the Ethics laws, an associated business of a public official may continue to do business with the City of Selma provided he does not use his public position or influence to direct business to his associated business and is not involved in any transaction between his associated business and the City of Selma either as a public***

*official or employee/owner of the business. Under the ethics laws, a public official's associated business may conduct business with the agency which the public official serves provided that the transactions are either competitively bid, whether required or not, or there is evidence that makes it clear the business was not obtained because of their public position, which must be determined on a case-by-case basis, and the public official completely abstains from the issue. On this issue, further guidance should be sought from the Attorney General's office. A copy of the contract between a business with which a public employee or official is associated that is paid in whole or in part with state, county, or municipal funds must be filed with the Ethics Commission within 10 days of the execution of the contract. If there is no formal contract, an invoice or purchase order should be filed with the Ethics Commission to comply with Ala. Code § 36-25-11. This opinion only extends to the restrictions found within the Ethics Act. The Alabama Attorney General's Office can provide guidance as to whether any restrictions outside of the Ethics Act are applicable.*

**Advisory Opinion No. 2021-02**

**Requested by Robert P. MacKenzie, III and Reed R. Bates, Starnes, Davis, Florie, LLP., Birmingham, Alabama**

Mr. Paterson explained the request for Advisory Opinion No. 2021-02. **Mr. Plunk moved to adopt Advisory Opinion No. 2021-02 as written. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.** *Opinion No. 2021-02 holds that a member of the Alabama Board of Examiners of Assisted Living Administrators may also serve as a Board member of the Alabama Assisted Living Association without violating the Ethics Act.*

**Advisory Opinion No. 2021-03**

**Requested by Doug Singleton, Oronde Mitchell and Donald Mims, Members, Mentors of Montgomery (MOM), Montgomery, Alabama**

Mr. Paterson explained the request for Advisory Opinion No. 2021-03. **General Crowell moved to adopt Advisory Opinion No. 2021-03 as written. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.** *Opinion No. 2021-03 holds that a member of the Montgomery County Commission who is an officer of a nonprofit organization may allocate funding from their discretionary account to the nonprofit organization, directly or indirectly, provided the County Commissioner is not compensated for their service as an officer of the organization, does not otherwise personally benefit from the nonprofit organization, and the allocation is made to serve a public purpose. A member of the Montgomery City Council who is the vice chair of a nonprofit organization may allocate funding from their discretionary account to the nonprofit organization, directly or indirectly, provided the Council member is not compensated for their service as the vice chair of the organization, does not otherwise personally benefit from the nonprofit organization, and the allocation is made to serve a public purpose. The "Revolving Door" provisions of the Ethics Act do not prohibit a former County Administrator from becoming a member of a board of which he did not personally participate in the direct regulation, audit, or investigation provided he does not solicit or negotiate a contract with the County on behalf of the nonprofit organization or represent the organization before the County for a period of two years after he left his position as County Administrator.*

**FCPA Appeals**

**Alabama Voice of Teachers for Education (AVOTE)**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State and Peck Fox were present to speak and answer any questions. **Mr. Plunk**

*moved to set aside the December 8, 2020 penalty and offense. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

**Carroll A. Bonner**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State and Carroll Bonner were present to speak and answer any questions. **Mr. Plunk moved to set aside the October 13, 2020, October 19, 2020 and October 26, 2020 penalties and offenses. General Crowell seconded the motion. Motion passed unanimously with all those present voting.**

**Landmark Districts Barnwell & Rosinton**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. **Mr. McDonald moved to uphold the October 26, 2020 and November 2, 2020 penalties and offenses. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.**

**Susan Lane Dye**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. **Chief Justice Stuart moved to uphold the October 19, 2020, October 26, 2020, and November 2, 2020 penalties and offenses. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.**

**Janet Thomas May**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State and Janet May were present to speak and answer any questions. **General Crowell moved to set aside the October 2, 2020, October 26, 2020 and November 2, 2020 penalties and offenses. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.**

**Barnard McKissic**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. **Mr. McDonald moved to uphold the April 2, 2020, May 4, 2020, June 3, 2020, July 2, 2020, August 4, 2020, September 2, 2020, October 2, 2020, October 13, 2020, October 19, 2020, October 26, 2020 and November 2, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.**

**Jackie Witt**

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. **Chief Justice Stuart moved to set aside the October 2, 2020 penalty. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.**

**At 10:11 a.m. Chief Justice Stuart moved that the Commission go into Executive Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.**

**At 11:10 a.m. General Crowell moved that the Commission go back into Open Session. Chief**

*Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

**Case No. 2020-094**

**La'Paul Blackmon, 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 La'Paul Blackmon 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. And that \$5,000.00 restitution be paid to the Commission. \$1,000.00 being paid by March 1, 2021 and \$250.00 per month after that until paid in full. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

**Case No. 2020-116**

**Sylvia Raley, Chairman, Bayou La Batre Utility Board**  
*Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Sylvia Raley 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. 2020-112**

**Sandy Armstrong, Director, EARIC, Auburn University**  
*Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Sandy Armstrong 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. 2020-113**

**Antonnia Todd, Administrative Associate, Auburn University**  
*Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Antonnia Todd 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. 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. 2020-117; Case No. 2020-177; Case No. 2020-178; Case No. 2020-187; and Case No. 2020-193. *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. 2020-092**

**Derek Herscovici, Communication Specialist/Editor, AU Alumni Association**  
*Mr. Plunk moved that on December 2, 2020, the Alabama Ethics Commission found that Derek Herscovici, Communication Specialist/Editor, AU Alumni Association, had committed one (1) minor violation of the Alabama Ethics Law. Derek Herscovici 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 37<sup>th</sup> Judicial Circuit. That request has been approved by Jessica Ventiere, District Attorney ProTem of the 37<sup>th</sup> 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 February 17, 2021. Chief Justice Stuart 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 on December 2, 2020, the Alabama Ethics Commission found Kimberly Wilkins, Regional Extension Agent, Alabama Cooperative Extension System, had committed one (1) minor violation of the Alabama Ethics Act. Kimberly Wilkins 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 37<sup>th</sup> Judicial Circuit. That request has been approved by Jessica Ventiere, District Attorney ProTem of the 37<sup>th</sup> Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) That restitution in the amount of \$8,352.43 is ordered by the Commission; 2) That an administrative penalty in the amount of \$2,500.00 is ordered by the Commission; and 3) That the restitution and administrative penalty be paid to the Ethics Commission by cashier's check, money order or online payment on or before February 17, 2021. Mr. McDonald 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 on December 2, 2020, the Alabama Ethics Commission found that Jason Abernathy, Employee, City of Lanett, had committed one (1) minor violation of the Alabama Ethics Law. Jason Abernathy 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 5<sup>th</sup> Judicial Circuit. That request has been approved by Jeremy Duerr, District Attorney of the 5<sup>th</sup> 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 February 17, 2021. 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 on December 2, 2020, the Alabama Ethics Commission found that Jody Lowery, Employee, City of Lanett, had committed one (1) minor violation of the Alabama Ethics Law. Jody Lowery 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 5<sup>th</sup> Judicial Circuit. That request has been approved by Jeremy Duerr, District Attorney of the 5<sup>th</sup> 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 \$1,000.00 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 February 17, 2021. 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 on December 2, 2020, the Alabama Ethics Commission found that William Lauderdale, Employee, City of Lanett, had committed one (1) minor violation of the Alabama Ethics Law. William Lauderdale 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 5<sup>th</sup> Judicial Circuit. That request has been approved by Jeremy Duerr, District Attorney of the 5<sup>th</sup> 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 February 17, 2021. 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 on December 2, 2020, the Alabama Ethics Commission found that Trey Miller, Police Officer, City of Lincoln, had committed one (1) minor violation of the Alabama Ethics Law. Trey Miller 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 29<sup>th</sup> Judicial Circuit. That request has been approved by Steven Giddens, District Attorney of the 29<sup>th</sup> 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 February 17, 2021. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

**Case No. 2020-245**

**William Shelton, Mayor, City of Scottsboro**

*Mr. Plunk moved that on December 2, 2020, the Alabama Ethics Commission found that William Shelton, Mayor, City of Scottsboro, had committed one (1) minor violation of the Alabama Ethics Law. William Shelton 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 38<sup>th</sup> Judicial Circuit. That request has been approved by Jason Pierce, District Attorney of the 38<sup>th</sup> 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 February 17, 2021. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

**Adjournment**

*There being no further business at 11:28 a.m., Mr. Plunk moved that the meeting be adjourned, and Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

The next regularly scheduled meeting of the Commission is April 7, 2021.

  
Beverly Brady, Chair

  
Thomas B. Albritton, Executive Director

  
Mary Johnson, Recording Secretary