

**ALABAMA ETHICS COMMISSION  
MINUTES**

**February 2, 2022  
9:30 a.m.  
9th Floor, RSA Union Building  
Montgomery, Alabama**

The Alabama Ethics Commission met on February 2, 2022, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

**Commission Members Present:**

Honorable John Plunk, Chair  
Honorable Lyn Stuart, Ret. Chief Justice, Vice-Chair  
Honorable Stanton H. McDonald, Member  
Honorable BG (R) Edward Crowell (USAF), Member  
Honorable Deborah Long, Member (*up to and including Executive Session*)

**Commission Members Absent:**

Honorable Deborah Long, Member (*for remainder of meeting after Executive Session*)

**Commission Staff Present:**

Thomas B. Albritton, Executive Director  
Brian Paterson, Assistant General Counsel  
Dustin Lansford, Senior Special Agent  
Chris McCay, Special Agent  
Brian Baker, Special Agent  
April Innes, Special Investigator  
Austin Gilmore, Administrative Support Assistant I  
Mary Johnson, Legal Research Assistant

**Other:**

Victoria Costello, Court Reporter – Huseby

Mr. Plunk called the meeting to order at 9:36 a.m. and introduced Pastor Mark Osgood, Perry Hill United Methodist Church, Montgomery Alabama, who gave the invocation.

**Old Business:**

Approval of the minutes from the December 1, 2021, meeting:

*General Crowell 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. 2022-01**

**Requested by Honorable Samarria Munnerlyn Dunson & Honorable Lloria Munnerlyn James,  
Pike Road, Alabama**

Mr. Paterson explained the request for Advisory Opinion No. 2022-01. **Mr. McDonald moved to adopt Advisory Opinion No. 2022-01 as written. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.** *Opinion No. 2022-01 holds that the Ethics Act does not prohibit a Municipal Court Judge or a Circuit Court Judge from participating in a television program and receiving compensation for their participation provided they do not use equipment, facilities, time, materials, human labor, or other public property while participating in the program, they do not use any confidential information obtained from their position in any way that could result in financial gain for any person or business, and they do not otherwise use their position to obtain personal gain for themselves, any family member, or a business with which they are associated. This opinion extends only to the situation presented and similar questions must be determined on a case-by-case basis. This opinion extends only to the restrictions found within the Ethics Act. The Alabama Attorney General's Office, Administrative Office of Courts, and Judicial Inquiry Commission can provide guidance as to whether any restrictions outside of the Ethics Act are applicable.*

#### **Advisory Opinion No. 2022-02**

**Requested by State Representative Justin "Andrew" Sorrell, Montgomery, Alabama**

Mr. Paterson explained the request for Advisory Opinion No. 2022-02. **Ms. Long moved to adopt Advisory Opinion No. 2022-02 as written. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.** *Opinion No. 2022-02 holds that The Fair Campaign Practices Act prohibits a candidate's Principal Campaign Committee from transferring debt to a Principal Campaign Committee on behalf of the same candidate running for a different office unless the candidate dissolves the Principal Campaign Committee that holds the debt. A Principal Campaign Committee may dissolve and transfer its liabilities to another Principal Campaign Committee formed by the candidate, and that committee could satisfy the liabilities assumed.*

#### **FCPA Appeals**

##### **Designing for America PAC**

Mr. Paterson 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. **General Crowell moved to set aside the November 17, 2021, penalty and offense. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.**

##### **Minnie L. Tunstall**

Mr. Paterson 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 November 19, 2021, penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.**

##### **Thomas Edward Kyzer, III**

Mr. Paterson 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 November 29, 2021, penalty and offense. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.**

**Julie Michelle Borelli**

Mr. Paterson 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. *General Crowell moved to set aside the two penalties and offenses that were imposed on December 6, 2021. Ms. Long seconded the motion. Motion passed unanimously with all those present voting.*

**Juandalynn D. Givan**

Mr. Paterson 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 December 8, 2021, penalty and offense. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

**Derek Wayne Rosson**

Mr. Paterson 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. *General Crowell moved to set aside the December 8, 2021, penalty and offense. Ms. Long seconded the motion. Motion passed unanimously with all those present voting.*

**Alabama Nursing Home PAC**

Mr. Paterson explained the request for the Civil Penalty Appeal. Attorney Peck Fox and Christine Cain deGraffenried, Treasurer spoke on behalf of the Alabama Nursing Home PAC. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *Mr. McDonald moved reduce the fine and uphold two of the five offenses. General Crowell seconded the motion. Motion passed 4-0 with Mr. Plunk recusing.*

**Tina Beckley Rodgers**

Mr. Paterson 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 December 16, 2021, penalty and offense. Ms. Long seconded the motion. Motion passed unanimously with all those present voting.*

**Tereshia Q. Huffman**

Mr. Paterson 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. *Ms. Long moved to set aside the January 5, 2022, penalties and offenses. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

**Alabama Pharmacy Association PAC**

Mr. Paterson explained the request for the Civil Penalty Appeal. Attorney Roger Bates spoke on behalf of the Alabama Pharmacy Association. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *Mr. McDonald moved to reduce the January 6, 2022, penalties and uphold two of the six offenses. General Crowell seconded the motion. Motion passed 4-0 with Mr. Plunk recusing.*

**David Leon Latimer**

Mr. Paterson 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 moved to set aside the January 10, 2022, penalty and offense. Ms. Long seconded the motion. Motion passed unanimously with all those present voting.*

**Tatshum “Nichelle” Blakley-Johnson**

Mr. Paterson 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. *General Crowell moved to set aside the January 10, 2022, penalty and offense. Ms. Long seconded the motion. Motion passed unanimously with all those present voting.*

*At 10:20 a.m. General Crowell moved that the Commission go into Executive Session. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

*At 1:36 p.m. Chief Justice Stuart moved that the Commission go back into Open Session. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

**Case No. 2021-0157**

**Andria Strozier, Former Principal Accountant, City of Birmingham**

*Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Andria Strozier, has violated the Alabama Ethics Act. She further moved that this case be closed. General Crowell seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2021-0248**

**Deborah Matthews, Council Member, City of Tarrant**

*Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Deborah Matthews, has violated the Alabama Ethics Act. She further moved that this case be closed. Mr. McDonald seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2021-0135**

**John Brewton, Councilman, City of Monroeville**

*Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that John Brewton, has violated the Alabama Ethics Act. She further moved that this case be closed. Mr. McDonald seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2021-0104 & 2021-0208**

**Laura Bishop aka Laura Smith, Former Chief Schools Financial Officer, Marshall County Board of Education**

*Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Laura Bishop-Smith 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. Chief Justice Stuart seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2021-0159**

**Brandy Lanier, School Bookkeeper, Baldwin County Board of Education**

*General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Brandy Lanier, has violated the Alabama Ethics Act. He further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2021-0172**

**Dana Marquez, Associate Athletic Director/Equipment Operation, Auburn University**

*General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Dana Marquez, has violated the Alabama Ethics Act. He further moved that this case be closed. Mr. McDonald seconded the motion. Motion passed 4-0 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. 2021-0055; Case No. 2021-0056; Case No. 2021-0097; Case No. 2021-0317; Case No. 2021-0193; and Case No. 2020-0372. Chief Justice moved that the Commission dismiss the cases as recommended. General Crowell seconded the motion. Motion passed 4-0 with all those present voting.

**Case No. 2021-0169**

**Christy Ferguson, Former Head Softball Coach, Hartselle High School**

*General Crowell moved that on October 6, 2021, the Alabama Ethics Commission unanimously found Christy Ferguson, Former Head Softball Coach, Hartselle High School, had committed one (1) minor violation of the Alabama Ethics Act and approved an administrative resolution at the request of the Respondent. The Commission forwarded the case to the District Attorney of the 8<sup>th</sup> Judicial Circuit who approved the administrative resolution on November 24, 2021. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$500.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 4, 2022; 2) There is no restitution owing for this minor violation. Chief Justice seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2020-0415**

**Patrick Jolly, Fire Chief, City of Moulton**

*Mr. Plunk moved that on June 2, 2021, the Alabama Ethics Commission unanimously found Patrick Jolly, Fire Chief, City of Moulton, had committed one (1) minor violation of the Alabama Ethics Act and approved an administrative resolution at the request of the Respondent. The Commission forwarded the case to the District Attorney of the 36th Judicial Circuit who approved the administrative resolution on December 8, 2021. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$250.00 be ordered by the Commission to be paid to the*

*Ethics Commission by cashier's check, money order, or online payment on or before March 4, 2022; 2) Restitution in the amount of \$251.96 was paid to the Ethic Commission on or before April 6, 2021, to be disbursed to City of Moulton. Chief Justice Stuart seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2021-0274**

**Jerica Seawright, Administrative Support I, Alabama Department of Veterans Affairs**  
*Chief Justice Stuart moved that on June 2, 2021, the Alabama Ethics Commission unanimously found Jerica Seawright, Administrative Support I, Alabama Department of Veteran Affairs, had committed one (1) minor violation of the Alabama Ethics Act and approved an administrative resolution at the request of the Respondent. The Commission forwarded the case to the District Attorney of the 15th Judicial Circuit who approved the administrative resolution on January 14, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$50.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 7, 2022; 2) Restitution in the amount of \$1,340.75 be ordered to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 7, 2022 and disbursed to Alabama Department of Veteran Affairs thereafter. Mr. Plunk seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2020-0263**

**Diamonique Franklin, Rehabilitation Counselor, Alabama Department of Rehabilitation**  
*General Crowell moved that on June 2, 2021, the Alabama Ethics Commission unanimously found Diamonique Franklin, Rehabilitation Counselor, Alabama Department of Rehabilitation, had committed one (1) minor violation of the Alabama Ethics Act and approved an administrative resolution at the request of the Respondent. The Commission forwarded the case to the District Attorney of the 15th Judicial Circuit who approved the administrative resolution on January 14, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$150.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 7, 2022.; 2) There is no restitution owing for this minor violation. Mr. McDonald seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2020-0425**

**Kendra Peoples, Former CNP Manager, MLK, Jr. Elementary**  
*Chief Justice Stuart moved that on October 6, 2021, the Alabama Ethics Commission unanimously found Kendra Peoples, Former CNP Manager, MLK, Jr. Elementary, had committed one (1) minor violation of the Alabama Ethics Act and approved an administrative resolution at the request of the Respondent. The Commission forwarded the case to the District Attorney of the 6th Judicial Circuit who approved the administrative resolution on January 6, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$100.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 7, 2022; 2) Restitution in the amount of \$104.00 be ordered to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 7, 2022 and*

*disbursed to Tuscaloosa City Schools thereafter. General Crowell seconded the motion. Motion passed 4-0 with all those present voting.*

**Case No. 2020-0220**

**Virginia Bryant, Board Member, Bayou La Batre Utilities Board**

*General Crowell moved that On April 7, 2021, the Alabama Ethics Commission unanimously found Virginia Moore Bryant, Board Member, Bayou La Batre Utilities Board, had committed one (1) minor violation of the Alabama Ethics Act and approved an administrative resolution at the request of the Respondent. The Commission forwarded the case to the District Attorney of the 13th Judicial Circuit who approved the administrative resolution on January 3, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$ 50.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before March 7, 2022.; 2) There is not restitution owing for this minor violation. Motion passed 4-0 with all those present voting.*

**Other**

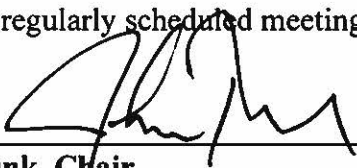
*Staff members Dustin Lansford, Austin Gilmore and April Innes were recognized for their years in service and presented with a service pin.*

*Director Albritton requested approval from the Commission to Request the Public Examiner to conduct an audit on a pending investigation. Motion was made by General Crowell approving the request and the motion was seconded by Chief Justice Stuart. Motion passed 4-0 with all those present voting.*

**Adjournment**

*There being no further business at 1:52 p.m., Chief Justice Stuart moved that the meeting be adjourned, and Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

The next regularly scheduled meeting of the Commission is April 6, 2022.



John Plunk, Chair



Thomas B. Albritton, Executive Director



Mary A. Johnson, Recording Secretary