

**ALABAMA ETHICS COMMISSION
MINUTES**

April 3, 2019

9:30 a.m.

**9th Floor, RSA Union Building
Montgomery, Alabama**

The Alabama Ethics Commission met on April 3, 2019, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

Present:

Honorable Jerry L. Fielding, Ret. Sr. Circuit Judge, Chair
Honorable Charles Price, Ret. Presiding Circuit Judge, Member
Honorable Beverlye Brady, Esq., Member
Honorable John Plunk, Esq., Member
Thomas B. Albritton, Executive Director
Cynthia Propst Raulston, General Counsel
Elizabeth Robison, Director of Finance and Administration
Dustin Lansford, Special Agent
R. Christopher Clark, Chief Special Agent
Chris McCay, Special Agent
Byron Butler, Special Agent
Brian Baker, Special Agent
Jessica L. Grant, Administrative Support Assistant III
Vicky Manning, Lobbyist Liaison
April Innes, Administrative Support Assistant
Austin Gilmore, Clerk
Sara Frost, Administrative Support Assistant
Patrick Miller, Court Reporter

Absent:

Honorable Frank C. Ellis, Jr., Esq., Vice Chair

Judge Fielding called the meeting to order at 9:39 a.m., and introduced Pastor Mark Bethea, Associate Pastor, Outreach & Evangelism, First Baptist Church Montgomery, who gave the invocation.

Old Business:

Approval of the minutes from the February 6, 2019 meeting:

Mr. Plunk moved to adopt the minutes as written. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

New Business:

Advisory Opinion No. 2019-07

Requested by Sylvester Lavender, Interim President and CEO, Birmingham Airport Authority, Birmingham, Alabama

Director Albritton explained the request for Advisory Opinion No. 2019-07. ***Judge Price moved to carry over Advisory Opinion No. 2019-07. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting (Mr. Ellis was not present to vote.) The questions presented in Opinion No. 2019-07 are "1. Are Authority Board members subject to the Ethics Act? 2.***

If Board members are subject to the Ethics Act are they required to file Statements of Economic Interests? 3. Are employees of the Authority "public employees" subject to the Act?"

Baldwin County Democratic Executive Committee

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Clay Helms, Director of Electronics, Alabama Secretary of State were present to speak and answer any questions. *Ms. Brady moved to set aside the September 5, 2018, October 2, 2018 Monthly, October 2, 2018 Weekly, October 19, 2018, October 22, 2018, October 29, 2018, November 5, 2018, and January 31, 2019 offenses and civil penalties, but uphold August 2, 2018 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)*

Butler County Republican Executive Committee

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Clay Helms, Director of Electronics, Alabama Secretary of State; and Sue Areland were present to speak and answer any questions. *Judge Price moved to set aside the January 31, 2019 offense and civil penalty. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)*

Joseph Vann Caldwell, II

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Clay Helms, Director of Electronics, Alabama Secretary of State were present to speak and answer any questions. *Mr. Plunk moved to set aside the January 31, 2019 offense and civil penalty. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)*

Cullman County Republican Women

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Clay Helms, Director of Electronics, Alabama Secretary of State; and Brenda Horn were present to speak and answer any questions. *Ms. Brady moved to set aside the October 2, 2018, October 15, 2018, October 22, 2018, October 29, 2018, November 5, 2018, and January 31, 2019 offenses and civil penalties. Judge Price seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)*

Tiffany Bullard McCord

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Clay Helms, Director of Electronics, Alabama Secretary of State were present to speak and answer any questions. *Ms. Brady moved to set aside the January 31, 2019 offense and civil penalty. Mr. Plunk seconded the motion. Motion passed with three ayes (Brady, Fielding and Plunk) and one recusal (Price). (Mr. Ellis was not present to vote.)*

Alan Brian Naugher

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Clay Helms, Director of Electronics, Alabama Secretary of State were present to speak and answer any questions. *Ms. Brady moved to set aside the March 2, 2018, April 3, 2018, May 2, 2018, June 5, 2018, July 3, 2018, August 2, 2018, September 5, 2018, October 2, 2018, October 15, 2018, October 22, 2018, October 29, 2018, and November 5, 2018 offenses and civil*

penalties. Judge Price seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Richard Stewart Pate

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Clay Helms, Director of Electronics, Alabama Secretary of State; and Julie Pate were present to speak and answer any questions. *Judge Price moved to set aside the December 4, 2018 and January 9, 2019 offenses and civil penalties. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)*

David Chadwick Roberts

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Clay Helms, Director of Electronics, Alabama Secretary of State; and David Roberts were present to speak and answer any questions. *Judge Price moved to set aside the February 2, 2018, March 2, 2018, April 3, 2018, May 2, 2018, June 5, 2018, July 3, 2018, August 2, 2018, September 5, 2018, October 2, 2018, October 15, 2018, October 22, 2018, and October 29, 2018 offenses and civil penalties. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)*

At 10:26 a.m. Judge Price moved that the Commission go into Executive Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

At 11:34 a.m. Mr. Plunk moved that the Commission go back into Open Session. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-120

Karen Kennedy, Former Office Coordinator, Shades Valley High School

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Karen Kennedy 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. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-153

Rachel Anderson, Former Executive Secretary, Alabama Board of Dental Scholarships

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Rachel Anderson 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. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-153

Rachel Anderson, Former Executive Secretary, Alabama Board of Dental Scholarships

Ms. Brady moved that Rachel Anderson, Former Executive Secretary, Alabama Board of Dental Scholarships pay \$100.00 a month, for 16 months, until the balance of \$1,666.00 of Restitution is paid in full. Judge Price seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-224

Marc Fulton, Fire Fighter – Captain, Training Officer, City of Tuskegee

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Marc Fulton 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. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-232

Phillip Porter, Lieutenant, Town of Thorsby Fire Department

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Phillip Porter 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. Judge Price seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-353

Robbie Mangum, Education Administrator I, Alabama State Department of Education

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Robbie Mangum 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-436

Laura Nelson, Therapeutic Message Instructor, Gadsden State College

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Laura Nelson 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. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-479

Susan Debrow, Teacher, Elmore County Board of Education

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Susan Debrow 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-480

Elisabeth Collar, Teacher, Elmore County Board of Education

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Elisabeth Collar 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-481

Erica Tice, Teacher, Elmore County Board of Education

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Erica Tice 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-482

Leslie Mattox, Teacher, Elmore County Board of Education

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Leslie Mattox 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-121

Paul Calhoun, Mayor, Town of Lake View

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Paul Calhoun 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-129

Alfred Booth, Former Probate Judge, Autauga County

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Alfred Booth 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. (Mr. Ellis was not present to vote.)

Case No. 2018-196

Adrian Lengsfeld, Specialist I, Inventory Accounting, Auburn University

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Adrian Lengsfeld 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. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-551

Kristina Myers, Fore Director, Development College of Human Sciences, Auburn University

Mr. Plunk moved that as to the evidence presented and as it relates to Kristina Myers, this case be continued for further investigation. Judge Price seconded the motion. Motion passed with three ayes (Fielding, Plunk, and Price) and one recusal (Brady). (Mr. Ellis was not present to vote.)

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. 2018-128; Case No. 2018-156; Case No. 2018-157; Case No. 2018-169; Case No. 2018-233; Case No. 2018-208; Case No. 2018-241; Case No. 2018-242; Case No. 2018-243; Case No. 2018-244; Case No. 2018-245; Case No. 2018-246; Case No. 2018-247; Case No. 2018-248; Case No. 2018-249; Case No. 2018-250; Case No. 2018-251; Case No. 2018-252; Case No. 2018-253; Case No. 2018-254; Case No. 2018-255; Case No. 2018-256; Case No. 2018-257; Case No. 2018-258; Case No. 2018-259; Case No. 2018-260; Case No. 2018-232; Case No. 2018-262; Case No. 2018-263; Case No. 2018-264; Case No. 2018-265; Case No. 2018-266; Case No. 2018-291; Case No. 2018-367; Case No. 2018-400; Case No. 2018-401; Case No. 2018-432; and Case No. 2018-433. *Ms. Brady moved that the Commission dismiss the cases as recommended. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Case No. 2018-083

Inez Nelson, Mayor, Town of Toxey

Mr. Plunk moved that on December 19, 2018, the Alabama Ethics Commission found that Inez Nelson, Mayor, Town of Toxey, had committed one (1) minor violation of the Alabama Ethics Law. Inez Nelson 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 1st Judicial Circuit. That request has been approved by Spencer Walker, District Attorney, 1st 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 April 17, 2019. Judge Price seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-127

Jason Griffin, Former Transportation Supervisor, Chilton County Board of Education

Judge Price moved that on February 6, 2019, the Alabama Ethics Commission found that Jason Griffin, Former Transportation Supervisory, Chilton County Board of Education, had committed one (1) minor violation of the Alabama Ethics Law. Jason Griffin 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 19th Judicial Circuit. That request has been approved by Randall Houston, District Attorney, 19th 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 \$150.00 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 April 17, 2019. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Case No. 2018-226

David Gidley, Project Manager, Etowah County

Judge Price moved that on October 3, 2018, the Alabama Ethics Commission found that David Gidley, Project Manager, Etowah County, had committed one (1) minor violation of the Alabama Ethics Law. David Gidley 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 16th Circuit. That request has been approved by Jody Willoughby, District Attorney, 16th 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 April 17, 2019. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

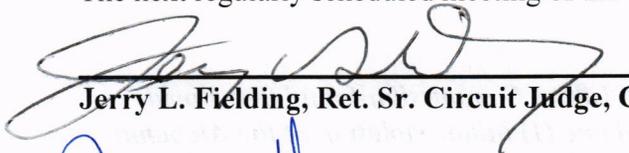
Case No. 2018-335

Ellaine Miller, Executive Director, Family Child Partnerships Program, Auburn University
Judge Price moved that on February 6, 2019, the Alabama Ethics Commission found Ellaine Miller, Executive Director, Family Child Partnerships Program, Auburn University, had committed one (1) minor violation of the Alabama Ethics Law. Ellaine 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 37th Circuit. That request has been approved by Brandon Hughes, District Attorney, 37th 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 \$2,250.00 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 April 17, 2019. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

Adjournment

There being no further business, at 11:51 a.m. Judge Price moved that the meeting be adjourned, and Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. (Mr. Ellis was not present to vote.)

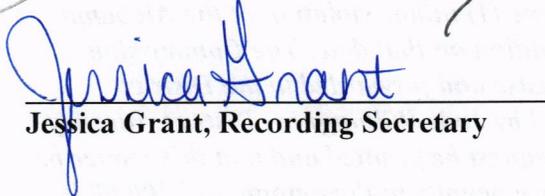
The next regularly scheduled meeting of the Commission is June 5, 2019.



Jerry L. Fielding, Ret. Sr. Circuit Judge, Chair



Thomas B. Albritton, Executive Director



Jessica Grant, Recording Secretary