The Alabama Ethics Commission met on June 3, 2020, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

Present:  
Honorable Charles Price, Ret. Circuit Judge, Chairman  
Honorable Beverlye Brady, Vice Chair  
Honorable John Plunk, Member  
Honorable Lyn Stuart, Ret. Chief Justice, Member  
Honorable Stanton H. McDonald, Member  
Thomas B. Albritton, Executive Director  
Cynthia Propst Raulston, General Counsel  
Arthur Acosta, 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  
Jessica L. Grant, Administrative Support Assistant III  
Austin Gilmore, Administrative Support Assistant  
Sara Frost, Administrative Support Assistant  
Patrick Miller, Court Reporter  

Absent:  

Judge Price called the meeting to order at 9:31 a.m., and introduced Commissioner Stan McDonald, who gave the invocation.

Old Business:

Approval of the minutes from the April 1, 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. 2020-01  
Requested by Michelle Eubanks, Member, Florence City Council, Florence, Alabama  
Director Albritton explained the request for Advisory Opinion No. 2020-01. *Ms. Brady moved to adopt Advisory Opinion No. 2020-01 as written. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*  
Opinion No. 2020-01 holds that a member of the City Council of the City of Florence, Alabama may vote on, attempt to influence or otherwise participate in legislation affecting her public employer, the University of North Alabama, provided the legislation itself does not present a conflict of interest, as defined in the Ethics Act, for the public official.
Advisory Opinion No. 2020-02
Requested by Ryan P. Robichaux, Bradley Arant Boult Cummings, LLP, Birmingham, Alabama
Ms. Raulston explained the request for Advisory Opinion No. 2020-02. Mr. Plunk moved to adopt Advisory Opinion No. 2020-02 as written. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2020-02 holds that a public official may seek a position as a retired state employee for the Board of which he is a member if he resigns from the Board, does not and has not previously used his position as a Board member to create the opportunity for himself, does not use any confidential information he obtained while on the Board in his pursuit of the position, and does not seek to corruptly influence his former Board members in their official actions in order to secure the position.

FCPA Appeal

Albert F. Turner, Sr.
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Albert Turner, Sr. were present to speak and answer any questions. Ms. Brady moved to set aside the April 2, 2020 penalty and offense. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

AWBA PAC

Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Donna Alexander were present to speak and answer any questions. Ms. Brady moved to uphold the November 4, 2019, December 3, 2019, and January 3, 2020 penalties and to reduce them to one offense. As well as to set aside the February 4, 2020, February 10, 2020, February 18, 2020, February 24, 2020, March 2, 2020, April 2, 2020 and May 4, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed with four ayes (Brady, McDonald, Price, Stuart) and one abstention (Plunk).

Baldwin County Libertarian Party

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Chief Justice Stuart moved to set aside the January 31, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Brian Jennings

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

Christopher Allen Humphries

Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to uphold the February 18, 2020 penalty and offense. As well as to set aside the February 24, 2020 penalty and offense. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.
Covington County GOP Executive Committee
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Micah McGaha were present to speak and answer any questions. Ms. Brady moved to set aside the December 3, 2019, January 3, 2020, and February 4, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Hubert Randall Davis, II
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the December 3, 2019, February 4, 2020, February 10, 2020, February 18, 2020, February 24, 2020, and March 2, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Isaiah Sankey
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Isaiah Sankey were present to speak and answer any questions. Ms. Brady moved to set aside the November 4, 2019 and December 3, 2019 penalties and offenses. Mr. Plunk seconded the motion. Motion passed with four ayes (Brady, McDonald, Plunk, Stuart) and one recusal (Price).

Jeffery Kim Ellis
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Jeffery Ellis were present to speak and answer any questions. Ms. Brady moved to set aside the February 4, 2020, February 10, 2020, February 18, 2020, February 24, 2020, and March 2, 2020 penalties and offenses. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Delor Vern Bauman
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Joel Blankenship were present to speak and answer any questions. Ms. Brady moved to set aside the December 3, 2019 and January 3, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

John Matthew Stephens
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Joel Blankenship were present to speak and answer any questions. Ms. Brady moved to set aside the December 3, 2019 and January 3, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Jonathan Overstreet Barbee
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Joel Blankenship; and Jonathan Barbee were present to speak and answer any questions. Chief Justice Stuart moved to set aside the December 3, 2019 and January 3, 2020 penalties and offenses. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.
Kevin Raymond Kusta
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the March 9, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Louis Foster, Jr.
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Louis Foster, Jr. were present to speak and answer any questions. Ms. Brady moved to set aside the January 3, 2020, February 4, 2020, and February 10, 2020 penalties and offenses. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Michael Edward Barton
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the January 31, 2020 penalty and offense. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Nicholas C. Washburn
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the January 3, 2020, February 4, 2020, and February 10, 2020 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Robert L. Mardis, III
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Chief Justice Stuart moved to set aside the December 13, 2019, January 3, 2020, February 4, 2020, February 10, 2020, and February 18, 2020 penalties and offenses. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Ronnie Dixon
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the January 31, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Sherry Eddins
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the January 31, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Stephanie Yvette Snodgrass
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set
aside the February 4, 2020 and February 10, 2020 offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Steven Earl Miller
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Chief Justice Stuart moved to set aside the April 10, 2020 and April 2, 2020 penalties and offenses. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Tillman M. Pugh
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Tillman Pugh were present to speak and answer any questions. Ms. Brady moved to set aside the January 31, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Tim McKenzie
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the December 3, 2019 penalty and offense. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Willie (Will) Boyd, Jr.
Mr. Acosta explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Ms. Brady moved to set aside the January 31, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

At 11:19 a.m. Mr. Plunk moved that the Commission go into Executive Session. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

At 1:31 p.m. Ms. Brady moved that the Commission go back into Open Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-453
Jackie Ray Rush, Commissioner, Clarke County Commission
Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Jackie Ray Rush 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.

Case No. 2019-488
Regina Allen-Reese, Faculty Sponsor, Williamson High School, Mobile County Public Schools
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Regina Allen-Reese, has violated the Alabama Ethics Act. She further moved that this case be closed. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.
Case No. 2019-494  
Clarence Mitchell, Lieutenant, Wilcox County Sheriff's Department  
Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Clarence Mitchell 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. 2019-252  
Thomas Howard, Chairman, East Lauderdale Water & Fire Protection Authority  
Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Thomas Howard 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.

Case No. 2019-442  
Selena Martin, Civil Clerk, Madison County Sheriff's Office  
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Selena Martin 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-017  
Casie Kimbrell, Teacher, Crestline Elementary School  
Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Casie Kimbrell 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. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-234  
Emma Rudolph, Former Office Manager, Davis Theatre, Troy University – Montgomery  
Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Emma Rudolph 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. 2019-278  
David Allen, Former Deputy Sheriff, Morgan County Sheriff's Office  
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that David Allen 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.
Case No. 2019-315
Stephen Studdard, Former Corrections Officer, Cherokee County Sheriff's Office
Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Stephen Studdard 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.

Case No. 2020-018
Tennille Hyatt, Former Bookkeeper, Evans Elementary School
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Tennille Hyatt 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.

Case No. 2019-248
James Counts, Circuit Clerk, Coffee County
Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that James Counts 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.

Case No. 2019-274
Teresa Powell, Former Town Clerk, Town of McKenzie
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Teresa Powell 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. 2020-005
Shantell Terrell, Former Senior Center Manager, Town of Wedowee
Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Shantell Terrell 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.

Case No. 2020-021
Jonathan Horton, Sheriff, Etowah County
Ms. Brady moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Jonathan Horton, has violated the Alabama Ethics Act. She further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-495
Curtis Taylor, Construction Inspector, Birmingham Water Works Board

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Curtis Taylor 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.

Case No. 2019-244
Patricia McAdory, Member, Birmingham Board of Education

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Patricia McAdory 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 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. 2019-237; Case No. 2019-239; Case No. 2019-246; Case No. 2019-261; Case No. 2019-312; Case No. 2019-313; Case No. 2019-426; Case No. 2019-443; Case No. 2019-500; Case No. 2019-501; Case No. 2020-015; Case No. 2020-019; Case No. 2020-020; and Case No. 2020-061. Chief Justice Stuart moved that the Commission dismiss the cases as recommended. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-055
John Christian Knight, Former Student Assistant for Athletics Facility, University of Alabama

Chief Justice Stuart moved that on August 7, 2019, the Alabama Ethics Commission found that John Christian Knight, Former Student Assistant for Athletics Facility, University of Alabama, had committed one (1) minor violation of the Alabama Ethics Law. John Christian Knight 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 6th Judicial Circuit. That request has been approved by Hays Webb, District Attorney, 6th 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 June 17, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-199
Kristy Blitch, Senior IT Systems Technician, Alabama Department of Rehabilitation Services

Mr. Plunk moved that on October 2, 2019, the Alabama Ethics Commission found that Kristy Blitch, Senior IT Systems Technician, Alabama Department of Rehabilitation Services, had committed one (1) minor violation of the Alabama Ethics Law. Kristy Blitch 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 13th Judicial Circuit. That request has been approved by Ashley Rich, District Attorney, 13th 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 $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 June 17, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-502
John Scott Starkey, Security Manager, Birmingham Water Works Board
Judge Price moved that on April 1, 2020, the Alabama Ethics Commission found that John Scott Starkey, Security Manager, Birmingham Water Works Board, had committed one (1) minor violation of the Alabama Ethics Law. John Scott Starkey 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 10th Judicial Circuit. That request has been approved by Danny Carr, District Attorney, 10th 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 June 17, 2020. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-004
Shelia Field, Former Assistant District Attorney, 7th Judicial Circuit
Judge Price moved that on April 1, 2020, the Alabama Ethics Commission found that Shelia Field, Former Assistant District Attorney, 7th Judicial Circuit, had committed one (1) minor violation of the Alabama Ethics Law. Shelia Field 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 of the 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 June 17, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Request to Reconsider Administrative Penalty
Case No. 2019-295
Gerald Clark, Councilman, City of Madison
Ms. Brady moved to set hearing for August 5, 2020 for reconsideration. Motion failed for lack of a second. Commissioner McDonald recused from the consideration.

Request to Reconsider
Case No. 2019-502
John Scott Starkey, Security Manager, Birmingham Water Works Board
Ms. Brady moved to set hearing for August 5, 2020 for reconsideration. Motion failed for lack of a second.

Colbert County Democratic Executive Committee
Mr. Acosta explained the request for the Civil Penalty Appeal. Chief Justice Stuart moved to set aside the December 3, 2019, January 3, 2020, and February 4, 2020 penalties and offenses. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.
Adjournment

There being no further business, at 2:01 p.m. Mr. Plunk moved that the meeting be adjourned, and Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

The next regularly scheduled meeting of the Commission is August 5, 2020.

Charles Price, Ret. Circuit Judge, Chairman  Thomas B. Albritton, Executive Director

Jessica Grant, Recording Secretary