

**ALABAMA ETHICS COMMISSION
MINUTES**

**April 7, 2021
9:30 a.m.**

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

The Alabama Ethics Commission met on April 7, 2021, 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 Beverly 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

Commission Members Absent:

Commission Staff Present:

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
April Innes, Administrative Support Assistant II
Austin Gilmore, Administrative Support Assistant I
Mary Johnson, Legal Research Assistant

Ms. Brady called the meeting to order at 9:34 a.m., and introduced Pastor Rick Evans, Dalraida Baptist Church of Montgomery Alabama, who gave the invocation.

Old Business:

Approval of the minutes from the February 3, 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. 2021-04

Requested by Lynn Perry, Craven & Perry, PLLC, counsel for Vince Boothe, Gulf Shores, Alabama

Ms. Raulston explained the request for Advisory Opinion No. 2021-04. *Chief Justice Stuart moved to adopt Advisory Opinion No. 2021-04 as written. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2021-04 holds that under the Ethics laws, a*

public official may lease property from the Board on which they sit provided they do not use their position to secure more favorable lease terms than any other tenant and they abstain from any vote as a board member that would result in the public official receiving any benefit that is different from the benefit received by every other tenant or in which he has any financial gain or interest.

FCPA Appeals

Conecuh County Republican Committee

Mr. Paterson explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State and Connie Howington were present to speak and answer any questions. ***Chief Justice Stuart moved to set aside the January 20, 2021 penalty and the offense remains. General Crowell seconded the motion. Motion passed unanimously with all those present voting.***

Gaynell Hendricks

Mr. Paterson explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State, Gaynell Hendricks, and John Powe were present to speak and answer any questions. Ms. Hendricks and Mr. Powe appeared virtually. ***Mr. McDonald moved to deny the December 4, 2020, December 15, 2020, January 27, 2021 appeals and reduce the fines to \$1,000.00 and uphold the offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.***

Marerell Manchester Moore

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 February 22, 2021, fine and uphold the offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.***

At 10:12 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 12:02 a.m. Mr. Plunk 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. 2020-0121

Rebecca Rogers, Former Tax Board Staff Employee, Tuscaloosa County Special Tax Board
Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Rebecca Rogers 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. 2020-0128

Tiara Drish, Social Service Caseworker, Jefferson County Department of Human Resources
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Tiara Drish 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. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0143

Paul Calhoun, Former Mayor, Town of Lake View

Chief Justice Stuart 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 Alabama Attorney General's Office. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0241

Alicia Smith Greene, Supervisor, Alcoholic Beverage Control Board

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Alicia Smith Greene 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. 2020-0398

Melvin Jones-Conley, Former Bus Driver/Teacher, Tuscaloosa City Schools

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Melvin Jones-Conley 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. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0110

Undrea Johnson, Former Principal, Barbour County High School

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

Case No. 2020-0135

Kris Rainey, Teacher/Coach – Houston County Schools, Vicksburg High School

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Kris Rainey 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. 2020-0220

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

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Virginia Moore Bryant 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. 2020-0192

Jeffery Brian Rice, Sr., Captain (Precinct Commander), Huntsville Police Department

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Jeffery Brian Rice, Sr., 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. 2020-0022

John Beehler, Former President, Jacksonville State University

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that John Beehler 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. 2021-0023

Rayan Molt, Former Employee, City of Auburn Parks and Recreations Department

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Ryan Molt 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.

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. 2020-0111; Case No. 2020-0142; Case No. 2020-0268; Case No. 2020-0259; Case No. 2020-0283; Case No. 2020-0221; Case No. 2020-0227; and Case No. 2020-0228.** *Chief Justice Stuart moved that the Commission dismiss the cases as recommended. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Case No. 2020-0116

Sylvia Raley, Chairman, Bayou La Batre Utility Board

Mr. Plunk moved that on February 3, 2021, the Alabama Ethics Commission found Sylvia Raley, Chairman, Bayou La Batre Utility Board, had committed one (1) minor violation of the Alabama Ethics Act. Sylvia Raley requested an administrative resolution December 22, 2020. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 13th Judicial Circuit. The administrative resolution has been approved by Ashley Rich, District Attorney of the 13th Judicial Circuit. Accordingly, I hereby move that this matter be handled administratively as follows: 1) an administrative penalty in the amount of \$25.00 is ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order,

or online payment on or before May 7, 2021; and 2) there is no restitution owing for this minor violation. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0163

Phillip McCallum, Former Director, Alabama State Bar

General Crowell moved that on December 2, 2020, the Alabama Ethics Commission found that Phillip McCallum, Former Director, Alabama State Bar, had committed seventeen (17) minor violations of the Alabama Ethics Law. Phillip McCallum requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the Alabama Attorney General. 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) Violations 1-3, an administrative penalty in the amount of \$18,000.00, with no restitution owed; 2) Violations 4-7, an administrative penalty in the amount of \$24,000.00, with restitution in the amount of \$3,374.84 to the Alabama State Bar; 3) Violations 8-11, an administrative penalty in the amount of \$24,000.00, with restitution ordered be paid by forfeiting all accrued leave to the Alabama State Bar; 4) Violations 12-15, an administrative penalty in the amount of \$24,000.00, with restitution in the amount of \$975.00 to the Alabama State Bar; and 5) Violations 16 & 17, an administrative penalty in the amount of \$10,000.00, with restitution in the amount of \$5,757.49 to the Alabama State Bar. It is ordered to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before June 2, 2021 and restitution will be disbursed to the Alabama State Bar thereafter. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

At 12:29 p.m. Mr. Plunk moved that the Commission go into Executive Session. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

At 12:34 p.m. Mr. Plunk 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. 2020-0094

La'Paul Blackmon, Regional Extension Agent, Alabama Cooperative Extension System

General Crowell moved that on February 3, 2021, the Alabama Ethics Commission found that La'Paul Blackmon, Regional Extension Agent, Alabama Cooperative Extension System, had committed one (1) minor violation of the Alabama Ethics Law. La'Paul Blackmon 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 4th Judicial Circuit. That request has been approved by Michael Jackson, District Attorney of the 4th Judicial Circuit. Accordingly, I hereby move that the request be granted and that this matter be handled administratively as follows: 1) Restitution in the amount of \$5,000.00 is ordered be paid to the Ethics Commission by cashier's check, money order, or online payment with \$1,000.00 to be paid by March 1, 2021, and payments of \$250.00 a month to be disbursed to Auburn University thereafter. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Other Matters:

Case No. 2020-0176

Kevin O'Connell, Lieutenant (Retired), Huntsville Police Department

Ms. Raulston explained that this was referred to District Attorney Robert Broussard because there was not a petition for administrative resolution at the time the case was presented to the Commission. Kevin O'Connell has now petitioned for an administrative resolution and District Attorney Broussard has approved the administrative resolution.

Chief Justice Stuart moved that the administrative resolution request be granted. General Crowell seconded the motion. Motion was passed unanimously with all those present voting.

As follows, Chief Justice Stuart moved that on this date the Alabama Ethics Commission found that Kevin O'Connell, Lieutenant, Huntsville Police Department, had committed one (1) minor violation of the Alabama Ethics Act and that on December 2, 2020, the Commission unanimously approved and forwarded it to the District Attorney of the 23rd Judicial Circuit. Lt. O'Connell requested an administrative resolution on January 15, 2021. That request has been approved by Robert Broussard, District Attorney of the 23rd Judicial Circuit. Accordingly, she hereby move that this matter be handled administratively as follows: 1) an administrative penalty in the amount of \$300.00 is ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before May 7, 2021; and 2) There is no restitution owing for this minor violation. General Crowell seconded the motion. Motion was passed unanimously with all those present voting.

Case No. 2020-0154

Jody Lowery, Employee, City of Lanett

Ms. Raulston explained that in the last meeting an administrative resolution was approved by the Commissioners and the Commission imposed a \$1,000 fine after an approval of an administrative resolution by the District Attorney. Mr. Lowery is appealing the \$1,000.00 fine that has been imposed and asked the Commissioners to reconsider that penalty. *Chairperson Brady called for a motion to consider the appeal for Mr. Lowery. Hearing no motion, matter dies, and appeal not considered.*

Adjournment

There being no further business at 12:38 p.m., General Crowell moved that the meeting be adjourned, and Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

The next regularly scheduled meeting of the Commission is June 2, 2021.


Beverly Brady, Chair


Thomas B. Albritton, Executive Director


Mary Johnson, Recording Secretary