

**ALABAMA ETHICS COMMISSION
MINUTES**

**December 9, 2022
9:30 a.m.**

**1st Floor - Purchasing Division Auditorium, RSA Union Building
Montgomery, Alabama**

The Alabama Ethics Commission met on December 9, 2022, at 9:30 a.m. in the Purchasing Division Auditorium on the 1st Floor of the RSA Union Building.

Commission Members Present:

Honorable John Plunk, Chair
Honorable Lyn Stuart, Ret. Chief Justice, Vice-Chair
Honorable BG (R) Edward Crowell (USAF), Member

Commission Members Absent:

Honorable Stanton H. McDonald, Member

Commission Staff Present:

Thomas B. Albritton, Executive Director
Brian Paterson, Assistant General Counsel
Cynthia Raulston, Special Assistant to the Director
Byron Butler, Executive Assistant to the Director
Chris Clark, Chief Special Agent
Dustin Lansford, Senior Special Agent
Brian Baker, Special Agent
Chris McCay, Special Agent
Melvin Howard, Special Agent
April Innes, Special Investigator
Cara Stapleton, Special Investigator
Kayla Pfeil, Lobbyist/Principal Liaison
Renee Peoples, Staff

Mr. Plunk served as chair for the meeting, called the meeting to order at 9:37 a.m., and introduced Reverend Michael Cobb, Dalraida United Methodist Church, who gave the invocation.

Old Business:

Approval of the minutes from the October 5, 2022, 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:

FCPA Appeals

Lennoxatia- Joyce Pierrot

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the penalties and reduce the offenses to one. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Anthony Daniels

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. Anthony Daniels spoke on his behalf. *General Crowell moved to set aside the penalties and offense that were imposed. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Escambia County Democratic Party

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to reduce fine to \$50.00 and reduce the offenses to one. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Mark L. Pettway

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *General Crowell moved to reduce fine to \$900.00 and uphold the offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Ryan Perry

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the penalties and reduce the offenses to one. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Rita Grace Nettles

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the penalties and reduce the offenses to one. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Gregory Neal Guy

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *General Crowell moved to set aside the penalties and reduce the offenses to one. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Juandalynn Givan

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved*

to reduce fine to \$150.00 and uphold the offenses. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Thomas Kirke Adams

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the penalties and reduce the offenses to one. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

James Richard Benderson

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *General Crowell moved to set aside the penalties and offenses that were imposed. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Yolanda Rochelle Flowers

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to reduce fine to \$100.00 and the offenses to one. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Frank Earl Williamson, Jr.

Mr. Paterson explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff, Alabama Secretary of State was present to speak and answer any questions. *General Crowell moved to set aside the penalty and reduce the offenses to one. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

At 10:09 a.m. General Crowell moved that the Commission go into Executive Session. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

At 12:51 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. 2022-0056

Michael T. Smith II, Assistant Head Basketball Coach / Teacher, Eufaula High School

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Michael T. Smith II, has violated the Alabama Ethics Act. She further moved that this case be closed. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0057

Michael Smith, Head Basketball Coach, Eufaula High School

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists

insufficient facts to hold that Michael Smith, has violated the Alabama Ethics Act. She further moved that this case be closed. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2021-0267

Thad Cherry, Parole Officer, Alabama Bureau of Pardons and Paroles

General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Thad Cherry, has violated the Alabama Ethics Act. He further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0286

Mandre Adams, Parole Officer, Alabama Bureau of Pardons and Paroles

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Mandre Adams has committed a minor violation of the Alabama Ethics Act, and further moved that this case be handled administratively and referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0282

Scott Holmes, Treatment Coordinator, Department of Youth Services

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Scott Holmes has committed a minor violation of the Alabama Ethics Act, and further moved that this case be handled administratively and referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2021-0417

Londa Dewayne McCarver, Deputy Chief of Police, City of Huntsville

Chief Justice Stuart moved that based on the evidence as presented to this Commission, cause to hold that Londa Dewayne McCarver committed a minor violation of the Alabama Ethics Act, and further moved that this case be handled administratively and referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0225

LaShundra Orum Rehabilitation Counselor Department of Rehabilitation Services

General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that LaShundra Orum, has violated the Alabama Ethics Act. She further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0299

Angel Santiago, Former Police Officer, City of Huntsville

Chief Justice Stuart moved that based on the evidence as presented to this Commission, cause to hold that Angel Santiago committed a minor violation of the Alabama Ethics Act, and further moved that this case be handled administratively and referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0270

Michael Hull, Police Officer, Bayou La Batre Police Department

General Crowell moved that based on the evidence as presented to this Commission, cause to hold that Michael Hull committed a minor violation of the Alabama Ethics Act, and further moved that this case be handled administratively and referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2021-0298

Jeffrey Lewis, Equipment Operator II, City of Foley Street Department

General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Jeffrey Lewis, has violated the Alabama Ethics Act. He further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0326

Nicholas Webb, Maintenance Mechanic II, Birmingham Water Works

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Nicholas Webb, has violated the Alabama Ethics Act. She further moved that this case be closed. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0354

Joshua Parker, Fire Chief, Town of Thorsby

Chief Justice Stuart moved that based on the evidence as presented to this Commission, cause to hold that Joshua Parker committed a minor violation of the Alabama Ethics Act, and further moved that this case be handled administratively and referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed 3-0 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. 2022-0004; Case No. 2022-0005; Case No. 2022-0127; Case No. 2022-0237; Case No. 2022-0257; Case No. 2022-0291; and Case No. 2022-0292. *General Crowell moved that the Commission dismiss the cases as recommended. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.*

Case No. 2021-0162

Sean Boczar, Former Police Officer, City of Helena

General Crowell moved that on April 6, 2022, the Alabama Ethics Commission unanimously found Sean Boczar, Former Police Officer, City of Helena, 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 18th Judicial Circuit who approved the administrative resolution on or before October 5, 2022. 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 January 25, 2023; 2) There is no restitution owing for this minor violation. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2021-0275

Melissa Williams, Town Clerk, Town of Wilton

General Crowell moved that on June 8, 2022, the Alabama Ethics Commission unanimously found Melissa Williams, Town Clerk, Town of Wilton, 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 18th Judicial Circuit who approved the administrative resolution on or before October 5, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$25.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before January 25, 2023; 2) There is no restitution owing for this minor violation. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2021-0391

Gladys Thomas, Financial Services Coordinator, Alabama Industrial Development Training Institute

General Crowell moved that on October 5, 2022, the Alabama Ethics Commission unanimously found Gladys Thomas, Financial Services Coordinator, Alabama Industrial Development Training Institute, 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 or before October 20, 2022. 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 January 25, 2023; 2) There is no restitution owing for this minor violation. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0400

Danny McWilliams, Colbert County Extension Coordinator, Auburn University

General Crowell moved that on October 5, 2022, the Alabama Ethics Commission unanimously found Danny McWilliams, Colbert County Extension Coordinator, Auburn University, 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 31st Judicial Circuit who approved the administrative resolution on or before October 24, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$0.00; 2) Restitution in the amount of \$3,355.93 was paid to the Ethics Commission on or about August 10, 2022, and will be disbursed to Auburn University thereafter. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0159

Catrina Vawters, Patient Accounts Manager, Alabama Department of Rehabilitation Services General Crowell moved that on October 5, 2022, the Alabama Ethics Commission unanimously found Catrina Vawters, Patient Accounts Manager, Alabama Department of Rehabilitation Services, 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 or before October 20, 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 January 25, 2023; 2) There is no restitution owing for this minor violation. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Case No. 2022-0226

Lori Blackmon, Employee, Jacksonville State University Chief Justice Stuart moved that on October 5, 2022, the Alabama Ethics Commission unanimously found Lori Blackmon, Employee, Jacksonville State University, 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 or before October 26, 2022. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$1,000.00 be ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before January 25, 2023; 2) There is no restitution owing for this minor violation. Mr. Plunk seconded the motion. Motion passed 3-0 with all those present voting.

Other Matters

Adjusting the amount of what is considered "de minimis" to reflect the increase in the cost of living per Ala. Code § 36-25-1(11).

General Crowell moved to approve adjusting the amount of what is considered "de minimis" from \$25.00 or less per occasion and an aggregate of \$50 or less in a calendar year to \$32.00 or less per occasion and an aggregate of \$64 or less in a calendar year to reflect the increase in the cost of living per Ala. Code § 36-25-1(11). This change will affect only the definition of "de minimis" and has no effect on the exception for meals in Ala. Code § 36-25-1(34)(b)(16). Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

Adjusting the base-pay threshold for those required to file Statement of Economic Interest Forms because of their salary to reflect changes in the U.S Department of Labor's Consumer Price Index.

Chief Justice Stuart moved to approve adjusting the base-pay threshold for those required to file Statement of Economic Interest Forms because of their salary from \$81,000 to \$97,000 to reflect changes in the U.S Department of Labor's Consumer Price Index per Ala. Code § 36-25-14(a)(2) effective for filing year 2022. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

2021 County Statement of Economic Interest Non-Filer Fines

Chief Justice Stuart moved to fine 2021 County Statement of Economic Interest non-filers a fine of \$10 a day up to \$1000 maximum fine beginning January 2, 2023, as provided in Ala. Code § 36-25-14(d). General Crowell seconded the motion. Motion passed 3-0 with all those present voting.

Director Albritton recognized Administrative Support Assistant, Sandra Harper's retirement from State service.

Adjournment

There being no further business at 1:18 p.m., General Crowell moved that the meeting be adjourned, and Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.

The next regularly scheduled meeting of the Commission is February 1, 2023.



John Plunk, Chair



Thomas B. Albritton, Executive Director



Byron Butler, Recording Secretary