

**ALABAMA ETHICS COMMISSION
MINUTES**

**December 7, 2023
9:30 a.m.
1st Floor, RSA Union Building
Montgomery, Alabama**

The Alabama Ethics Commission met on December 7, 2023, at 9:30 a.m. in the Purchasing 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
Chris McCay, Senior Special Agent
Brian Baker, Special Agent
Dylan Baker, Special Agent
April Innes, Special Investigator
Kayla Pfeil, Lobbyist/Principal Liaison
Akira Williams, Administrative Support Assistant

Mr. Plunk served as chair for the meeting, called the meeting to order at 9:29 a.m. and introduced Minister Jennifer Foster from Heritage Baptist Church, Montgomery, Alabama, who gave the invocation.

Old Business:

Approval of the minutes from the October 4, 2023, 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. 2023-04

Requested by Brian Jones, District Attorney, Thirty-ninth Judicial Circuit

Mr. Paterson explained the request for Advisory Opinion No. 2023-04. **Chief Justice Stuart moved to adopt Advisory Opinion No. 2023-04 as written. General Crowell seconded the motion. Motion passed 3-0 with all those present voting.** *Opinion No. 2023-04 holds that the “Revolving Door” provisions of the Ethics Act do not prohibit former employees of a District Attorney’s Office from representing criminal defendants in cases prosecuted by the District Attorney’s Office that employed them within two years after they leave their public position.*

Advisory Opinion No. 2023-05

Requested by Jeremy Borden

Mr. Paterson explained the request for Advisory Opinion No. 2023-04. **General Crowell moved to adopt Advisory Opinion No. 2023-05 as written. Chief Justice Stuart seconded the motion. Motion passed 3-0 with all those present voting.** *Opinion No. 2023-05 holds that the Ethics Act does not prohibit employees of ALDOT from contacting, discussing, or entering into business agreements with manufacturers, vendors, consultants, or contractors of ALDOT for the purpose of financial gain for their business provided they conduct all activities related to their private business on their own time and do not otherwise use their position, including any confidential information, or public equipment, facilities, time, materials, human labor, or other public property under their discretion or control, to benefit themselves or their private business, and provided they do not solicit or receive anything, including an opportunity for the private business, for the purpose of corruptly influencing their official action. This opinion extends only to the restrictions found within the Ethics Act and only to the situation presented. Similar questions must be addressed on a case-by-case basis.*

FCPA Appeals

Democrats for Education Reform – Alabama

Mr. Paterson explained the request for the Civil Penalty Appeal. Mike Jones, General Counsel, Alabama Secretary of State was present to speak and answer any questions. **Chief Justice Stuart moved to uphold two penalties and offenses that were imposed on August 16, 2023. General Crowell seconded the motion. Motion passed unanimously with all those present voting.**

Matthew Patrick Quincey

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

Kenneth Coachman

Mr. Paterson explained the request for the Civil Penalty Appeal. Mike Jones, General Counsel, Alabama Secretary of State was present to speak and answer any questions. Cedric Norman spoke on behalf of Kenneth Coachman. **Chief Justice Stuart moved to set aside the penalties and offenses. General Crowell seconded the motion. Motion passed unanimously with all those present voting.**

Cynthia Pearson

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

Ashley Powell

Mr. Paterson explained the request for the Civil Penalty Appeal. Mike Jones, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside the penalties and uphold one offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

William Casey Duncan

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

Andrew Lucius Darden III

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

Joseph Cannon

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

At 3:21 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. 2023-0342

Vince Miller, Lieutenant, Summerdale Police Department

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exist cause to hold that Vince Miller 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. 2023-0078

Jeffrey Eiland, Police Officer, City of Semmes

General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Jeffery Eiland, 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. 2023-0282

Angel Narvaez-Lugo, (Former) Student Government Advisor, The University of Alabama

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exist cause to hold that Angel Narvaez-Lugo 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. 2023-0205

Latoya Smitherman, Program Assistant to Federal Programs, Selma City Board of Education

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exist cause to hold that Latoya Smitherman 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. 2023-0206

Barbara Moore, (Former) Local School Accountant Technician, Selma City Board of Education

General Crowell moved that based on the evidence as presented to this Commission, there exist cause to hold that Barbara Moore 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.

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. 2023-0008; Case No. 2023-0051; Case No. 2023-0103, Case No. 2023-0105, Case No. 2023-0213 and Case No. 2023-0233.** *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. 2022-0395

Pilar Bell, Children's Rehabilitation Service Social Work Specialist, Alabama Department of Rehabilitation Services

General Crowell moved that on August 2, 2023, the Alabama Ethics Commission unanimously found Pilar Bell, Children's Rehabilitation Service Social Work Specialist, 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 13th Judicial Circuit who approved the administrative resolution on or before October 13, 2023. 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 24, 2024; 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. 2023-0007

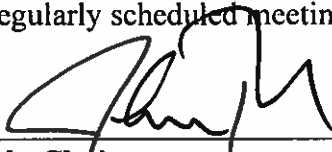
Nikki Donald, (Former) Employee, University of South Alabama

Chief Justice Stuart moved that on October 4, 2023, the Alabama Ethics Commission unanimously found Nikki Donald, (Former) Employee, University of South Alabama, 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 or before December 4, 2023. 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 24, 2024; 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.

Adjournment

There being no further business at 3:30 p.m., Chief Justice Stuart moved that the meeting be adjourned, and General Crowell seconded the motion. Motion passed 4-0 with all those present voting.

The next regularly scheduled meeting of the Commission is February 7, 2024.



John Plunk, Chair



Thomas B. Albritton, Executive Director



Byron Butler, Recording Secretary