

**ALABAMA ETHICS COMMISSION
MINUTES**

April 3, 2024

9:30 a.m.

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

The Alabama Ethics Commission met on April 3, 2024, 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 John Plunk, Chair
Honorable Lyn Stuart, Ret. Chief Justice, Vice-Chair
Honorable Stanton H. McDonald, Member
Honorable BG (R) Edward Crowell (USAF), Member

Commission Members Absent:

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 9:42 a.m. and introduced Pastor Mark Bethea from First Baptist Church, Montgomery, Alabama, who gave the invocation.

Old Business:

Approval of the minutes from the February 7, 2024, 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. 2024-02

Requested by Daniel King, Vice-President for Facilities Management, Auburn University

Mr. Paterson explained the request for Advisory Opinion No. 2024-02. *Chief Justice Stuart moved to adopt Advisory Opinion No. 2024-02 as written. General Crowell seconded the motion. Motion passed 4-0 with all*

those present voting. Opinion No. 2024-02 holds that a former public employee may not solicit or accept employment with a business where they personally participated in the direct regulation, audit, or investigation of that business until two years after such participation concluded or two years after they leave their public position. A former public employee may not represent any client or private employer before their former public employer until two years after they leave their public position. A former public employee who participated in the negotiation or approval of contracts may not solicit, negotiate, or enter into a contract with their former public employer until two years after they leave their public position. A former public employee may perform services on a contract basis for clients who had contracts with the former public employee's public employer provided they did not use their public position to obtain the opportunity to provide such services and did not solicit or receive the opportunity for the purpose of corruptly influencing their official action while a public employee.

Advisory Opinion No. 2024-03

Requested by Andrew Sorrell, State Auditor

Mr. Paterson explained the request for Advisory Opinion No. 2024-03. Mike Jones, General Counsel, Alabama Secretary of State spoke on the advisory opinion. **General Crowell moved to adopt Advisory Opinion No. 2024-03 as written. Chief Justice Stuart seconded the motion. Motion passed 4-0 with all those present voting.** Opinion No. 2024-03 holds that:

1. *There is no limit provided in the FCPA on the amount of money or the length of time that a PAC or PCC could purchase a CD.*
2. *There is no requirement that part or all of the money be insured by the FDIC.*
3. *In the event that the loaned money was lost, there is not an obligation on the part of the candidate or Chairman of the PAC to repay the money.*
4. *There is no prohibition on the money being loaned to an entity other than a bank.*
5. *There is no prohibition on which banks or private companies a PAC or PCC could loan to outside of the restriction against the comingling of funds or conversion of funds to personal use.*
6. *There are no restrictions on the types of investments a PAC or PCC could participate in beyond buying a bank CD or loaning money to earn interest.*

FCPA Appeals

Designing for America

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 the penalty and offense. General Crowell 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. **General Crowell moved to uphold the first offense and reduce fine imposed on February 5, 2024. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.**

Greg Hovater

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**

the first fine and offense imposed on February 20, 2024, and set aside the additional penalties and offenses. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Lee K. Talbot

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 the first fine and offense imposed on March 5, 2024, and set aside the additional penalties and offenses. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Desirae Lafay Lewis

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Douglas C. Aaron

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Delores Woodham

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Houston County Democratic Party

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Jasmaine Deloach

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Jeffrey L. Finch

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Abdul Alwahiid

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Charles Ford

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Sultana Bend-Godwin

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Leann S Smith

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Jeff Burrough

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 penalty and offense. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

At 10:06 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 10:33 a.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. 2023-0421

Dr. Barbarietta Turner- Pugh, Director of Student Services, Monroe County Board of Education
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Dr. Barbarietta Turner- Pugh, has violated the Alabama Ethics Act. She further moved that this case be closed. General Crowell seconded the motion. Motion passed 4-0 with all those present voting.

Case No. 2023-0183

Charles Roberts, Jr., Employee, City of Foley

General Crowell moved that based on the evidence as presented to this Commission, there exist cause to hold that Charles Roberts, Jr. 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. Mr. McDonald seconded the motion. Motion passed 4-0 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. 2023-0153; Case No. 2023-0156; Case No. 2023-0170, Case No. 2023-0216, Case No. 2023-0217 and Case No. 2023-0364. *Chief Justice Stuart moved that the Commission dismiss the cases as recommended. Mr. McDonald seconded the motion. Motion passed 4-0 with all those present voting.*

Case No. 2022-0365

Kevin Naman, Police Officer, City of Mobile

Chief Justice Stuart moved that on August 2, 2023, the Alabama Ethics Commission unanimously found Kevin Naman, Police Officer, City of Mobile, 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 March 22, 2024. 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 June 5, 2024; 2) There is no restitution owing for this minor violation. General Crowell seconded the motion. Motion passed 4-0 with all those present voting.

Case No. 2023-0331

Rashaun Gibson, Employee, Birmingham Water Works Board

Mr. McDonald moved that on February 7, 2024, the Alabama Ethics Commission unanimously found Rashaun Gibson, Employee, Birmingham Water Works Board, 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 10th Judicial Circuit who approved the administrative resolution on or before February 16, 2024. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$0.00; 2) There is no restitution owing for this minor violation. Chief Justice Stuart seconded the motion. Motion passed 4-0 with all those present voting.

Case No. 2023-0220

Michael Brandon Freeman, City Councilmember, City of Rainsville

Mr. McDonald moved that on February 7, 2024, the Alabama Ethics Commission unanimously found Michael Brandon Freeman, City Councilmember, City of Rainsville, 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 9th Judicial Circuit who approved the administrative resolution on or before March 25, 2024. Accordingly, I hereby move as follows: 1) An administrative penalty in the amount of \$680.00 be ordered by the

Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before June 5, 2024; 2) There is no restitution owing for this minor violation. General Crowell seconded the motion. Motion passed 4-0 with all those present voting.

Other Matters

Case No. 2023-0206

Barbara Moore, (Former) Local School Accountant Technician, Selma City Board of Education Chief Justice Stuart moved that on December 7, 2023, the Alabama Ethics Commission unanimously found Barbara Moore, (Former) Local School Accountant Technician, Selma City Board of Education, 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 4th Judicial Circuit who approved the administrative resolution on January 25, 2024. Accordingly, I hereby move as follows: On February 7, 2024, an administrative penalty in the amount of \$2,000.00 was ordered by the Commission. The Commission hereby approves a payment plan with monthly installments in the amount of \$25.00 on the remaining balance of \$1,500.00, to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before April 4, 2029. Mr. McDonald seconded the motion. Motion passed 4-0 with all those present voting.

Adjournment

There being no further business at 10:43 a.m., General Crowell moved that the meeting be adjourned, and Chief Justice Stuart seconded the motion. Motion passed 4-0 with all those present voting.

The next regularly scheduled meeting of the Commission is June 5, 2024.



Ed Crowell, Chair



Thomas B. Albritton, Executive Director



Byron Butler, Recording Secretary