

**ALABAMA ETHICS COMMISSION
MINUTES**

**April 4, 2018
9:30 a.m.**

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

The Alabama Ethics Commission met on April 4, 2018, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

Present:

Honorable Jerry L. Fielding, Ret. Sr. Circuit Judge, Chair
Honorable Frank C. Ellis, Jr., Esq., Vice Chair
Honorable Charles Price, Ret. Presiding Circuit Judge, Member
Honorable Beverlye Brady, Esq., Member
Honorable John Plunk, Esq., Member
Thomas B. Albritton, Executive Director
Cynthia Propst Raulston, General Counsel
Theresa Davis, Legal Research Assistant
Tony Goubil, Special Agent
Rick Lambert, Special Agent
Dustin Lansford, Special Agent
R. Christopher Clark, Chief Special Agent
Chris McCay, Special Agent
Byron Butler, Special Agent
Jessica L. Grant, Administrative Support Assistant III
Vicky Manning, Lobbyist Liaison
April Innes, Administrative Support Assistant
Austin Gilmore
Gretta Duckett, Court Reporter

Absent:

Judge Fielding called the meeting to order at 9:66 a.m., and introduced Reverend Scott Arnold, Rector, St. Mark's Episcopal Church, who gave the invocation.

Old Business:

Approval of the minutes from the February 7, 2018 meeting:

Mr. Plunk moved to adopt the minutes as written. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

New Business:

Advisory Opinion No. 2017-14

Requested by Scott Daniel, Board Investigator, Alabama Board of Pharmacy, Birmingham, Alabama

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Ms. Raulston explained the request for Advisory Opinion No. 2017-14. **Mr. Ellis moved to adopt alternate Advisory Opinion 2017-14. Judge Price seconded the motion. Mr. Plunk abstained from the matter. Motion passed with three ayes (Ellis, Fielding, and Price), one nay (Brady), and one abstention (Plunk).** Opinion No. 2017-14 holds that a current Board of Pharmacy member may resign as a Board member and accept employment with the Board of Pharmacy as executive secretary immediately without violating the "Revolving Door" because Ala. Code § 34-23-90 is a specific statute that governs the appointment of a Board member as executive secretary and is the controlling statute over the general Revolving Door statute, Ala. Code § 36-25-13. The Board member is prohibited by Ala. Code § 36-25-5 from using her position to influence the Board to hire her as executive secretary, putting herself in line for the job, or to create the vacancy.

Advisory Opinion No. 2018-02

Requested by Afrika Parchman, General Counsel, Birmingham City Schools, Birmingham, Alabama

Ms. Raulston explained the request for Advisory Opinion No. 2018-02. **Mr. Plunk moved to adopt Advisory Opinion No. 2018-01 as written. Judge Price seconded the motion. Motion passed unanimously with all those present voting.** Opinion No. 2018-02 holds that an elected member of the Birmingham School Board may continue to be employed as a union organizer so long as she does not represent any school employees of the City of Birmingham. An elected member of the Birmingham School Board may not vote, attempt to influence or otherwise participate in any matter that comes before the School Board that involves the American Federation of Teachers ("AFT"), her employer, or in which AFT is involved. The elected board member may, however, participate in disciplinary matters, appeals, etc. that do not involve AFT clients and otherwise perform her duties as a School Board member.

AL Consumer Finance Association PAC

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Ryan Robichaux, Attorney, Bradley, and Mark Duncan, Treasurer, Alabama Consumer Finance Association PAC. **Mr. Ellis moved to set as one offense and to set fine to \$300. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.**

Alfred Quinton Booth

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Alfred Booth. **Ms. Brady moved to set aside fine. Judge Price seconded the motion. Motion passed unanimously with all those present voting.**

Citizens for Governmental Accountability

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. **Mr. Plunk moved to set aside fine. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.**

Elmore County Republican Executive Committee

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Linda

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Lewis. *Mr. Ellis moved to set aside fine. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Escambia County Republican Executive Committee

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Jacklyn Gay, Chair, Escambia County Republican Executive Committee, and Jim Gay. *Mr. Plunk moved to set aside fine. Judge Price seconded the motion. Motion passed unanimously with all those present voting.*

Earnest Ivey Evans

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Earnest Evans. *Ms. Brady moved to set aside fine. Judge Price seconded the motion. Motion passed unanimously with all those present voting.*

David Lawrence Faulkner, Jr.

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. *Judge Price moved to set aside fine. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Franklin PAC

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was David Rogers. *Judge Price moved to set aside fine. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.*

Mary Ann Moore

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. *Judge Price moved to set as one offense and to set fine to \$300. Mr. Ellis seconded the motion. Motion passed unanimously with all those present voting.*

Ronald W. Puckett

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. *Ms. Brady to set aside fine. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Palma Simpson

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Palma Simpson. *Judge Price moved to set aside fine. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.*

Speed PAC

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. *Judge Price moved to set as one offense and to set fine to \$300. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Aubrey Kurt Wallace

Ms. Raulston explained the request for the Civil Penalty Appeal. Brent Beal, Legal Counsel, Secretary of State's Office was present to speak and answer any questions. Also present to speak was Aubrey Wallace. *Ms. Brady moved to set aside fine. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

At 10:25 a.m. Judge Price moved that the Commission go into Executive Session. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

At 1:50 p.m. Mr. Plunk moved that the Commission go back into Open Session to vote. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-139

Leroy Upshaw, Sheriff, Barbour County

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Leroy Upshaw has violated the Alabama Ethics Act, and further moved that this case be referred for review and appropriate legal action to the Attorney General of the State of Alabama. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-129/130

James Stacey, Employee, Monroe County Public Library, and Member, Monroe County Library Board

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that James Stacey 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. 2017-138

Robert Dillard, Fire Chief, Attalla, Alabama

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Robert Dillard 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. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-364 (A) (B)

Aaron Grubbs, Mayor, Town of Bakerhill

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Aaron Grubbs 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. 2017-368

Meredith Strain, Former Special Projects Manager, City of Anniston

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Meredith Strain 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. 2017-389

Collin Roberts, Land Stewardship Officer, department of Conservation & Natural Resources

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Collin Roberts 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. Ellis seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-430

Matthew Hartley, Former Head Cashier, City of Evergreen

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Matthew Hartley 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. 2017-069

Carrie Fulgham, Mayor, Town of Gainesville

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Carrie Fulgham 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. The Commission accepted Ms. Fulgham's request to establish a payment plan of \$200.00 per month until the \$2000.00 restitution levied against her at the April 4, 2018 meeting is paid in full. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-070

David Street, Chairman, Talladega Historical Preservation

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that David Street has violated the Alabama Ethics Act, and further moved that this case be referred for review and appropriate legal action to the Attorney General of the State of Alabama.

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Judge Price seconded the motion. Motion failed with two ayes (Brady and Price), two nays (Ellis and Plunk), and one abstention (Fielding).

Case No. 2017-092

Donna McKay, Mayor, Town of Wadley

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Donna McKay 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. 2017-141

William Garth, Former ALDOT Civil Engineering Graduate, Madison, Alabama

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that William Garth 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 Attorney General of the State of Alabama. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting

Case No. 2017-180 (A)(B)

William Bell, Former Mayor, City of Birmingham

Judge Price moved that based on the evidence as presented to this Commission, there currently exist insufficient facts to hold that William Bell has violated the Alabama Ethics Act. He further moved that this case be closed. Mr. Ellis seconded the motion. Motion passed with four ayes (Ellis, Fielding, Plunk, and Price) and one nay (Brady).

Case No. 2017-188

Robert Smith, Employee (Retired), Alabama Department of Finance

Mr. Ellis moved that based on the evidence as presented to this Commission, there currently exist insufficient facts to hold that Robert Smith has violated the Alabama Ethics Act. He further moved that this case be closed. Judge Price seconded the motion. Motion failed with two ayes (Ellis and Price), two nays (Brady and Plunk), and one abstention (Fielding).

Case No. 2017-182

Larry Currington Former, Director, Russell County Sanitation

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Larry Currington has violated the Alabama Ethics Act, and further moved that this case be referred for review and appropriate legal action to the Attorney General of the State of Alabama. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-277

Crystal Fountain, Emergency Medical Services, Alabama Department of Public Health

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Crystal Fountain has violated the Alabama Ethics Act, and further moved that this case be referred for review and appropriate legal action to the Attorney General of the State of Alabama. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-361

Bill Daws, Candidate, Limestone County Commission, District 4

Mr. Plunk moved that based on the evidence as presented to this Commission, there currently exist insufficient facts to hold that Bill Daws has violated the Alabama Ethics Act. He further moved that this case be closed. Mr. Ellis 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. 2017-119/131; Case No. 2017-142; Case No. 2017-198; Case No. 2017-176; Case No. 2017-177; Case No. 2017-181; Case No. 2017-190; Case No. 2017-194; Case No. 2017-199; Case No. 2017-204; Case No. 2017-205; Case No. 2017-266(A)/266(B); Case No. 2017-307; Case No. 2017-337 (C); Case No. 2017-358; Case No. 2017-395 (C)/395 (D); and Case No. 2017-419.** *Mr. Plunk moved that the Commission dismiss the cases as recommended. Mr. Ellis seconded the motion. Motion passed with four ayes (Ellis, Fielding, Plunk, and Price) and one abstention (Brady).*

Case No. 2017-048/050

Cory Franks, Officer/Detective, Jasper Police Department, Oakman, Alabama

Mr. Plunk moved that on December 4, 2017, the Alabama Ethics Commission found that Cory Franks, Officer/Detective, Jasper Police Department, Oakman, Alabama, had committed one (1) minor violation of the Alabama Ethics Law. Cory Franks 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 14th Circuit. That request has been approved by Bill Adair, District Attorney, 14th 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 \$250.00 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 April 14, 2018. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-091

William Avery, Chief, Wadley Police Department

Mr. Ellis moved that on February 7, 2018, the Alabama Ethics Commission found that William Avery, Chief, Wadley Police Department, had committed one (1) minor violation of the Alabama Ethics Law. William Avery 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 5th Circuit. That request has been approved by Jeremy Duerr, District Attorney, 5th 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 \$1000.00 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 April 14, 2018. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

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Case No. 2017-160/161/162

Julia Covington, Director, Child Nutrition Program, Guntersville City Schools, Guntersville, Alabama

Ms. Brady moved that on February 7, 2018, the Alabama Ethics Commission found that Julia Covington, Director, Child Nutrition Program, Guntersville City Schools, Guntersville, Alabama, had committed one (1) minor violation of the Alabama Ethics Law. Julia Covington 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 27th Circuit. That request has been approved by Everette Johnson, District Attorney, 27th 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 \$250.00 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 April 14, 2018. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-250

Jesse Swords, Marshall County Commissioner, Albertville, Alabama

Ms. Brady moved that on February 7, 2018, the Alabama Ethics Commission found that Jesse Swords, Marshall County Commissioner, Albertville, Alabama, had committed one (1) minor violation of the Alabama Ethics Law. Jesse Swords 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 27th Circuit. That request has been approved by Everette Johnson, District Attorney, 27th 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 \$1000.00 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 April 14, 2018. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-254

LaTaya Lucas, Former, Employee, AL Department of Finance, Executive Budget Office

Mr. Plunk moved that on February 7, 2018, the Alabama Ethics Commission found that LaTaya Lucas, Former, Employee, AL Department of Finance, Executive Budget Office, had committed one (1) minor violation of the Alabama Ethics Law. LaTaya Lucas 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 15th Circuit. That request has been approved by Daryl Bailey, District Attorney, 15th 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 \$250.00 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 April 14, 2018. Mr. Ellis seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-312

Robert Carpenter, Employee, Washington County Road & Bridge

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Judge Price moved that on February 7, 2018, the Alabama Ethics Commission found that Robert Carpenter, Employee, Washington County Road & Bridge, had committed one (1) minor violation of the Alabama Ethics Law. Robert Carpenter 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 1st Circuit. That request has been approved by Spencer Walker, District Attorney, 1st 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 \$1.00 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 April 14, 2018. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-357

Lorse Saffold, Councilman, Town of Gordon

Mr. Plunk moved that on February 7, 2018, the Alabama Ethics Commission found that Lorse Saffold, Councilman, Town of Gordon, had committed one (1) minor violation of the Alabama Ethics Law. Lorse Saffold 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 20th Circuit. That request has been approved by Patrick Jones, District Attorney, 20th 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 \$1.00 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 April 14, 2018. Mr. Ellis seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-255

Rachel Anderson, Former, Executive Secretary, Alabama Board of Dental Scholarships

Mr. Plunk moved that the Commission accept Ms. Anderson's request to establish a payment plan of \$300 up front and \$200 per month until the \$1000.00 administrative penalty levied against her at the February 7, 2018 meeting is paid in full. Mr. Ellis seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2017-138

Robert Dillard, Fire Chief, Attalla, Alabama

Judge Price moved that the Commission accept Mr. Dillard's request to establish a payment plan of \$1000 Administrative Penalty up front and \$250 per month until December 2020, at which time the balance of the \$15,000.00 restitution levied against him at the April 4, 2018 meeting is paid in full. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

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Adjournment

There being no further business, at 2:14 p.m. Judge Price 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 June 6, 2018.



Jerry L. Fielding, Ret. Sr. Circuit Judge, Chair



Thomas B. Albritton, Executive Director



Jessica Grant, Recording Secretary