

**ALABAMA ETHICS COMMISSION
MINUTES**

December 4, 2019

9:30 a.m.

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

The Alabama Ethics Commission met on December 4, 2019, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

Present:

Honorable Charles Price, Ret. Circuit Judge, Chairman
Honorable Beverlye Brady, Vice Chair
Honorable John Plunk, Member
Honorable Lyn Stuart, Ret. Chief Justice, Member
Honorable Stanton H. McDonald, Member
Thomas B. Albritton, Executive Director
Cynthia Propst Raulston, General Counsel
Elizabeth Robison, Director of Finance and Administration
R. Christopher Clark, Chief Special Agent
Dustin Lansford, Senior Special Agent
Byron Butler, Senior Special Agent
Chris McCay, Special Agent
Brian Baker, Special Agent
Jessica L. Grant, Administrative Support Assistant III
Vicky Manning, Lobbyist Liaison
April Innes, Administrative Support Assistant
Austin Gilmore, Clerk
Sara Frost, Administrative Support Assistant
Victoria Castillo, Court Reporter

Absent:

Judge Price called the meeting to order at 9:36 a.m., and introduced Pastor Edward J. Nettles, Freewill Missionary Baptist Church, who gave the invocation.

Old Business:

Approval of the minutes from the October 2, 2019 meeting:

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

New Business:

Advisory Opinion No. 2019-10

Requested by Tim McCool, Counsel for Sheriff Todd Hall, Carrollton, Alabama

Ms. Raulston explained the request for Advisory Opinion No. 2019-10. *Chief Justice Stuart moved to adopt Advisory Opinion No. 2019-10 as written. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2019-10 holds that an associated business of a public official may continue to be a vendor to local public agencies provided he does not use his*

public position or influence to direct business to his associated business and is not involved in any transaction between his associated business and his public agency either as a public official or owner of the business. A public official's associated business may conduct business with the agency which the public official serves provided that the transactions are either competitively bid, whether required or not, or there is evidence that makes it clear the business was not obtained because of their public position which must be determined on a case-by-case basis. A copy of the contract between a business with which a public employee or official is associated that is paid in whole or in part with state, county, or municipal funds must be filed with the Ethics Commission within 10 days of executing the contract. If there is no formal contract, an invoice or purchase order should be filed with the Ethics Commission to comply with Ala. Code §36-25-11.

Advisory Opinion No. 2019-11

Requested by Kim Fehl, City Attorney, City of Montgomery, Montgomery, Alabama

Director Albritton explained the request for Advisory Opinion No. 2019-11. **Mr. Plunk moved to adopt Advisory Opinion No. 2019-11 as written. Chief Justice Stuart seconded the motion. Motion passed with four ayes (Brady, McDonald, Plunk, Stuart) and one recusal (Price).** Opinion No. 2019-11 holds that city employees who hold a position of authority may later seek re-employment with the governmental agency which previously employed them, the City of Montgomery without violating the "Revolving Door." All previous Advisory Opinions inconsistent with this Opinion are overruled. This opinion is limited to the facts presented here and only addresses the application of Ala. Code § 36-25-13(d). It does not address other sections such as Ala. Code §§ 36-25-5, 7 or 8 which could exist in any fact situation but were not raised by the facts presented in this opinion.

Advisory Opinion No. 2019-12

Requested by Craig Lipscomb, State Representative, Alabama House of Representatives, Montgomery, Alabama

Director Albritton explained the request for Advisory Opinion No. 2019-12. **Chief Justice Stuart moved to adopt Advisory Opinion No. 2019-12 as written. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.** Opinion No. 2019-12 holds that a member of the Alabama House of Representatives, who is an architect, may provide pro bono architectural services to the Alabama House of Representatives because neither he nor his family nor any business with which he is associated will receive any personal gain from his representation of his associated business before the public body he serves.

FCPA Appeal

Big I PAC

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Bill Sage, Big I Pac; and Irene Smyly, Big I PAC were present to speak and answer any questions. **Ms. Brady moved to uphold the April 2, 2019 penalty and offense and set aside the May 2, 2019, June 5, 2019, and July 2, 2019 penalties and offenses. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.**

William Kyle Adams

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Kyle Adams were present to speak and answer any questions. **Ms. Brady moved to set aside the October 2, 2019 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting**

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Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *Ms. Brady moved to set aside the October 2, 2019 penalty and offense. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting*

At 9:57 a.m. Ms. Brady moved that the Commission go into Executive Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

At 10:53 a.m. Ms. Brady moved that the Commission go back into Open Session. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-311

P. Kristopher Price, Former Police Officer, Town of Blountsville

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that P. Kristopher Price 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-312/416

Robert Grissom, Former Police Chief, Town of Blountsville

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Robert Grissom 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-549

Teresa Michelle Croskey, Accountant, Office of Program Integrity, Alabama Department of Public Health

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Teresa Michelle Croskey 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. Ms. Brady seconded the motion. Motion passed with four ayes (Brady, McDonald, Plunk, Stuart) and one recusal (Price).

Case No. 2019-049

Horace Smedley, Jr., Former Director, Sewer Operations, City of Calera

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Horace Smedley, Jr. 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. 2019-126

Jerry Revis, General Manager, Roanoke Utilities

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Jerry Revis 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. 2019-148

Jaqueline Asher, Retired Licensure & Certification Surveyor, Alabama Department of Public Health

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Jaqueline Asher 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. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-236

Brian Bergerson, Jailor, Randolph County Sheriff's Office

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Brian Bergerson 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. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-277

Glenda Gardner, Former Administrative Technician, City of Daphne Animal Shelter

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Glenda Gardner 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. 2019-296

Tim Soronen, Retired Lieutenant, City of Demopolis

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Tim Soronen 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. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-040

Jennifer Gray, Candidate, Alabama House of Representatives

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there currently exists insufficient facts to hold that Jennifer Gray, has violated the Fair Campaign Practices Act. She further moved that this case be closed. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-048

Paul Calhoun, 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 Attorney General of the State of Alabama. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-115

Rickey Stokes, Field Operation Liaison, Dothan-Houston County Emergency Management Agency

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Rickey Stokes has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the Attorney General of the State of Alabama. Chief Justice Stuart seconded the motion. Motion passed with four ayes (McDonald, Plunk, Price, Stuart) and one recusal (Brady).

Case No. 2019-317

Clifford Lange, Professor, Auburn University

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Clifford Lange 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. Ms. Brady 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. 2019-030; Case No. 2019-031; Case No. 2019-032; Case No. 2019-033; Case No. 2019-176; Case No. 2019-195; Case No. 2019-245; and Case No. 2019-329. *Ms. Brady moved that the Commission dismiss the cases as recommended. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Case No. 2018-310

Victor Koriko, Accounting Manager, Alabama Department of Child Abuse and Neglect Prevention

Ms. Brady moved that on October 2, 2019, the Alabama Ethics Commission found that Victor Koriko, Accounting Manager, Alabama Department of Child Abuse and Neglect Prevention, had committed one (1) minor violation of the Alabama Ethics Law. Victor Koriko 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 Judicial Circuit. That request has been approved by Darryl 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 \$500.00 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 December 18, 2019. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-311

P. Kristopher Price, Former Police Officer, Town of Blountsville

Chief Justice Stuart moved that on June 5, 2019, the Alabama Ethics Commission found that P. Kristopher Price, Former Police Officer, Town of Blountsville, had committed one (1) minor

violation of the Alabama Ethics Law. P. Kristopher Price 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 41st Judicial Circuit. That request has been approved by Pamela Casey, District Attorney, 41st 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 \$0.00 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 December 18, 2019. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-312/416

Robert Grissom, Former Police Chief, Town of Blountsville

Chief Justice Stuart moved that on June 5, 2019, the Alabama Ethics Commission found that Robert Grissom, Former Police Chief, Town of Blountsville, had committed one (1) minor violation of the Alabama Ethics Law. Robert Grissom 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 41st Judicial Circuit. That request has been approved by Pamela Casey, District Attorney, 41st 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 \$0.00 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 December 18, 2019. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-550

April Grissom, Office Manager, Recycling Center, Shoals Solid Waste Authority

Mr. Plunk moved that on October 2, 2019, the Alabama Ethics Commission found that April Grissom, Office Manager, Recycling Center, Shoals Solid Waste Authority, had committed one (1) minor violation of the Alabama Ethics Law. April Grissom 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 31st Judicial Circuit. That request has been approved by Bryce Graham, District Attorney, 31st 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 \$25.00 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 December 18, 2019. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-091

Fred Wallace, Administrative Assistant, Hartselle High School

Chief Justice Stuart moved that on October 2, 2019, the Alabama Ethics Commission found that Fred Wallace, Administrative Assistant, Hartselle High School, had committed one (1) minor violation of the Alabama Ethics Law. Fred Wallace 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 8th Judicial Circuit. That request has been approved by Scott Anderson, District Attorney, 8th 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 \$50.00 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 December 18, 2019. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-149

Meredith Moore, Teacher, Susan Moore Elementary School

Ms. Brady moved that on October 2, 2019, the Alabama Ethics Commission found that Meredith Moor, Teacher, Susan Moore Elementary School, had committed one (1) minor violation of the Alabama Ethics Law. Meredith Moore 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 41st Judicial Circuit. That request has been approved by Pamela Casey, District Attorney, 41st 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 December 18, 2019. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-168

Tiffany Sanders, Dean of Student Services, Southern Union Community College

Ms. Brady moved that on October 2, 2019, the Alabama Ethics Commission found that Tiffany Sanders, Dean of Student Services, Southern Union Community College, had committed one (1) minor violation of the Alabama Ethics Law. Tiffany Sanders 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 Judicial 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 \$500.00 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 December 18, 2019. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-178

Scott Stapler, Athletics Coordinator, Huntsville City Schools

Ms. Brady moved that on October 2, 2019, the Alabama Ethics Commission found that Scott Stapler, Athletics Coordinator, Huntsville City Schools, had committed one (1) minor violation of the Alabama Ethics Law. Scott Stapler 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 23rd Judicial Circuit. That request has been approved by Robert Broussard, District Attorney, 23rd 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 \$25.00 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 December 18, 2019. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Penalty Imposition Against 2018 Statement of Economic Interests Non-Filers from the State Level of Government

The Commissioners had been provided with a list of names of individuals at the state level of government who have not filed their Statement of Economic Interests after having been notified by the Commission of the Code provisions concerning non-filers. *Ms. Brady moved that the Commission approve/authorize the staff to proceed with assessing penalties against the individuals named in the lists provided to the Commission beginning December 26, 2019. Mr. Plunk seconded the motion. Motion passed with four ayes (Brady, McDonald, Plunk, Price) and one recusal (Stuart).*

Administrative Rules

The Commission held a general discussion of proposed Administrative Rules. Ms. Stuart and Ms. Brady spoke in favor of the proposed Rules. Mr. Albritton requested the Commissioners to email any questions about or objections to the rules to him directly. Mr. Albritton then informed the Commissioners that the next step in the process would be to schedule a meeting for them to enact the rules as amended after having received written comments from the public.

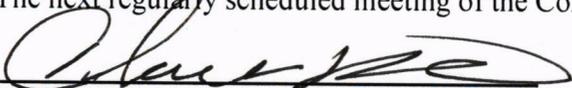
At 11:15 a.m. Mr. Plunk moved that the Commission go into Executive Session. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

At 11:21 a.m. Ms. Brady moved that the Commission go back into Open Session. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

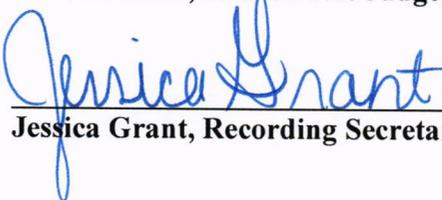
Adjournment

There being no further business, at 11:21 a.m. Mr. Plunk 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 February 5, 2020.


Charles Price, Ret. Circuit Judge, Chairman


Thomas B. Albritton, Executive Director


Jessica Grant, Recording Secretary