

**ALABAMA ETHICS COMMISSION
MINUTES**

**August 7, 2019
9:30 a.m.**

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

The Alabama Ethics Commission met on August 7, 2019, 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 Charles Price, Ret. Presiding Circuit Judge,
Member, Vice Chair
Honorable Beverlye Brady, Esq., Member
Honorable John Plunk, Esq., Member
Honorable Lyn Stuart, Ret. Chief Justice, Member
Thomas B. Albritton, Executive Director
Cynthia Propst Raulston, General Counsel
Elizabeth Robison, Director of Finance and Administration
Dustin Lansford, Special Agent
R. Christopher Clark, Chief Special Agent
Chris McCay, Special Agent
Byron Butler, 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
Greta Duckett, Court Reporter

Absent:

Judge Fielding called the meeting to order at 9:32 a.m., and introduced Pastor Claude McRoberts, Trinity Presbyterian Church, who gave the invocation.

Old Business:

Approval of the minutes from the June 5, 2019 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. 2019-07

Requested by Sylvester Lavender, Interim President and CEO, Birmingham Airport Authority, Birmingham, Alabama

Director Albritton explained the request for Advisory Opinion No. 2019-07. *Ms. Brady moved to adopt Advisory Opinion No. 2019-07 as written. Chief Justice Stuart seconded the motion. Motion passed*

with four ayes (Brady, Plunk, Price, Stuart) and one nay (Fielding). Opinion No. 2019-07 holds that Birmingham Airport Authority Board Members are “public officials” subject to the Ethics Act and as such are required to file Statements of Economic Interests if they fall within the categories of Ala. Code § 36-25-14. The Authority states that none of its Board members fall within any enumerated category of this section. Assuming that to be accurate, the Board members would not be required to file. Employees of the Birmingham Airport Authority are “public employees” as that term is defined in Ala. Code § 36-25-1(26). With respect to marketing, under the facts presented and the marketing strategies contemplated, Ala. Code §§ 36-25-5, 7 and 8 limit the Board’s conduct.

Advisory Opinion No. 2019-09

Requested by Ryan P. Robichaux, Bradley Arant Boult Cummings, LLP, Birmingham, Alabama

Ms. Raulston explained the request for Advisory Opinion No. 2019-09. *Mr. Plunk moved to adopt Advisory Opinion No. 2019-09 as written. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2019-09 holds that a firm in which a member of a board of education is a shareholder and employee, may contract to provide professional services to that board of education provided the public official does not influence or attempt to influence any contracts between the firm and the board of education or otherwise use his position on the board for private financial gain – for himself, a family member or a business with which he is associated. Ala. Code §36-25-5(a). A copy of any contract entered into between a firm in which a member of a board of education is a shareholder and an employee and the board upon which he sits that is paid out of state, county or municipal funds must be filed with the Ethics Commission within ten (10) days after its execution. Ala. Code §36-25-11. A member of a board of education may fully participate on behalf of his architecture and engineering firm on any project or contract involving the appointing authority for the board on which he sits provided the project or contract does not involve that board and the member does not use his position as a member to help his architecture and engineering firm obtain or retain business with the City. Ala. Code §36-25-5(a). A member of a board of education may not share any confidential information he obtains as a member of the Board that could result in financial gain for himself, his firm or any other person or business. Ala. Code §36-25-8.*

Madison County Republican Executive Committee

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State and Clay Helms, Director of Electronics, Alabama Secretary of State were present to speak and answer any questions. *Ms. Brady moved to uphold the civil penalty and offense Mr. Plunk seconded the motion. Motion passed with three ayes (Brady, Plunk, Stuart) and two nays (Fielding, Price).*

Organize Alabama

Ms. Raulston explained the request for the Civil Penalty Appeal. Hugh Evans, General Counsel, Alabama Secretary of State; Clay Helms, Director of Electronics, Alabama Secretary of State; and Judith Rogers were present to speak and answer any questions. *Ms. Brady moved to uphold the April 2, 2019 and May 2, 2019 offense; reduce the April 2, 2019 penalty from \$300.00 to \$102.00; and uphold the May 2, 2019 penalty. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Consideration of Meeting Dates for 2020

The proposed meeting dates had been distributed to the members of the Commission. *Mr. Plunk moved to adopt the proposed meeting schedule for 2020. Judge Price seconded the motion. Motion passed unanimously with all those present voting.* The meeting dates are as follows: February 5, April 1, June 3, August 5, October 7, and December 2.

At 10:27 a.m. Ms. Brady moved that the Commission go into Executive Session. Judge Price seconded the motion. Motion passed unanimously with all those present voting.

At 12:01 p.m. Ms. Brady moved that the Commission go back into Open Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2018-382

James Clark Davis, Mayor, City of Graysville

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that James Clark Davis 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. 2018-435

Charlene Tucker, Former Accountant, Shelby County

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Charlene Tucker 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. 2019-055

John Christian Knight, Former Student Assistant for Athletics Facilities, University of Alabama

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that John Christian Knight 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. 2019-058

Robert Holk, Mayor, Town of Magnolia Springs

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Robert Holk 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. 2019-061

George Adams, III, Rehabilitations Employment Specialist I, Alabama Department of Rehabilitation Services

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that George Adams, III 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. 2019-138

Amanda Hall, Teacher, Taylor-White Elementary School

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Amanda Hall 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. 2018-318

Scott Morro, Attorney, Morro Law Center

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

Case No. 2018-487

Scott Morro, Attorney, Morro Law Center

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

Case No. 2018-370

Larry Newcomb, II, Retired Unemployment Compensation Tax Operations Administrator, Alabama Department of Labor

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Larry Newcomb, II 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. 2018-371

Ashley Newcomb, Former Unemployment Insurance Field Deputy, Alabama Department of Labor

Judge Price moved that based on the evidence as presented to this Commission, there exists cause to hold that Ashley Newcomb 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. 2019-015/021

Jennifer Adams, Court Clerk, Town of Snead

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Jennifer Adams 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.

Case No. 2019-034

Glenn Puckett, Former Principal, Blount County School System

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Glenn Puckett 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. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-042

Robert Cornelius, Councilmember, Town of Blountsville

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Robert Cornelius 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. Chief Justice Stuart 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. 2018-322; Case No. 2018-423; Case No. 2018-424; Case No. 2018-425; Case No. 2018-426; Case No. 2018-427; Case No. 2018-496; Case No. 2018-497; Case No. 2018-538; Case No. 2019-043; Case No. 2019-044; Case No. 2019-045; Case No. 2019-047; Case No. 2019-052; and Case No. 2019-211. Judge Price moved that the Commission dismiss the cases as recommended. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.**

Case No. 2018-301

Curtis Luft, Former Superintendent, Parks & Recreation, City of Spanish Fort

Judge Price moved that on February 6, 2019, the Alabama Ethics Commission found that Curtis Luft, Former Superintendent, Parks & Recreation, City of Spanish Fort, had committed one (1) minor violation of the Alabama Ethics Law. Curtis Luft 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 28th Judicial Circuit. That request has been approved by Robert Wilters, District Attorney, 28th 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 August 21, 2019. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

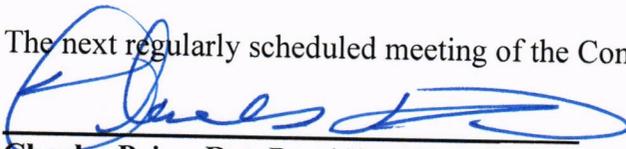
Penalty Imposition Against 2018 Statement of Economic Interests Non-Filers from the County Level of Government

The Commissioners had been provided with a list of names of individuals at the municipal and state levels of government who had 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 August 29, 2019. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Adjournment

There being no further business, at 12:15 p.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 October 2, 2019.


Charles Price, Ret. Presiding Circuit Judge,
Vice Chairman


Thomas B. Albritton, Executive Director


Jessica Grant, Recording Secretary