

**ALABAMA ETHICS COMMISSION
MINUTES**

August 5, 2020

9:30 a.m.

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

The Alabama Ethics Commission met on August 5, 2020, 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 Beverly 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
Arthur Acosta, Assistant General Counsel
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
Austin Gilmore, Administrative Support Assistant
Sara Frost, Administrative Support Assistant
Patrick Miller, Court Reporter

Absent:

Judge Price called the meeting to order at 9:33 a.m., and introduced Commissioner Chief Justice Stuart, who gave the invocation.

Pastor Edward J. Nettles gave kind remarks in reference to Judge Price's retirement.

Old Business:

Approval of the minutes from the June 3, 2020 meeting:

Mr. Plunk 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. 2020-03

Requested by Larry Fillmer

Ms. Raulston explained the request for Advisory Opinion No. 2020-03. *Chief Justice Stuart moved to adopt Advisory Opinion No. 2020-03 as written. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2020-03 holds that a public employee who was formerly the Executive Director of a public agency may work as a consultant for clients he did not audit, regulate or investigate on proposals and plans they intend to submit to his former employer provided*

he does not represent clients before or communicate with his former employer for a period of two years; provided he does not solicit or negotiate any contracts with his former employer for a period of two years; and provided he does not disclose any confidential information obtained during his employment that could result in financial gain to any person or business.

FCPA Appeals

Wanda F. Bryant

Mr. Acosta explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State was present to speak and answer any questions. *Ms. Brady moved to set aside the January 31, 2020 penalty and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Coosa County Republican Party

Mr. Acosta explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to uphold the July 2, 2020 penalty and offense. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

Sonja H. Dill

Mr. Acosta explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State and Sonja Dill were present to speak and answer any questions. *Mr. Plunk moved to set aside the January 31, 2020 penalty and offense. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.*

Winston Phillip Morris

Mr. Acosta explained the request for the Civil Penalty Appeal. Clay Helms, Deputy Chief of Staff & Director of Elections, Alabama Secretary of State was present to speak and answer any questions. *Ms. Brady moved to uphold the June 3, 2020 penalty and offense and to set aside the June 22, 2020, June 29, 2020, and July 6, 2020 penalties and offenses. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.*

Consideration of Meeting Dates for 2021

The proposed meeting dates had been distributed to the members of the Commission. *Mr. Plunk moved to adopt the proposed meeting schedule for 2021. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.* The meeting dates are as follows: February 3, April 7, June 2, August 4, October 6, and December 1.

At 9:56 a.m. Chief Justice Stuart moved that the Commission go into Executive Session. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

At 1:24 p.m. Chief Justice Stuart moved that the Commission go back into Open Session. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-034

Tommy Freeman, Road Crew Member, Conecuh County District 1

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Tommy Freeman 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. 2020-049

**Fernell Collins, Social Service Caseworker I, Child Welfare Program, Morgan County
Department of Human Resources**

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Fernell Collins 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. 2020-023

Angeline Phillips, Child Nutrition Manager, Huntsville City Schools

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

Case No. 2020-047

Timothy Holcomb, Captain, Alabama Department of Corrections

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Timothy Holcomb 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. 2019-351

Sonya McKinstry, Council Member, Tuscaloosa City Council

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Sonya McKinstry 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. 2019-437

Sonya McKinstry, Council Member, Tuscaloosa City Council

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Sonya McKinstry 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. 2019-451

Paul Floyd, Former Facilities Manager, Decatur Park & Rec Department

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Paul Floyd 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. 2019-381

Krystal Ward, Administrative Support Assistant III, Alabama Department of Labor

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

Case No. 2019-382

Garrett Bailey, Administrative Support Assistant II, Alabama Department of Labor

Ms. Brady moved that based on the evidence as presented to this Commission, there currently exist insufficient facts to hold that Garrett Bailey, has violated the Alabama Ethics Law, and further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-421

Devona Owens-Jones, Financial Support Worker II, Alabama Department of Human Resources

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Devona Owens-Jones 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. 2019-339

Mitzy Distel, Former Bookkeeper, Pike County Board of Education

No motion was made. Died for lack of motion.

Case No. 2020-051

Amanda Johnson, Child Nutrition, Blountsville Elementary

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Amanda Johnson 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. 2020-073

Delores Clark, Child Nutrition Manager, Cullman County Schools

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Delores Clark 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. 2020-074

Vickie Wood, Child Nutrition Worker, Cullman County Schools

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Vickie Wood 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. 2020-129

Christy Fordham, Director, Randolph-Roanoke Vocational Center

Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Christy Fordham 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. 2020-025

Grant Hockman, Chief Juvenile Probation Office, Calhoun County

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Grant Hockman 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 unanimously with all those present voting.

Case No. 2020-030

Jonathan McCoy, Mayor, City of Lanett

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Jonathan McCoy 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 unanimously with all those present voting.

Case No. 2020-044

Johnny Dyar, Mayor, Town of Baileyton

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Johnny Dyar 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. 2018-395

Ashley Ingram, Former Administrative Support Assistant II, Alabama Department of Conservation and Natural Resources

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Ashley Ingram 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. 2019-419

Latasha Johnson, Councilwoman, City of Eutaw

Ms. Brady moved that based on the evidence as presented to this Commission, there exists cause to hold that Latasha Johnson 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. 2019-327

Louvenia Lumpkin, Mayor, Town of Orrville

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

Case No. 2019-350

Brandy Lee Gentry, Former Case Worker, Shelby County Community Corrections

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Brandy Lee Gentry 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. 2019-428

Susan Youngblood, Councilwoman, City of Selma

Ms. Brady moved that based on the evidence as presented to this Commission, there currently exist insufficient facts to hold that Susan Youngblood, has violated the Alabama Ethics Law, and further moved that this case be closed. 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. 2019-328; Case No. 2019-355; Case No. 2019-386; Case No. 2019-360; Case No. 2019-389; Case No. 2019-410; and Case No. 2020-040.** *Chief Justice Stuart moved that the Commission dismiss the cases as recommended. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.*

Case No. 2019-442

Selena Martin, Civil Clerk, Madison County Sheriff's Office

Chief Justice Stuart moved that on June 3, 2020, the Alabama Ethics Commission found that Selena Martin, Civil Clerk, Madison County Sheriff's Office, had committed one (1) minor violation of the Alabama Ethics Law. Selena Martin 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 \$100.00 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 19, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-453

Jackie Ray Rush, Commissioner, Clarke County Commission

Mr. Plunk moved that on June 3, the Alabama Ethics Commission found that Jackie Ray Rush, Commissioner, Clarke County Commissions, had committed one (1) minor violation of the Alabama Ethics Law. Jackie Ray Rush 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 Judicial 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 \$100.00 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 19, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-494

Clarence Mitchell, Former Lieutenant, Wilcox County Sheriff's Department

Mr. Plunk moved that on June 3, 2020, the Alabama Ethics Commission found that Clarence Mitchell, Former Lieutenant, Wilcox County Sheriff's Department, had committed one (1) minor violation of the Alabama Ethics Law. Clarence Mitchell 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 4th Judicial Circuit. That request has been approved by Michael Jackson, District Attorney, 4th 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 August 19, 2020. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2019-495

Curtis Taylor, Construction Inspector, Birmingham Water Works Board

Mr. Plunk moved that on June 3, 2020, the Alabama Ethics Commission found that Curtis Taylor, Construction Inspector, Birmingham Water Works Board, had committed one (1) minor violation of the Alabama Ethics Law. Curtis Taylor 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 10th Judicial Circuit. That request has been approved by Danny Carr, District Attorney of the 10th 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 \$100.00 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 19, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-005

Shantell Terrell, Former Senior Center Manager, Town of Wedowee

Mr. McDonald moved that on June 3, 2020, the Alabama Ethics Commission found that Shantell Terrell, Former Senior Center Manager, Town of Wedowee, had committed one (1) minor violation of the Alabama Ethics Law. Shantell Terrell 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 of the 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 \$200.00 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 19, 2020. Ms. Brady seconded the motion. Motion passed unanimously with all those present voting.

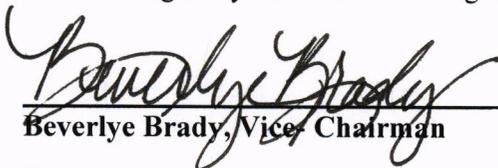
Penalty Imposition Against 2019 Statement of Economic Interests Non-Filers from the County Level of Government

The Commissioners had been provided with a list of names of individuals at the county level 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 27, 2020. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

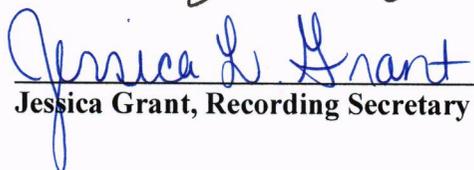
Adjournment

There being no further business, at 1:47 p.m. Ms. Brady moved that the meeting be adjourned, and Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

The next regularly scheduled meeting of the Commission is October 7, 2020.


Beverly Brady, Vice Chairman


Thomas B. Albritton, Executive Director


Jessica Grant, Recording Secretary