



**DeKalb County Board of Ethics**  
Thursday December 15, 2022  
6:00 p.m.  
Zoom meeting

**Minutes**

**Members Present:**

Alex Joseph – Board Chair  
David Moskowitz – Board Vice Chair  
Candace Rodgers - Secretary  
Rosa Darden Waymon  
Nadine Ali  
Candace Walker

**Alternate Members Present:**

Cathea Simelton- Treminio

**Board Affiliates Present:**

Elisa Murphy, Chief Ethics Officer  
Kristin Rodgers, Ethics Administrator  
Bonnie Levine, Board Counsel

**County Technology Personnel Present:**

John Matelski  
2Host

**Attendees**

Clark  
Rhea Johnson  
Sbinney  
Alejandro Ugarte  
Daniel Sanmiguel  
Wes Jackson  
Karas  
Kim – Lost Cat Search & Rescue  
Terrell Davis  
Tracy Reddick  
Makayla Knightknor  
Ashlee Wright  
Dave K  
770-713-2254  
404-803-4101

## **Agenda**

### **I. Adoption of Agenda**

Motion was made by David Moskowitz to amend and approve a change in the order of the December 15, 2022 Board of Ethics Agenda section IV “Cases” to be heard in the following order:

Cases for Final Hearing  
Cases for Dismissal  
Cases for Review.

Seconded by Nadine Ali. Motion passed by 6-0 vote.

### **II. Administrative Items**

#### *A. Approval of the Minutes of the Regular Board Meeting of October 20, 2022*

Motion was made by Rosa Darden Waymon to approve the Minutes of the Regular Board Meeting of October 20, 2022, seconded by David Moskowitz. Motion passed by 6-0 vote

#### *B. Approval of the Minutes of the Special Called Meeting of November 1, 2022*

Motion was made by David Moskowitz to approve the Minutes of the Special Called Meeting of November 1, 2022, seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

#### *C. Approval of the DeKalb Board of Ethics 2023 Meeting Calendar (3<sup>rd</sup> Thursday of the month)*

Motion was made by David Moskowitz to approve the DeKalb Board of Ethics 2023 Meeting Calendar (3<sup>rd</sup> Thursday of the month), seconded by Nadine Ali. Motion passed by 6-0 vote.

### **III. Updates from the Board Chair**

#### *A. Operations update on the Board Rules*

Board Chair Alex Joseph addressed the Public to solicit input on possible changes to the Rules of the Ethics Board and the Board Parliamentary Rules for Public meetings.

1. Rules of the Ethics Board  
<https://dekalbcountyethics.org/code-of-ethics/>
2. Board Parliamentary Rules for Public Meetings  
<https://dekalbcountyethics.org/code-of-ethics/>

#### *B. Re-appointment of Nadine Ali*

Board Chair Alex Joseph clarified that the re-appointment of Nadine Ali for another three year term rests with the DeKalb House Delegation, and that we are awaiting the approval from that office.

#### **IV. Cases**

Chief Ethics Officer Murphy provided a brief synopsis of the stages in the complaint process.

##### *A. Cases for Final Hearing*

#### **1. Stacey Kalberman v. Terrell Davis [2017-20]**

Chief Ethics Officer Murphy gave an update on the facts and a recommendation for this case.

Mr. Terrell Davis was sworn in by the Ethics Administrator. Terrell Davis made a statement and asked if he needed an attorney in this matter. Board Chair Alex Joseph advised Mr. Davis to contact the Ethics Office to speak with someone about his options in this matter.

Motion was made by Nadine Ali to defer this matter to the January 19, 2023 Board of Ethics Regular Meeting, seconded by Candace Rodgers. Motion passed by 6-0 vote.

#### **2. Malcolm Whichard v. Rashad Cash [2021-4]**

Chief Ethics Officer Murphy gave an update on the facts and recommendations for this case.

There were no witnesses identified in attendance for this case. The floor was opened to the Board for questions.

Board Chair Alex Joseph asked if anyone would like to make a motion to dismiss this case due to the complainant not responding or making an appearance at this hearing, so as to continue to pursue this complaint. No motion was made.

Motion was made by David Moskowitz to adopt the recommendation of the Ethics Officer that violations under section 22A(c)(1) of the Ethics Code occurred, seconded by Waymon. Motion passed by 6-0 vote.

Motion was made by David Moskowitz to accept the recommendation of the Ethics Officer of a Public Reprimand by the Board of Ethics of Mr. Rashad Cash, seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

#### **3. Rhea Johnson v. Vaughn Irons [Filed 02/27/2015]**

Chief Ethics Officer Murphy gave an update on the facts and recommendations for this case.

Mr. Rhea Johnson's Zoom video was obscured and therefore unable to verify his identity. The hearing of this case was paused to give Board Parliamentarian Bonnie Levine time to research current law on moving forward with swearing in a witness without being able to visually identify themselves. Upon returning to this case, Board Chair Alex Joseph stated that Board Rule 6.8 applies and Mr. Rhea Johnson was sworn in by the Ethics Administrator. Board Chair Alex Joseph stated that 10 minutes would be given to Mr. Rhea Johnson to make comments about this case. Mr. Rhea Johnson stated that a motion to move forward in this case would be in order.

Motion was made by Rosa Darden Waymon to adopt the recommendation of the Ethics Officer that violations of Ethics Code 22A(c)(2)(6) occurred, seconded by Candace Rodgers. Motion passed by 6-0 vote.

Motion was made by Nadine Ali to adopt the recommendation of the Ethics Officer of a Public Reprimand and a one-year suspension from today's date of a contractor for Mr. Vaughn Irons, seconded by Candace Rodgers. Motion failed by 1-5 vote. David Moskowitz, Rosa Darden Waymon, Candace Rodgers, Candace Walker, and Alex Joseph opposed.

Substitute Motion was made by Davide Moskowitz to adopt the recommendation of the Ethics Officer of a Public Reprimand, and an indefinite suspension of Mr. Irons or his company to contract with the County, seconded by Rosa Darden Waymon. Motion passed by 5-1 vote. Nadine Ali opposed.

#### *B. Cases for Dismissal*

Chief Ethics Officer gave a presentation on "Dismissals", "Preliminary Investigations", and "Jurisdictions" as it relates to Ethics Board cases.

##### **1. Brandon Matthews v. Joseph Lee Snitzer [2022-8]**

Ethics Officer provided the facts of this complaint, stating that the Ethics Board does not have Personal Jurisdiction in this matter and recommended dismissal of this complaint.

Motion was made by David Moskowitz to accept the recommendation of the Ethics Officer to dismiss this complaint, seconded by Nadine Ali. Motion passed by 6-0 vote.

##### **2. Curtis Fulgham v. DeKalb 911 [2022-9]**

Ethics Officer provided the facts of this complaint and stated that there is no Ethics Code violation in this matter and recommended dismissal of this complaint.

Motion was made by David Moskowitz to accept the recommendation of the Ethics Officer to dismiss this complaint, seconded by Candace Rodgers. Motion passed by 6-0 vote.

*C. Cases for Review*

**1. John Clark Ashton Cornelius Farmer v. Jeff Rader County Commissioner [2022-5]**

Board Chair Alex Joseph stated on the record that before the Board hears these cases that there was a request to introduce a document into the record before the meeting began, however the Board will not put that document into the record today because this is not an evidentiary hearing. However if the case(s) is not dismissed, the Board will introduce any documents received from respondents and any other witnesses into the record.

Ethics Officer Murphy presented the allegations as stated by Mr. Farmer and the evidence presented by Mr. Farmer in his complaint. Ethics Officer Murphy recommended dismissal of this complaint.

Motion was made by Nadine Ali to dismiss this case, seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

**2. John Clark Ashton Cornelius Farmer v. Stacey Kalberman [2022-7]**

Ethics Officer Murphy presented the allegations as stated by Mr. Farmer and the evidence presented by Mr. Farmer in his complaint. Ethics Officer Murphy recommended dismissal of this complaint. Cases John Clark Ashton Cornelius Farmer v. Stacey Kalberman [2022-7] and John Clark Ashton Cornelius Farmer v. LaTonya Wiley [2022-6] were heard together.

Motion was made by Candace Rodgers to dismiss this complaint, seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

**3. John Clark Ashton Cornelius Farmer v. LaTonya Wiley [2022-6]**

Board Chair Alex Joseph stated that we received a request to enter a document into the record for this case. Ms. Joseph stated that it is too late to enter any documents into the record at the preliminary phase of this complaint. If the Board votes to move forward with this complaint, there will be opportunity to submit documents into the record for this complaint.

Ethics Officer Murphy presented the allegations as stated by Mr. Farmer and the evidence presented by Mr. Farmer in his complaint. Ethics Officer Murphy recommended dismissal of this complaint. Cases John Clark Ashton Cornelius Farmer v. Stacey Kalberman [2022-7] and John Clark Ashton Cornelius Farmer v. LaTonya Wiley [2022-6] were heard together.

Motion was made by Candace Rodgers to dismiss this complaint, seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

*Note: in an email timestamped 6:19 pm, after the meeting had started, Respondent Wiley requested that an attached letter (titled “Respondent’s Notice of Constitutional Defect [Farmer v. Wiley, Ethics Case No. 2022-6]”) be entered into the record. The Ethics Administrator forwarded the letter to the*

*Board, Alternates, Chief Ethics Officer, and Board Counsel at 6:41 PM. Upon receipt of it, Chair Joseph, presiding over the meeting, referenced it on the record but incorrectly stated for minutes purposes that it was received shortly before the meeting (this statement was later corrected) and as such it had not been entered for purposes of the meeting; Chair Joseph did not identify the sender or title.*

*The Board voted to dismiss Case No. [2022-6] under Rule 5.4, in advance of any evidentiary submissions. Accordingly, Respondent Wiley's letter was not considered in that decision. Per Respondent Wiley's request, the Board nonetheless made it and two letters referenced in it ("Witness Letter" dated December 5, 2022 and "Re[s]pondent Letter" dated December 7, 2022) available on the Ethics Board's public website. At Respondent Wiley's request, these documents have been entered into the record and will be maintained with the Case File for Case No. [2022-6] in accordance with the Ethics Office's usual records practices. The complete case file for Case No. [2022-6] is available pursuant to the open records act.*

## **V. Public Comment**

John Clark Ashton Cornelius Farmer, Druid Hill Decatur, Ga., Terrell Davis, Lithonia, Ga., Kim Freemon, Decatur, Ga., Karas Cato 3162 North Druid Hills Rd. Decatur, Ga., Stephen Binney, 1083 Seville Dr. Clarkston, Ga., Rhea Johnson, 2546 Wilson Woods Dr. Decatur, Ga., gave public comments.

After the Public Comment, Ethics Officer Murphy advised the public of the Appeals process.

## **VI. Executive Session to Discuss Legal / Personnel Matters**

### *A. Motion to Convene an Executive Session*

Motion was made by Nadine Ali to convene an Executive Session, seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

### *B. Motion to Adjourn an Executive Session*

Motion was made by Nadine Ali to adjourn an Executive Session, seconded by Candace Rodgers. Motion passed by 6-0 vote.

### *C. Motion to Approve the Executive Session Affidavit*

Motion was made by Candace Rodgers to approve the Executive Session Affidavit, seconded by Nadine Ali. Motion passed by 6-0 vote.

## **VII. Board Comments/Future Action Items**

Board Chair Alex Joseph stated that the Board of Ethics will have an Educational Retreat in 2023.

## **VIII. Announcement of Next Regular Meeting Date of Thursday January 19, 2023**

## IX. Adjournment

Motion was made by Nadine Ali to adjourn the December 15, 2022 Board of Ethics meeting at 9:09 p.m., seconded by Rosa Darden Waymon. Motion passed by 6-0 vote.

Approved:

*Alex Joseph*

[Alex Joseph \(Jan 20, 2023 10:30 EST\)](#)

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Chair

Jan 20, 2023

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Date

# 12.15.2022 BOE Minutes.UPDATED

Final Audit Report

2023-01-20

Created:	2023-01-20
By:	Kristin Rodgers (kwrogers@dekalbcountyga.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAqWvdvcq4A0xaAvpNvg6LP62Ccc6ISEUu

## "12.15.2022 BOE Minutes.UPDATED" History

-  Document created by Kristin Rodgers (kwrogers@dekalbcountyga.gov)  
2023-01-20 - 3:23:13 AM GMT- IP address: 71.204.97.20
-  Document emailed to amjoseph@dekalbcountyga.gov for signature  
2023-01-20 - 3:28:21 AM GMT
-  Email viewed by amjoseph@dekalbcountyga.gov  
2023-01-20 - 3:30:22 PM GMT- IP address: 104.47.64.254
-  Signer amjoseph@dekalbcountyga.gov entered name at signing as Alex Joseph  
2023-01-20 - 3:30:35 PM GMT- IP address: 104.177.94.75
-  Document e-signed by Alex Joseph (amjoseph@dekalbcountyga.gov)  
Signature Date: 2023-01-20 - 3:30:37 PM GMT - Time Source: server- IP address: 104.177.94.75
-  Agreement completed.  
2023-01-20 - 3:30:37 PM GMT