



5/11/2018

TO: Clerk of Spalding County Board of Commissioners / County Manager William Wilson

SWORN STATEMENT OF - Lewis Stanley Washington of Ethics Violations of SPALDING COUNTY COMMISSIONER GWEN FLOWERS-TAYLOR VIOLATION OF CODE OF ETHICS. - Monday May 7, 2018

SEC. 2 -1013 – DECORUM

– All Commissioners should conduct themselves in a professional and courteous manner.

During the B.O.C. meeting Monday, May 7, 2018 – After the citizen’s comments, Commissioner Taylor, asked for a recess, at which time she left the Dais, continued down the hallway, confronted Mr. Peurifoy, continued into the parking lot shouting and using profanity towards Mr. Peurifoy, calling him the worst racist she ever saw. At that time a Spalding County deputy stepped in to stop the confrontation. Upon returning to the Dais Commissioner Taylor admitted to cussing out Mr. Peurifoy.

SEC. 2-12003 – Text of Ethical Considerations.

Uphold the Constitution, Laws and Regulations of the United States, the State of Georgia and all governments therein and never be party to their evasion.

(10) Each covered official shall take an oath of office and shall covenant and agree to agree to adhere to the provisions of this ethics ordinance.

Commissioner Taylor violated her oath and ethics by causing the confrontation, by acting in an unprofessional and argumentative manner, stating the Constitution was not written for her, creating the confrontation in a public area, using profanity and accusing Mr. Peurifoy of being a racist. Commissioner Taylor swore an oath to the Constitution before entering the Military and Board of Commissioners?

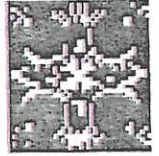
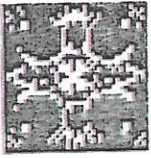
Signed: Stanley Washington
Stanley Washington

Date: 5-15-18

[Redacted signature area]



mathes martin
5/15/18



JESSE B. MADDOX JR.

[REDACTED]

July 23, 2018

Spalding County Ethics Board
Griffin, Georgia 30224

Members of The Ethics Board,

I had the opportunity to attend the Spalding County Board of Commissioners meeting on May 7, 2018 at 6pm. Due to a packed house I remained in the hallway and observed the meeting from there. I witnessed all the citizens comments to include Mr. Bobby Peurifoy' comments.

At the end of his comments he left the meeting room and I spoke to him in the hallway as we have been friends for years. I then returned to the doorway to listen to the rest of the meeting. A break was called and I met Commissioner Flowers in the hallway and spoke to her briefly.

Commissioner Flowers made no contact with Mr. Peurifoy until they were both in the parking lot and then exchanged words. I was not present in the parking lot.

Sincerely,


Jesse B. Maddox Jr

Admitted on 25 July 18.
JR. Fortney
atly.

Debra Kivcaid

MINUTES

The Spalding County Board of Commissioners held a Special Called Meeting in Room 108 of the Spalding County Annex on Thursday, May 24, 2018, beginning at 5:00 p.m. with Chairman Raymond Ray presiding. Commissioners, Rita Johnson and Bart Miller and Gwen Flowers-Taylor were present for the meeting. Commissioner Donald Hawbaker was absent from the meeting. Also present were County Manager, William P. Wilson Jr., County Attorney, James Fortune, County Attorney, Stephanie Windham and Executive Secretary, Kathy Gibson, to record the minutes.

- I. **Opening (Call to Order)** by Chairman Raymond Ray and requested that all cell phones and electronic devices be silenced.

Commissioner Ray explained that James Fortune, County Attorney would review the procedures regarding how Ethics violations are handled.

Invocation led by Chairman Raymond Ray.

Pledge to Flag led by Commissioner Raymond Ray.

II. **Agenda Items**

1. Pursuant to the Spalding Code of Ordinances, Part II Government and Administration, Chapter 12, Section 2-1204(b), the Spalding County Board of Commissioners to review alleged violations of the Spalding County Code of Ethics.

James Fortune, County Attorney, then advised that there are four complaints that have been filed alleging violations of the Ethics Ordinance. He then reviewed the Ordinance which sets out the procedure to follow when a complaint is filed against a member of the Board of Commissioners:

"If a complaint is received by the Clerk of the Board of Commissioners which alleges a prima facie violation of the Code of Ethics by a member of the Board of Commissioners, then and in such event the remaining commissioners shall review the allegations, and in the event that three (3) commissioners agree that a prima facie violation of ethics ordinance is presented, then an independent review board shall be convened. The review board will be comprised of citizens of Spalding County who have been nominated by a county commissioner to serve on the review board."

Mr. Fortune then advised there is a procedure set out in the code as to exactly what the review board is supposed to do. He then stated that he had handed out to the Commissioners before the meeting the definition of Prima Facie which he then read to those in attendance. The definition is from Black's Law Dictionary:

Prima Facie: At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; presumably; a fact presumed to be true unless disproved by some evidence to the contrary. Such as will suffice until contradicted and overcome by other evidence.

Mr. Fortune then advised that this is the standard to be used going forward. We have four complaints tonight.

The first complaint for consideration is a complaint filed by Mr. Stanley Washington against Commissioner Flowers-Taylor. The code states that it is the remaining commissioners who will review the allegation. In this case, there are three commissioners present to review this complaint. For the

purposes of this complaint only we will go with the remaining three commissioners.

Mr. Fortune advised that all of the complaints and attachments have been supplied to the Commissioners prior to the meeting for their review. With regard to the first complaint against Commissioner Flowers-Taylor.

Chairman Ray advised that this proceeding would be conducted along the lines of a Grand Jury presentment. We are hearing the initial complaint today and make the decision if it will be submitted to a review board, at which time the review board will review the complaints and all the evidence will be presented and bring a recommendation back to the Board of Commissioners.

Mr. Fortune then stated that no determination of guilt or innocence was to be made this evening, it is to determine if "on its face" the actions alleged would state a violation of the Ethics Ordinance.

Chairman Ray then stated we have an Ethics Complaint dated May 15, 2018 from Mr. Stanley Washington concerning Commissioner Gwen Flowers-Taylor. At this point in time, with the evidence you have reviewed if would like for the matter to go before the review board please raise your hand. Vote was unanimous that the matter go before the review board.

Mr. Fortune stated that the second complaint for consideration was filed by Mrs. Paige Norman against Commissioner Donald Hawbaker.

Chairman Ray then stated we have an Ethics Complaint dated May 21, 2018 from Mrs. Paige Norman against Commissioner Donald Hawbaker who is absent from the meeting. He then asked all in favor of turning this complaint over to the review board to please raise their hand. Vote carried 3-1 (Flowers-Taylor).

Mr. Fortune advised that the third complaint for consideration was filed by Mr. Stanley Washington against Commissioner Donald Hawbaker.

Chairman Ray then stated we have an Ethics Complaint dated May 21, 2018 from Mr. Stanley Washington concerning Commissioner Donald Hawbaker. He stated that the Board had reviewed the complaint and the back-up material and that all in favor of turning this complaint over to the review board please raise their hand. Vote carried 3-1 (Flowers-Taylor).

Mr. Fortune stated that the last of the complaints was filed by Ms. Jane Kent, against Commissioner Donald Hawbaker.

Chairman Ray stated we have an Ethics Complaint dated May 23, 2018 concerning Commissioner Donald Hawbaker. He stated that the Board has reviewed the documentation and the evidence and asked that all in favor of turning this complaint over to a review board please indicate said favor by raising their hand. Vote carried 4-0.

Mr. Fortune then advised that all four complaints would be turned over to a review board for consideration and recommendation pursuant to the County Code.

Chairman Ray stated that at the beginning of their term each Commissioner is asked to designate three citizens from their district to sit on this Board as required. He asked that all of the Commissioners review their list and make sure that no one has moved or is no longer available to serve on this board.

Mr. Fortune then advised that all of the individuals designated for this Board

would be placed in a pool. The three names from each individual district will be placed in a pot and two names will be drawn from the pot to represent their district. The first individual pulled will be the individual who will actually sit on the Board and the second is an alternate to serve in case the first individual cannot serve. That is how we get the five people who will serve on the Board.

The Board will meet where the person accused of the violation will have an opportunity to confront their accusers and present evidence on their behalf. Those who made the complaint will also have an opportunity to present their evidence as well.

Per the Ordinance: "The review board will conduct a public hearing based upon the complaint. A majority vote of the review board members present shall determine whether or not a violation of the ethics ordinance has occurred. Upon reaching their decision, the review board shall submit to the County Clerk their written findings whether or not a violation of this ordinance has occurred. Upon the filing of said report, the review board shall have completed its duties under this ordinance and shall be discharged from service.

Mr. Fortune then advised that any individual who is aggrieved by that proceeding would then have the right to a writ of certiorari to the Superior Court here in Spalding County.

"In the event a violation of the ethics ordinance is determined by the review board to have occurred, then and in such event the majority of the Board of Commissioners shall set a penalty as set out above."

Mr. Fortune then advised that in case of a commissioner the possible punishments could be imposed would be:

- A written reprimand or public censure which would be printed in the Griffin Daily News and posted in the Courthouse as well as the Courthouse Annex.
- In the event the covered official is a member of the Board of Commissioners, then he or she may be fined in an amount not to exceed \$1,000 in addition to the written reprimand and/or public censure.

III. Adjournment

***Motion/Second by Johnson/Miller to adjourn the meeting at 5:14 p.m.
Motion carried unanimously by all.***

/s/ _____
Raymond Ray, Chairman

/s/ _____
William P. Wilson, Jr., Clerk

XII. REPORT OF COUNTY MANAGER

- Advised that there was a thunderstorm on Monday, June 25th, that resulted in spotty damage in the County. The County expended \$3,500 by the Public Works Department alone. This does not include time and effort expended by the Fire Department or Sheriff's Office.
- Good news on the SPLOST front. Collections for the Month of May were \$768,911.84. That is up 3.7% from the same period last year. Our total collections for 26 months are \$18, 731,459.57. We had budgeted \$18,200,000 and we are roughly 2.92% above projected collections and a monthly average of \$720,440.75.
- The Warden talked about the graduates from the first SCTC Welding Certification Classes. We had 7 inmates to graduate from that program and the Warden is talking with Mr. Wilson and Southern Crescent about a Forklift Training Program to implement as well. He advised that they may be coming to the Board with a Forklift Training Program in the future for the CI. That would be a great program especially since the Dollar General Warehouse is not far from here and they use a lot of forklift drivers.
- He advised that he will be placing a copy of the Annual Report from the Cooperative Extension Service in the Commissioners' boxes.
- There is a vacancy on the Library Board of Trustees created by the resignation of Joy Mosley who moved to Troup County. This will be on the next agenda, so if you can think of someone who would like to serve on the Library Board, please get their information in to Kathy.
- The Walking Dead may be opening Line Creek Road back up either tomorrow or Wednesday. They will let us know. I know that Commissioner Miller has had some complaints from farmers in the area because they couldn't move their equipment on that road.
- We have scheduled the Ethics Hearing, for next Wednesday, July 25th, it starts at 9:00 a.m. in Meeting Room 108. He has been asked by a number of people if video or live streaming available for this hearing and the answer is no. NovusAgenda is the program utilized to broadcast meetings live and Ethics Panel is not set up to utilize NovusAgenda.

XIII. REPORT OF COMMISSIONERS

Bart Miller

Advised that Mr. Wilson had answered his question regarding Line Creek Road.

Gwen Flowers-Taylor

Stated that she was confused regarding Mr. Lattimore's comments earlier that we are not actively checking ID's at the collection centers. She thinks this should be a standard. The whole purpose in doing this was to make sure that we cut out people who are abusing a service that is for county residents only. She asked Mr. Wilson to verify this. She would like to know what the expectation is of the attendant we have working at the recycling centers.

She stated that she didn't know if it was normal for someone's property tax to go up \$30,000 over a 14-year period. That is a lot.

Mr. Wilson stated that he believes Mr. Lattimore was implying that the value of his property has increased by \$30,000. Not that his tax bill has increased by \$30,000.



SPALDING COUNTY
ETHICS REVIEW BOARD
AFTER AGENDA
WEDNESDAY, JULY 25, 2018
9:00 A.M.

CALL TO ORDER James R. Fortune
County Attorney

The Spalding County Ethis Review Board meeting was called to order at 9:07 a.m. by County Attorney, James R. Fortune.

Per Spalding County Code of Ordinances, Division 1, Part 2, Chapter 12, Section 2-12004 (c) The Review Board will conduct a public hearing based upon the complaint. A majority vote of the Review Board members present shall determine whether or not a violation of the ethics ordinance has occurred. Upon reaching their decision, the Review Board shall submit to the County Clerk their written findings whether or not a violation of this ordinance has occurred. Upon filing of said report, the Review Board shall have completed its duties under this ordinance and shall be discharged from service.

NEW BUSINESS:

County Attorney James R. Fortune explained the meeting procedures to be followed in conducting the Ethic Hearing to the Board and all who were present for the meeting.

9:30 – 10:02 a.m. Commissioner Gwen-Flowers Taylor Hearing

- Stanley Washington Complaint

Consensus of the Ethics Review Board, by a vote of 5-0, was that no violation of the Ethics Ordinance had been committed by Commissioner Flowers-Taylor as alleged in the complaint filed by Stanley Washington

10:10 a.m. – 11:17 a.m. Commissioner Donald Hawbaker Hearing

- Stanley Washington Complaint

Consensus of the Ethics Review Board, by a vote of 5-0, was that no violation of the Ethics Ordinance had been committed by Commissioner Donald Hawbaker as alleged in the complaint filed by Stanley Washington.

- Paige White Norman Complaint

Consensus of the Ethics Review Board, by a vote of 5-0, was that no violation of the Ethics Ordinance had been committed by Commissioner Donald Hawbaker as alleged in the complaint filed by Paige White Norman

- Jane Allen Kent Complaint

Consensus of the Ethics Review Board, by a vote of 5-0, was that no violation of the Ethics Ordinance had been committed by Commissioner Donald Hawbaker as alleged in the complaint filed by Jane Allen Kent.

ADJOURNMENT

The meeting adjourned at 11:25 a.m.



Spalding County Ethics Review Board

Wednesday, July 25, 2018

Members:

Robert Lattimore, Fannie Delaney,
Thomas Coggins, Henry Sims,
Bonnie Eugene Betsill, Jr.

To: The Spalding County Board of Commissioners

Re: Alleged Ethics Violation against Commissioner Gwen Flowers Taylor

We, the Spalding County Ethics Review Board, having convened on Wednesday, July 25, 2018 at 9:00 a.m. in Meeting Room 108 of the Spalding County Courthouse Annex, determine that:

Regarding the Ethics Complaint filed by Mr. Stanley Washington the Board rules that Commissioner Gwen Flowers -Taylor:

Did

Did Not

violate the Ethics Ordinance.

By affixing signatures below, we affirm the aforementioned decision.

This the 25th day of July, 2018.

Robert Lattimore

Robert Lattimore

Fannie Delaney

Fannie Delaney

Thomas Coggins

Thomas Coggins

Henry Sims

Henry Sims

Bonnie Eugene Betsill, Jr.

Bonnie Eugene Betsill, Jr.

William P. Wilson, Jr.

Attest: William P. Wilson, Jr.
County Clerk

James Fortune

James Fortune, County Attorney

Judge Edwards stated that tomorrow he will be going before the Judicial Council of Georgia to speak on behalf of the Griffin Circuit as the Chief Judge of the Circuit to request their formal approval. He stated the one question they will ask is if he has the local support needed to provide the limited funding required of the local government entities to support this. He would like to be able to tell them tomorrow that the Board voted for this unanimously.

Commissioner Johnson stated that she appreciated the Judges making time to meet with Board members individually and answer their questions.

Motion/Second by Hawbaker/Johnson to approve the request from Judge Christopher C. Edwards Office for a Letter of Support for a 5th judgeship in the Griffin Judicial Circuit. Motion carried unanimously by all.

Mr. Wilson then added that he in error advised that Dr. Simmons had been invited to the previous BOC meeting. He stated that he had failed to copy Dr. Simmons on the invitation. He stated that had Dr. Simmons received the invitation he would have been here. It was an error he made on the email.

3. County Attorney, James Fortune, to update the Board of Commissioners on the findings of the Ethics Review Board which convened on Wednesday, July 25, 2018.

Jim Fortune, County Attorney, then advised regarding complaints alleging violations of the Ethics Ordinance by two Commissioners, one complaint against Commissioner Flowers-Taylor and three complaints against Commissioner Hawbaker. Each complaint was considered separately, and evidence was received by the Ethics Review Board. After the presentation of evidence the Review Board decided that none of the complaints were in violation of the Ethics Ordinance. At that time, the Review Boards duties were completed, and they were discharged from service.

XI. NEW BUSINESS—

1. Consider approval of a new 2018 Alcohol Beverage License for Consumption on Premises for:
 - Bart Miller-Griffin Moose Lodge located at 1435 Zebulon Rd., Griffin, GA

Mr. Wilson advised that the Griffin Moose Lodge has submitted a new application for an Alcohol Beverage License for Consumption on Premises, Bart Miller will be the license holder for that license. All requirements have been met and staff recommends approval.

Motion/Second by Flowers-Taylor/Johnson to approve the request from Griffin Moose Lodge for a 2018 Alcohol Beverage License for Consumption on Premises. Motion carried 4-0-1 (Commissioner Miller abstained from the vote).

2. Consider approval of Amendment #1 to the MOU for GED Testing Services at the Spalding County Correctional Institution.

Mr. Wilson stated currently we pay \$20/hour for the testing services. Southern Crescent Technical College has had an increase in those charges and they will now be \$25/hour. This will be paid out of the Inmate Educational Fund and will have no impact on the Budget.

Amendment #1