

ETHICS LEGISLATION TIMELINE

By **Representative Viola Davis**, Chair of the House Ethics Committee

March 15, 2020

The “truth” is almost too embarrassing and shameful to expose; however, the “truth” must be told regardless of the ugliness it exposes. I have spent most of my time as an activist, community missionary and government watchdog over the last 20 years in DeKalb County, Georgia. I am also a member of the Georgia Watchdog organization, a statewide watchdog group. I am a member of a number of coalitions that have filed ethics complaints with the DeKalb County Ethics Board. The complaint against Commissioner Sharon Barnes Sutton was filed by our ministry and coalition.

I have filed multiple ethics complaints personally and/or with coalitions as a community missionary, activist, and government watchdog prior to being elected as a state representative in 2018. After filing such complaints, there were two indictments, one conviction, and several people removed from employment with the county. However, I have endured acts of intimidation, threat, racial slurs, profanity, and overall disrespect primarily from anonymous sources since working on ethics legislation since January 2019. Despite a letter from organizations such as the DeKalb Citizens Advocacy Council requesting civil and respectful behavior, I find such behavior and actions **deplorable** regardless of who does them. I have had people quote complaints, both ethical and criminal, that I wrote while proclaiming I along with “other black politicians” don’t care about ethics.

The House Ethics Committee has worked hard and diligently to produce viable constitutional ethics legislation that will put the DeKalb Board of Ethics back in operation. Unfortunately, the overall process has been **inundated** with multiple unforeseen interruptions that have delayed much of the process. Question: Should the ethics legislation be written using unethical procedures and hearing no public comment? Answer: **NO!**

We were excited to announce the schedule for the next four meetings of the House Ethics Committee after having a successful organizing meeting on February 24, 2020, at 8 a.m. in Room 514 (CLOB). However, we needed the help of several individuals and departments. We sent several questions concerning the operation of the Ethics office to the DeKalb Board of Ethics to their office. We requested the answers be submitted in writing within 3-5 business days.

We sent two attachments that were reviewed by our committee during the meeting. The schedule of the upcoming House Ethics Committee meetings were/is as follows:

1. March 2nd Room 502 in CLOB at 8 am
2. March 9th Room 502 in CLOB at 8 am – Cancelled/Appropriation
3. March 16th Room 502 in CLOB at 8 am – Special Session
4. March 23th Room 502 in CLOB at 8 am

We included the DeKalb County Board of Commissioners' Resolution and attached documents. We understood that there were multiple articles published that the Board wanted the appointment process addressed only. However, the attachment had the following multiple changes marked in red to include:

- Page 3 - changes in red
- Page 5 - changes in red
- Page 7 - changes in red

The committee voted to call the county attorney to give our committee information on the changes marked in red and to answer questions. We later had Solicitor General Donna Coleman-Stribling, Attorney Dwight Thomas, and Dr. Ed Williams speak to the committee. We also allowed public comment at the end of the meetings.

We submitted the following questions to the Ethics Officer, Stacey Kalberman, to answer in writing which were:

1. What are the Standard Operating Procedure (SOP) for how the office is run day-to-day?
2. What is the formal process for filing a complaint?
3. What is the process for hearing a complaint?
4. What/how is the complaint handled and by whom?
5. Who makes the final judgment on the merits of the complaint?
6. What is or is there a recusal process if a board member has a conflict of interest?

A timeline of events detailing the production of the ethics legislation is:

1. **December 2019** – Representative Matthew Wilson introduced his 1st Ethics Bill to address the appointment process –
 - a. <http://metroatlantaceo.com/news/2019/12/rep-wilson-announces-clean-dekalb-ethics-bill/>;
 - b. <https://www.ajc.com/news/legislative-efforts-change-dekalb-ethics-board-begin-anew/5kzUIe7Weoue6HHfVTL04O/>;
 - c. <http://thechampionnewspaper.com/news/local/brookhaven-legislator-proposes-clean-fix-to-dekalb-ethics-laws/>
2. **December 2019** - DeKalb County's Board of Commissioners introduced a Resolution on December 17 urging the DeKalb Delegation to adopt the same Ethics Code previously approved by voters with one substantive change to the appointment process.
 - a. https://ocgnews.com/dekalb-commissioners-offer-easy-fix-stalled-ethics-board/?fbclid=IwAR07eBVpqKjSO5I1tdTTC6JEk9fcr_Xe-vfLoUaSoQ5jU-reyMNcXh2xDzw
 - b. <https://www.ajc.com/news/local/dekalb-commission-asks-for-quick-fix-ethics-board/FJNqBkyKv3Viq6Z2p6w9AK/>

c. <http://thechampionnewspaper.com/news/local/simple-fix-to-ethics-code-supported-by-dekalb-commission/>

3. **January 2020** - Representative Matthew Wilson's 1st Ethics Bill had a verbal legal challenge to the legality of allowing cities to appoint a member to the ethics board when the law would not apply to the cities and many cities do not have ethics legislation and/or ethics in their charter. (**DELAY**)

4. **January 2020** – Representative Matthew Wilson's Ethics Bill was changed to match the requests made by the DeKalb County Board of Commissioners Resolution. However, the Resolution included an attachment with 3 pages of changes to the ethics bill marked in red. The simple fix was far from being 'one' simple fix or a 'clean' fix. This caused the need to follow up with the county attorney. (**DELAY**)

5. **January 21st – January 23rd, 2020** - Joint Budget Hearings/Appropriations (**DELAY**)

6. **January 29, 2020** - DeKalb House Delegation had a meeting to establish the joint Senate/House Ethics Task Force. The meeting was highly controversial due to much media presence and a threat to circumvent the process to move the legislation forward. House Chair Karla Drenner stated, "If this was my other job, and my subordinate or my boss did not come and talk to me beforehand and then in a public setting took me off guard, I would be a little disappointed." Due to a conflict in the meaning of the bylaws with bypassing the process and acquiring signatures, Delegation Chair Karla Drenner was forced to seek the opinion of Legislative Counsel. (**DELAY**)

a. <https://www.ajc.com/news/local/dekalb-ethics-talks-off-bumpy-start-under-gold-dome/YMgLN6p8VeLwVkh5rNeNHJ/>

b. <http://thechampionnewspaper.com/news/local/georgia-legislators-to-create-task-force-for-new-dekalb-county-ethics-laws/>

7. **February 5th – February 13th, 2020** - The Session was put on hold to focus once again on the budget. The Georgia Legislators voted to postpone full meetings in the House and Senate Chambers until February 18th. It was the first such extended break in the General Assembly's calendar. (**DELAY**)

a. <https://www.wabe.org/georgia-state-house-pushes-back-on-many-of-kemps-proposed-budget-cuts-in-amended-2020-budget/>

b. <https://www.ajc.com/news/state--regional-govt--politics/georgia-house-backs-budget-sans-many-gov-kemp-proposed-spending-cuts/eLHklu38tHTgaH2iknbTOO/>

c. <https://www.usnews.com/news/best-states/georgia/articles/2020-02-05/georgia-lawmakers-take-break-to-try-to-ease-budget-worries>

8. **February 18, 2020** – The House Delegation held a Town Hall Meeting at the Porter Sanford Arts Center. A question was asked regarding the status of the ethics legislation. However, the delay was due to the Delegation Chair waiting for Legislative Counsel to make a response to an interpretation of the Delegation's rules. (**DELAY**)

9. **February 19, 2020** – House Delegation Chair Karla Drenner changed the Joint Ethics Task Force to the House Ethics Committee. The Chair appointed Rep. Viola Davis Chair of the House Ethics Committee and placed Rep. Nguyen, Rep. Shannon, and Rep. Wilson on the committee. The local ethics legislation was not affected by the March 12th Crossover.

a. <https://www.ajc.com/news/local/tempers-flare-during-dekalb-delegation-latest-ethics->

[discussion/IAI9w18kyN2Uiqi3lK8uTN/?fbclid=IwARoopFFxGpTOnvWugB8yjdArnoDu3R_3eZ9-ocMT-PQ2W2A1tcFNtjwuBc](https://www.facebook.com/IAI9w18kyN2Uiqi3lK8uTN/?fbclid=IwARoopFFxGpTOnvWugB8yjdArnoDu3R_3eZ9-ocMT-PQ2W2A1tcFNtjwuBc)

10. **February 24, 2020** - Meeting of the House Ethics Committee in room 514 of the CLOB. We reviewed the initial and 2nd version of the ethics legislation submitted by Representative Matthew Wilson. This was an organizing committee meeting that went smoothly, ending within 30 minutes of the meeting being called to order by Chair of the House Ethics Committee, Representative Viola Davis. There was public comment at the end of the meeting.

11. **February 28, 2020** - Email, letter, and attachments were sent to CEO Michael Thurmond and the DeKalb County Board of Commissioners. The Committee strived to give elected officials an opportunity to voice their opinions, concerns, and suggestions on the ethics legislation.

12. **March 2nd, 2020** - The House Ethics Committee meeting was called to order at 0800 in room 502 of the CLOB. The Committee scheduled a meeting for later in the week to be held after 1 p.m. due to an individual's complaint of being unable to attend at 8 a.m. Representative Vernon Jones spoke to the Committee. There was public comment at the end of the meeting.

13. **March 3, 2020** - Email, letter and attachments were sent to DeKalb Solicitor-General Donna Coleman-Stribling. We also invited Attorney Dwight Thomas and Dr. Ed Williams to speak to the Committee on March 4, 2020 in room 406 in the CLOB.

14. **March 4, 2020** - DeKalb Solicitor-General Donna Coleman-Stribling, Attorney Dwight Thomas and Dr. Ed Williams spoke to the House Ethics

Committee. There were people who attended the meetings that were allowed to ask questions, as well as elected officials. There was public comment at the end of the meeting.

CROSSOVER DAY:

March 12, 2020 – Georgia Gov. Brian Kemp declared a public health emergency and called for a special legislative session to help marshal the state’s response to a coronavirus outbreak that has sickened dozens of residents and resulted in the death of one person. (**DELAY**)

<https://www.ajc.com/news/breaking-news/georgia-declare-public-health-emergency-amid-coronavirus-outbreak/SqEkO2vO6l3Lo9RIrsgRRL/>

The People's House was suspended indefinitely on 3/12/2020. However, on 3/13/2020, the Governor declared a state of emergency in Georgia, so we are being asked to reconvene on Monday, March 16, 2020 [CLICK HERE](#). (**DELAY**)

- a. http://www.house.ga.gov/mediaServices/Documents/Session_Suspension_Signed_Joint_Letter_3.13.2020.pdf
- b. <https://www.11alive.com/article/news/health/coronavirus/coronavirus-georgia-atlanta-live-updates/85-1f521b87-dcf4-4607-8a11-e2e14fb064ad>
- c. <https://www.ajc.com/news/state--regional-govt--politics/georgia-leaders-reevaluating-legislative-session-amid-coronavirus/ADuMnJWxEfYvl9YDvFxfTN/>
- d. <https://www.fox5atlanta.com/news/georgia-general-assembly-to-suspend-2020-legislative-session-amid-coronavirus-concerns>

Representative Viola Davis obtained the digital version of the local ad of her ethics legislation and emailed the document to the House Delegation. Rep. Davis’ bill was read for the second time during a break once the rules were suspended and a quorum verified. There was an attempt to have a Committee meeting in the ante room during a break on Crossover Day. However, the motion was voted down due to a scheduled meeting for

March 16th to vote on the three ethics bills. Later in the day, the Speaker informed the legislators that the session would be suspended once again due to the Coronavirus Outbreak. (**DELAY**)

Ethics Legislation - Issues to be Addressed:

- A. **The appointment process** - Representative Matthew Wilson's bill focused on the appointment process. He agreed to change the 1st draft of his ethics bill to match the request of the DeKalb County Board of Commissioners.
- B. **Recusal due to Conflict of Interest** – Representative Vernon Jones has a long history of bringing attention to the lack of a recusal process due to a conflict of interest within the ethics legislation. Representative Viola Davis has added a recusal process to the ethics legislation in her bill to correct this long held concern.
- C. **Alternates to Fill Vacancies due to Recusal** - Representative Vernon Jones and Representative Renitta Shannon have advocated for alternates to ensure a quorum on the Board of Ethics when there is a need for a member to recuse themselves due to conflict of interest. Representative Viola Davis added this provision to her bill to help ensure a quorum is maintained on the Board of Ethics.
- D. **Gifts Removed from Ethics Legislation** - Representative Viola Davis has advocated for the removal of gifts from the ethics legislation due to the multiple claims and allegation of alleged procurement crimes, wrongdoing, malfeasance, and acts of corruption.
- E. **Ethics Legislation to Apply to Cities and the County** – There was a request to write an ethics law that will apply to cities as well as the county. The initial research revealed that a majority of the ethics laws throughout Metro Atlanta have written ethics ordinances using Home Rule. A list was provided to the House Ethics Committee and placed online for the general public to review. Representative Viola Davis has written a Resolution to encourage cities and the County of DeKalb to write an ethics ordinance to address any further issues

and/or concerns with the ethics law on the local level such as due process issues, equal protection under the law between cities and county ethics legislation, etc.

- F. **Due process for elected officials** – There is a major concern that the ethics laws are enacted in an unfair method that target elected officials of color. There continues to be a concern to the amount of power the Ethics Officer is given when a complaint is written against an elected official and government staff. There have been several suggestions made to include:
- a. **Send complaints to the DeKalb Solicitor General** - Solicitor General Donna Coleman-Stribling appeared before the House Ethics Committee to voice her concerns with this request. She stated that this was the first time she has spoken to the committee on the issue of ethics legislation. A majority of the House Ethics Committee members do not agree with this suggestion.
 - b. **Separate the preliminary process from the actual Ethics Board complaint** - There was a suggestion to separate the two processes to ensure due process to person (s) accused of an ethics violation. This will also ensure that there is no favoritism in the process.
 - c. **Implement a Grand Jury process** - Solicitor General Donna Coleman-Stribling stated that the Grand Jury process primarily falls under the District Attorney who handles felonies. There is a major concern that some of these suggestions make ethics complaints, a criminal complaint.
 - d. **Allow the Chief Judge to appoint a separate attorney to move forward with the actual Ethics Board complaint** - There was a suggestion to allow the Chief Judge to appoint a separate attorney to handle the actual case to go before the Board of Ethics. Since the Chief Judge is alternated, there would be a check and balance in the ethics process and due process.