

MINUTES
CITY OF DAWSONVILLE ETHICS BOARD
G.L. Gilleland Council Chambers
Friday, December 20, 2019
3:00 P.M.

I. **CALL TO ORDER:** Attorney Joseph Homans called the meeting to order at 3:00 pm.

ROLL CALL: Present were members Calvin Byrd, Shelly Martin and Marcus Sewell.

Attorney Homans stated the meeting is in regard to a complaint received involving Mark French, who is in attendance at this meeting. The Board confirmed they were in receipt of the complaint and reviewed the complaint and determined the complaint should go forward in accordance with the City's ethics code.

II. **RATIFICATION – APPOINTMENTS:** The Board unanimously agreed that Attorney Joey Homans will serve as counsel for the Ethics Board.

III. **PUBLIC HEARING – EVIDENCE AND INFORMATION CONCERNING COMPLAINT:**

Attorney Homans stated the purpose of the meeting is in accordance with the City's code Section 2-82(d) allowing the ethics board to collect evidence and information from Mark French concerning the complaint which has been filed against him. Attorney Homans swore in Mark French.

Mark French provided his written statement regarding the complaint against him to the Ethics Board stating he has nothing further to add based on his counsel's input.

Shelly Martin asked Mr. French if he'd like to read his statement into the record; he declined. She asked if he was represented by counsel; he stated yes. She asked if his counsel was unable to come today; he stated it was their decision to not have his counsel present today. She asked who he is represented by; he stated Steven Liebel.

Ms. Martin also asked Mr. French if he was aware of a policy regarding responses to citizens; Mr. French replied not to his knowledge. She further asked if there was anything Mr. French would like to add to his statement; he declined.

At 3:12 pm a motion to enter an executive session was made by C. Byrd; second by M. Sewell. Motion carried unanimously in favor.

At 3:43 pm, the Board returned from the executive session.

Attorney Homans stated the Ethics Board will decide one by one as to whether they will dismiss the nine alleged violations:

- **Alleged Violation #1:** No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.

Board unanimously agreed not to dismiss this alleged violation.

- **Alleged Violation #2:** No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the records such interest prior to any discussion or vote or fail to recuse himself or herself from such discussion or vote as applicable.

Board unanimously agreed not to dismiss this alleged violation.

- **Alleged Violation #3:** All public funds shall be used for the general welfare of the people and not for personal gain.

Board unanimously agreed not to dismiss this alleged violation.

- **Alleged Violation #4:** No city official shall use city facilities, personnel, equipment, or supplies for private purposes, except to the extent such are lawfully available to the public.

Board unanimously agreed not to dismiss this alleged violation.

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- **Alleged Violation #5:** No city official shall grant or make available to any person any consideration, treatment, advantage, or favor, beyond that which it is the general practice to grant or make available to the public at large.

Board unanimously agreed not to dismiss this alleged violation.

- **Alleged Violation #6:** A city official shall not directly or indirectly make use of, or permit other to make use of, official information not made available to the general public for the purpose of furthering a private interest.

Board unanimously agreed to dismiss this alleged violation.

- **Alleged Violation #7:** A city official shall not order any goods and service for the city without prior authorization for such expenditure. No city official shall attempt to obligate the city or give the impression of obligating the city without proper prior authorization.

Board unanimously agreed to dismiss this alleged violation.

- **Alleged Violation #8:** A city official may not participate in a vote or decision on a matter affecting an immediate family or any person, entity or property in which the official has a substantial interest.

Board unanimously agreed to dismiss this alleged violation.

- **Alleged Violation #9:** A city official may not participate in a vote or decision on a matter in a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties.

Board unanimously agreed not to dismiss this alleged violation.

Attorney Homans stated he will seek to schedule a final hearing regarding the alleged violations. He also stated the Board recognizes procedural issues have been raised in Mr. French's statement and they will seek to address those either before or at the next hearing.

Attorney Abbott Hayes representing the City of Dawsonville stated he would contact Mr. French's attorney Steven Liebel with the intent to ask if he'd like to waive the service issue raised in Mr. French's response and if not, he would anticipate the complaint be issued again and have it served within seven days to Mr. French with the anticipation of staying on the same timetable.

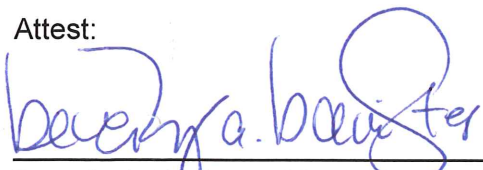
ADJOURNMENT:

At 3:51 pm a motion to adjourn the meeting was made by C. Byrd; second by M. Sewell. Motion carried unanimously in favor.



Joseph A. Homans

Attest:



Beverly A. Banister, City Clerk

STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE ETHICS BOARD

Shelly Martin, Calvin Byrd and Marcus Sewell; being duly sworn, state under oath that the following is true and accurate to the best of their knowledge and belief:

1. The City of Dawsonville Ethics Board met in a duly advertised meeting on December 20, 2019.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 3:12 p.m.
4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law: (check all that apply)

Consultation with the City Attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;

Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(b)(1);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(b)(2); § 2-82(d) of City Code after a hearing to collect evidence and information.

Other _____ as provided in: _____.

This 20th day of December 2019; By the City of Dawsonville Ethics Board:

Shelly Martin
Shelly Martin

Calvin Byrd
Calvin Byrd

Marcus Sewell
Marcus Sewell

Sworn to and subscribed before me this
20th day of December, 2019.

Joseph [Signature]
Signature
Notary Public
My Commission expires:

