ETHICS COMMITTEE MEETING
CITY OF DORAVILLE
STATE OF GEORGIA

ETHICS COMMITTEE

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Transcript of the proceedings held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Gordon Grant, Chairman; before Theresa Bretch, Certified Court Reporter, commencing at 6:00 p.m. on April 30, 2009.

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1 P R O C E E D I N G S
2 CHAIRMAN GRANT: I would like to call
3 this Ethics meeting to order.
4 This is a meeting of the Ethics
5 members. We have Ms. Sandee Sledd here, Patty
6 Barker and myself, Gordon Grant.
7 I would like to remind all those in
8 attendance if you could please turn off cell
9 phones and any beeping noises and things of that
10 nature.
11 And while these meetings are open for
12 public viewing, I would like to remind everyone
13 that they are not open for public comment. This
14 is just an initial review for the Ethics

15 Committee and it is open to the public.

16 And so with that being said, a couple

17 of things. First I would like -- since there is

18 no old business to attend to since we completed

19 all of that, we'll immediately go straight into

20 new business, and the new business at hand is

21 the complaint that has been filed by Mr. Tom

22 Hart against Mr. Mayor Ray Jenkins and

23 Councilmember Maria Alexander. I'd like to get

24 our committee's opinion and input on that.

25 And then as well, I also have two

1 packets of documents here that are provided by

2 attorneys representing the two complainants

3 [sic], if you will. So we'll get some initial

4 background, some initial comments there before

5 we go on and delve into exactly what that

6 reading material is.

7 Also, I would like to read just real

8 quickly the purpose, to remind us all of our

9 duties here. The purpose of the Ethics

10 Committee is to review all complaints filed,

11 determine whether there is proof beyond

12 reasonable doubt that a City Councilmember has

13 violated this Ethics Code. So that is our

14 purpose here.

15 And now shall we open up for discussion

16 and delve into exactly what has been filed or

17 would you like me to read this?

18 COMMITTEE MEMBER BARKER: I have read

19 it. I always have lots to say. So why don't

you go ahead with whatever you want to start with and --

COMMITTEE MEMBER SLEDD: Right.

COMMITTEE MEMBER BARKER: -- lay it out, Sandee, and what you see.

COMMITTEE MEMBER SLEDD: Well, I have

read it, and I need to say something, that my ordinance numbers don't correspond with these ordinance numbers. I have the City Ordinance from 2008, and this is an older one that is filed, so I had a little bit of difficulty going back and forth, trying to match everything.

Basically what I have found is that the ordinances are written here, but from my perspective, I found it a little weak on the evidence to render an opinion beyond a reasonable doubt. I need some more evidence on some of the issues here.

CHAIRMAN GRANT: Okay. And let me -- just so some people out here may not know exactly what the documentations or what we're talking about here. So let me briefly read some of what the Committee has here before them.

Starts off Section 2-156, which is actually the old set of 2007 documents there. Section 2-156 has been violated by the above two people and said elected officials. Then it goes by and it defines that particular section, and let me just highlight it for you. "The citizens

24 and business of the City of Doraville -- quote,
25 the 'City' -- are entitled to have fair and
♀ 6

1 ethical and accountable local government which
2 has earned the public's full confidence for
3 integrity." The whole paragraph there is
4 written straight from the code.
5 And then it says in bold letters,
6 "However, Mayor Jenkins and Councilmember
7 Alexander have violated the Code of Ethics."
8 Then it goes on to quote Section 2-159, again
9 referring to the old 2007, "specifically
10 requires they act in the public interest," then
11 defines that and says, "However, Mayor Jenkins
12 and Councilmember Alexander have failed in their
13 fiduciary duties to be good stewards of the
14 public's interest."
15 Then it highlights Section 2-160,
16 "Mayor Jenkins and Councilmember Alexander have
17 not complied with the laws of the United States,
18 the State of Georgia, and the City of Doraville
19 failing in the performance of their public
20 duties," and quotes that.
21 Then it says, "Mayor Jenkins has
22 accepted large sums of money from the principle
23 [sic] owners and vendors of Star Towers in
24 violation of Section 2-167, acceptance of
25 gifts," straight from the 2007 Code of Ethics,
♀ 7

1 then just gives number 1 through 10 [sic] of

2 everything that's there.
3 The next bold point says,
4 "Councilmember Alexander used public property
5 and public resources . . . to push voters to
6 vote for the annexation in violation of Section
7 2-169," then it specifically highlights and
8 gives the definition.
9 Next bold section says, "Section 2-174
10 violated by Maria Alexander by seeking without
11 paying for legal advice from City Attorney
12 Murray Weed involving personal or private
13 business," and it defines that particular
14 ordinance.
15 Then it goes through and it gives some
16 different things with the annexation and some
17 things that deal with Chuck Entsminger, and then
18 it highlights the receipt of complaints.
19 Now, we can go through one by one and
20 kind of reread and see what the comments there
21 are, and then we'll get into the actual
22 different points of the annexation and Chuck
23 Entsminger. Is that okay with you there, Patty?
24 COMMITTEE MEMBER BARKER: Yes.
25 CHAIRMAN GRANT: Okay. Regarding the

1 first one, again referring to the section in
2 2007 -- I'll stop saying that these are the old
3 numbers --
4 COMMITTEE MEMBER BARKER: Right.
5 CHAIRMAN GRANT: -- but anyway, "has

6 been violated by the above said elected
7 officials." The bullet point that is here says,
8 "However, Mayor Jenkins and Councilmember
9 Alexander have violated the Code of Ethics."
10 Personally, my feelings on this, there
11 is absolutely no documentation or anything
12 provided to say. This is just a line, a
13 sentence, a complete sentence, but yet there is
14 absolutely no documentation or anything that
15 goes along with this.
16 COMMITTEE MEMBER SLEDD: That's my
17 finding.
18 COMMITTEE MEMBER BARKER: Let me say
19 for the purpose of clarity -- I've numbered
20 these pages as well even though there are only
21 five pages -- I agree with those statements. To
22 break it down, in all fairness to Mr. Hart, who
23 I'm sure has put a great deal of thought and
24 consideration into this before he decided to
25 file this, the bold section says "violated by

1 the above said elected officials," and it also
2 says in the bold section on page 3, Section
3 2-174, that "Maria Alexander by seeking without
4 paying for legal advice from City Attorney
5 Murray Weed involving personal or private
6 business. A member shall not use the City
7 Attorney for personal or private business
8 without paying just compensation."
9 It said that Maria Alexander sought but
10 failed to pay for legal advice from Murray Weed

11 involving personal and private business.
12 Now, the complaint portion says that
13 she acted as a private citizen. I don't know if
14 I'm allowed to do this, but I do have a source,
15 a neighbor, who happened to be in the annexation
16 area, who had received the letter. And again, I
17 am not sure if this is allowed, but I'm not
18 going to use her name. Her first words to me
19 was, "Who is Maria Alexander?" So that tells me
20 that she did not sign that she was a City
21 Councilperson.
22 She did express her feelings -- Did she
23 express her feelings as a private citizen,
24 encouraging the growth of Doraville by sending
25 letters or knowing her position may come into
♀ 10

1 play? Did she simply display lack of wisdom in
2 doing so?
3 This serves as an indicator to me
4 personally that the citizens in the proposed
5 annexation area not only don't know who Maria
6 Alexander is but demonstrated their vote by
7 their vote that they aren't concerned about who
8 she is. And no disrespect to Ms. Alexander, but
9 they were only concerned about the fact that
10 they didn't want to be a part of it.
11 Also the definition of personal or
12 private business would reflect to me that she is
13 trying to get something for herself, personal or
14 private business.

15 Did she do this for personal profit?
16 My own assessment is that no; if anything, she
17 is only guilty of trying to boost revenue for
18 the city by means of investing her own personal
19 time and money. I don't have proof that she
20 used City stationery, I don't have proof that
21 she used City funds, so I can't say that. But
22 assuming that she didn't sign her name to it or
23 use City stationery, I would have to say that
24 she invested her own money and sent this out,
25 and nobody knew who she was who was not involved

1 in City government as we all like to be involved
2 in.
3 Also, Mr. Hart refers to Ms. Alexander
4 as a -- if you'll look at the complaint on my
5 page 3, which follows under the bold and where
6 it says Annexation. "The city of Doraville
7 recently expressed an interest in" annexation;
8 "Maria Alexander, stating that she was acting as
9 a private citizen, (while a full-time city
10 councilman, 24/7), mailed out letters promoting
11 annexation to citizens living with the areas to
12 be annexed . . . On the other hand (in her
13 capacity as a councilman), she was getting
14 advice . . . from the City Attorney at $150 per
15 hour."
16 Mr. Hart refers to her as a full-time
17 Councilman 24/7. If this is the case, I would
18 venture to say that not one elected official is
19 entitled to have a personal life, and the City

20 has not the time, personal nor financial
21 resources to monitor every move an elected
22 official makes. And if I could, at the risk of
23 failing to separate Church from State, may I
24 add, thank God we don't.
25 However, under those circumstances and

1 conditions, I wonder if Mr. Hart himself would
2 have been comfortable with having his actions
3 scrutinized 24/7 when he was on Council.
4 Now, while these statements may seem
5 extreme and outlandish, the questions remain,
6 did Councilman Maria Alexander wilfully
7 disregard her position as a 24/7 councilperson
8 by her action? And Mr. Hart's complaint stated
9 that Councilman Alexander sent letters as a
10 personal citizen but in her capacity as a
11 councilman was getting advice from Mr. Weed at
12 the rate of $150 an hour.
13 The stated Section 2-174 violation
14 Ms. Alexander was to have committed and the
15 statement by Mr. Hart that she received advice
16 from the City Attorney didn't equate. If I'm
17 getting my car fixed at the rate of $150 an
18 hour, that's not free.
19 And it sounds like Mr. Hart was perhaps
20 privy to a conversation between Mr. Weed and
21 Ms. Alexander as to when payment for services
22 would be made. We don't know that she got
23 something for nothing. And I, for one, would

24 like to know what day and time this unauthorized
25 contract took place. And oh, yes, that doesn't
♀ 13

1 matter as it fell within the 24/7 period
2 outlined by Mr. Hart, so it makes no difference.
3 If she didn't pay for it, we got to
4 have proof. We need proof. Mr. Hart quoted a
5 rate that she was getting advice at $150 an
6 hour, which sounds like a rate to me. And if
7 she didn't pay for it and did get the advice, I
8 would like to know when this contract took place
9 between -- you know, when this conversation took
10 place between them, who was privy to this
11 conversation in that, you know, Mr. Hart had
12 full access to this conversation and knows for a
13 fact that she got this.
14 I can't seek advices without paying for
15 it, you can't seek advices without paying for
16 it, so essentially spending City funds --
17 COMMITTEE MEMBER SLEDD: They were City
18 funds.
19 COMMITTEE MEMBER BARKER: Yeah,
20 spending City funds, which was quoted in here,
21 spending City funds --
22 COMMITTEE MEMBER SLEDD: Right.
23 COMMITTEE MEMBER BARKER: -- to achieve
24 her goal, her making it personal, her goal that
25 generating revenue for the City and personal
♀ 14

1 call means pocketing any revenue. If it's

2 personal, you're putting it in your pocket.
3 Mr. Entsminger, regarding his
4 accusation against --
5 CHAIRMAN GRANT: Can we stick just real
6 --
7 COMMITTEE MEMBER BARKER: What do you
8 need now?
9 CHAIRMAN GRANT: Well, can we stick
10 just real quick to the annexation --
11 COMMITTEE MEMBER BARKER: Yes.
12 CHAIRMAN GRANT: -- since we are there,
13 what I found with this annexation portion, the
14 way it reads, just for those out there, is, "The
15 city of Doraville recently expressed an interest
16 in annexing various adjacent areas. It was the
17 stated policy of the city that city officials
18 were not to express their feelings about
19 annexation to the people living in the affected
20 areas . . . Maria Alexander, stating that she
21 was acting as a private citizen (while a
22 fulltime city councilman, 24/7) mailed out
23 letters promoting annexation to the citizens
24 living within the areas to be annexed (and said
25 letter was also published in the Dunwoody

1 Crier). On the other hand (in her capacity as a
2 councilman), she was getting advice about this
3 from the City Attorney at $150 an hour (and
4 essentially spending unauthorized city funds to
5 achieve her goal). There is more information

6 about this subject, but it is protected by the
7 'attorney client privileged material.'
8 Essentially all emails from Marie [sic]
9 Alexander are marked by 'cc to City Attorney.'"
10 The way I personally look at this,
11 there is no documentation. There is no proof
12 provided of this.
13 COMMITTEE MEMBER SLEDD: Huh-uh.
14 CHAIRMAN GRANT: There is nothing but
15 these two paragraphs.
16 COMMITTEE MEMBER SLEDD: Right.
17 CHAIRMAN GRANT: No documentation has
18 been provided to prove any -- there is no e-mail
19 backup, there is nothing but --
20 COMMITTEE MEMBER SLEDD: There is no
21 copy of the letter, no copy of the article.
22 CHAIRMAN GRANT: No copy of anything.
23 COMMITTEE MEMBER SLEDD: Huh-uh.
24 CHAIRMAN GRANT: Yes. If the article
25 was provided, if a letter -- some statements

1 from one of these neighbors who had seen
2 something of this. Again -- and this is my
3 exact comment here for this whole thing -- there
4 is no proof provided. So that was my personal
5 feeling on it.
6 Now, again, we can always go back --
7 COMMITTEE MEMBER BARKER: Oh, I agree.
8 CHAIRMAN GRANT: -- to Mr. Hart and
9 say, "Hey, if you can provide any proof --
10 COMMITTEE MEMBER BARKER: Absolutely.

11 CHAIRMAN GRANT: -- "of any of these
12 statements," you know, we --
13 COMMITTEE MEMBER BARKER: Yes.
14 CHAIRMAN GRANT: -- can look at it
15 further; but until you do, that's . . ."
16 Okay. Shall we move to the next, Chuck
17 Entsminger?
18 COMMITTEE MEMBER BARKER: Regarding
19 Chuck Entsminger --
20 Go ahead. Do you want to start?
21 CHAIRMAN GRANT: Well, I'll just read
22 it first.
23 COMMITTEE MEMBER BARKER: Okay.
24 CHAIRMAN GRANT: "Chuck Ensminger [sic]
25 (a former building official for the city of

1 Doraville): At a City Council meeting on August
2 11, 2008, she ridiculed Mr. Ensminger in front
3 of the entire council and citizen audience,
4 saying that he was not qualified to do his job.
5 At that meeting the council voted to suspend his
6 building inspections until further clarification
7 of his qualifications. The next day the mayor
8 instructed him to make an electrical inspection
9 at H-Mart (a construction project near the
10 BrandSmart [sic] facility just northeast of the
11 General Motors plant) and he informed the mayor
12 that he could not do this because the council
13 had instructed him not to do so. The mayor told
14 him that if he didn't make the inspection he

15 would be fired or suspended without pay, putting
16 him in an untenable position.
17 "Letters from county officials
18 subsequently proved that Mr. Ensminger was more
19 than qualified for his position and had all the
20 proper credentials, as he had for more than 20
21 years. She didn't do her homework prior to
22 spouting off about Mr. Ensminger's credentials.
23 "Maria Alexander and Ray Jenkins were
24 instrumental in changing Mr. Ensminger's work
25 hours from 7:00 a.m. to 3:00 p.m. to 8:30 a.m.
♀ 18

1 to 4:30 p.m., effectively making it impossible
2 for him to make early morning inspections as is
3 sometimes desired on many projects."
4 My personal feelings again, there is no
5 documentation to back up any of this.
6 Okay. On the meeting August 11th, she
7 ridiculed Mr. Entsminger. There was a lot of
8 public comment at the time. There was a lot of
9 Councilmen comment at the time, neither here,
10 nor there, nor where. But again, is there any
11 documentation that he went out and made an
12 electrical inspection the next day after he had
13 been suspended like that? That clearly would
14 have been an issue.
15 The change of work hours for the
16 building inspector, "effectively making it
17 impossible for him to make early morning
18 inspections as is sometimes desired," says who?
19 COMMITTEE MEMBER BARKER: So what?

20 CHAIRMAN GRANT: So what? What does
21 that have to do with it?
22 And this is just me looking at it. I
23 would like more backup or more --
24 COMMITTEE MEMBER BARKER: Well --
25 CHAIRMAN GRANT: -- provided, but I

1 know you've delved into this.
2 No. And I like that. I like that you
3 go deeper into it.
4 COMMITTEE MEMBER BARKER: My thing is
5 this. Whether or not she, meaning Ms. Alexander
6 -- whether or not she said that he was or wasn't
7 qualified, whether or not the County officials
8 supported Mr. Entsminger, his qualifications,
9 doesn't negate the Council's decision.
10 COMMITTEE MEMBER SLEDD: Correct.
11 COMMITTEE MEMBER BARKER: And should
12 Maria Alexander produce written documentation
13 supporting her alleged accusations that
14 Mr. Entsminger wasn't qualified? Yes. Should
15 Council have seen this written info before they
16 made a decision? Yes. Did they? I was not
17 here.
18 If that was proved and provided by
19 Ms. Alexander, then she has every right as a
20 Council member to look after the well-being of
21 the City by saying "Here's my concern."
22 Now, what was the purpose in changing
23 his schedule, work schedule in the early morning

24 for early morning work inspections that are
25 quote, "desired," but not necessarily essential

1 or required that early in the morning? That
2 happens, you know. People have to -- you know,
3 they desire you to come at a certain time, but
4 you got to do it the way it can be done.
5 And other than changing the work -- And
6 again regarding that, if it's essential to
7 Mr. Hart's complaint, then I would suggest that
8 we get written information from the Mayor and
9 from Ms. Alexander and from the Council, for
10 that matter, who were instrumental in changing
11 that schedule so that we can know exactly why it
12 was changed. Was it because of cut-back because
13 of budget, whatever? It's happening all the
14 time, so.
15 Now, other than a change in the work
16 schedule, I personally would like to see proof
17 that this, first off, was indeed a step of
18 intent and meant to force Mr. Entsminger in an
19 uncomfortable situation, and additional written
20 confirmation of what Mr. Hart refers to as
21 constant harassment, which was what he had
22 referred to over here on page 3 where --
23 CHAIRMAN GRANT: No, top of 4, the net
24 result.
25 COMMITTEE MEMBER BARKER: Oh, yes.

1 "The net result of constant harassment (by Maria

2 Alexander) and the ensuing hostile work
3 environment was that Mr. Ensminger took early
4 retirement, leaving the city without the
5 services of this valuable 20 (plus)-year
6 building official. This was a significant loss
7 to the city of Doraville."
8 Keep in mind that Mr. Entsminger made
9 the conscious decision to take an early
10 retirement. Nobody forced him. That was a
11 choice he made. But, however, in the 20 years
12 that Mr. Hart stated that Mr. Entsminger served
13 the City as a building official, I have no doubt
14 that multiple occasions came up, situations
15 which had arisen, which made him unhappy or
16 uncomfortable, during which he graciously came
17 through.
18 And believing and knowing that
19 Mr. Hart's statement is absolutely true
20 referring to the value of Mr. Entsminger, his
21 retirement would have been a great loss to this
22 governing body no matter when it took place.
23 Whether it took place early or late, it would
24 have been a loss nonetheless.
25 He made the choice to not battle this,

1 if you want to call it that, as he did in years
2 past, he just decided that he'd go ahead and
3 retire, which it would have been a great loss if
4 he'd have waited three years from now. It still
5 would have been a great loss.

CHAIRMAN GRANT: Sure.

And then to jump back since we have now reviewed the annexation, the Chuck Entsminger, if we can jump back to your page 2, Patty, the bold in the middle.

COMMITTEE MEMBER BARKER: Uh-huh.

COMMITTEE MEMBER SLEDD: Uh-huh.

CHAIRMAN GRANT: "Mayor Jenkins has accepted large sums of money from the principle [sic] owners and vendors of Star Towers in violation of Section 2-167, acceptance of gifts."

Again my comments, besides that sentence, there is absolutely no --

COMMITTEE MEMBER BARKER: No documentation.

CHAIRMAN GRANT: -- supporting documentation --

COMMITTEE MEMBER SLEDD: Nothing.

CHAIRMAN GRANT: -- about that fact.

Nothing.

COMMITTEE MEMBER BARKER: If he can support that and it's illegal and not hearsay --

COMMITTEE MEMBER SLEDD: We'll be happy to review it.

COMMITTEE MEMBER BARKER: Hearsay will not be accepted. You know, if he can prove it, we've got no problem with it. Give us the information and the documentation, you know, which should have been provided with this. But

11 you know, if you've got written undisputed truth
12 that the Mayor, you know, did this, then we'll
13 address it.
14 CHAIRMAN GRANT: Being that all of this
15 has now been reviewed, we do have two packets in
16 front of us. Let's in an orderly fashion -- one
17 is thicker than the other.
18 COMMITTEE MEMBER BARKER: You want to
19 open that one first?
20 CHAIRMAN GRANT: You want to go with
21 the thicker one first? Okay.
22 To let those in attendance know, I'll
23 just kind of highlight at least some of these.
24 I think some things are going to be evident and
25 clear. This is from the attorneys retained by
♀ 24

1 -- "This firm has been retained by Councilmember
2 Maria Alexander to represent her interest in
3 regard to the Ethics Complaint by Mr. Tom Hart."
4 Again I'm going to read the first
5 couple of sentences of each paragraph and give
6 you the gist of what exactly is going on. In my
7 life, reading and getting to the bottom of the
8 points real quick, it's the first sentence of
9 each paragraph and the last one, and that'll
10 pretty much dictate exactly what you're going to
11 read so you'd need to back and review the
12 paragraph.
13 Let's see. "Pursuant to the Doraville
14 Code of" Ethics [sic] "Section 2-274, the Ethics

15 Committee is charged with review of all
16 complaints filed to determine, beyond a
17 reasonable doubt, whether Councilmember
18 Alexander has violated the City of Doraville's
19 Ethics Code.
20 "The ethics complaint" referred to as
21 the one by Mr. Hart, "does not present facts or
22 evidence that meets the high burden of the
23 'beyond a reasonable doubt' standard . . .
24 "Charges One through Three of the
25 Ethics Complaint fail to state any specific

1 facts to show a violation of the City's Ethics
2 Code beyond a reasonable doubt . . ."
3 It then goes and identifies and gives
4 sweeping details of the lack of details with
5 allegations one, two and three. "These baseless
6 and factually unsupported allegations of
7 Mr. Hart fail to state a sufficient foundation
8 to meet the high burden of 'beyond a reasonable
9 doubt."
10 I'm taking the gist of this packet here
11 is basically going to give us the same thing, I
12 think the same thing that we've just kind of --
13 COMMITTEE MEMBER SLEDD: We came upon
14 our own.
15 CHAIRMAN GRANT: -- we came upon our
16 own conclusion here.
17 COMMITTEE MEMBER BARKER: And I would
18 say keeping in mind that Mr. Hart has the right
19 and responsibility as a citizen, that if he has

20 something that we have not covered, you know, he
21 is certainly invited to provide legitimate --
22 He is allowed, you know, unless we just
23 put this to bed tonight -- you know, if he
24 actually believes that he has written proof of,
25 quote "constant," which means more than once or
26

1 twice -- it would have to be constant harassment
2 of Mr. Entsminger -- then I see no reason why
3 this Committee can't hear this, but I would put
4 a deadline on it of 10 days.
5 COMMITTEE MEMBER SLEDD: I think we
6 need to open the other envelope, too.
7 CHAIRMAN GRANT: Okay. Let's open the
8 other envelope, too, as well.
9 I like the suggestion for a timeline
10 for documentation, details or --
11 The other document that has just been
12 opened, this is by the Jordan Law Firm here.
13 This is a submission for and on behalf of the
14 Mayor, Ray Jenkins, in response to the Ethics
15 Complaint.
16 Highlights are as follows: "Mr. Hart's
17 Accusations against Mayor Jenkins are
18 unjustified, frivolous and unfounded.
19 "Mr. Hart accuses Mayor Jenkins of
20 violating four provisions of Doraville's Ethics
21 Code, yet he provides absolutely no factual
22 support for any of his accusations."
23 Okay. I think we're all going down the

24 same path here.

25 COMMITTEE MEMBER SLEDD: I think the

1 conclusion's worth reading.

2 CHAIRMAN GRANT: Duly noted. The

3 conclusion here is worth reading.

4 "In his Ethics Complaint, Mr. Hart

5 merely recites provisions of Doraville's Ethics

6 Code, falling well short of meeting his burden

7 to prove his allegations beyond a reasonable

8 doubt. Nor can he prove any ethical violations

9 on the part of Mayor Jenkins, because Mayor

10 Jenkins has served the citizens of Doraville

11 faithfully and at no time has he violated any

12 provisions of Doraville's Ethics Code or his

13 own personal code of ethics and honor.

14 "The Ethics Complaint against Mayor

15 Jenkins warrants no further proceedings by this

16 Committee other than a dismissal. Accordingly,

17 Mayor Jenkins respectfully requests that this

18 Committee dismiss the Ethics Complaint." And

19 that is on behalf of the attorney at law.

20 Okay. We now have read --

21 COMMITTEE MEMBER SLEDD: Yes.

22 CHAIRMAN GRANT: We have now kind of --

23 I think we've all kind of gotten a baseline here

24 of what we're going for.

25 One suggestion that you made is to

1 request that Mr. Hart actually have a timeline

to provide any details, any materials or anything like that. I find that that may have some validity or some merit to it. Is there a number of days that we would like to put on this?

COMMITTEE MEMBER BARKER: Well, I say 10 because from --

COMMITTEE MEMBER SLEDD: 10 business days?

COMMITTEE MEMBER BARKER: -- 10 business days from this date, tomorrow being day one, because he's made several comments that tells me that he's got a basis for making those comments. And if he has a basis, we're happy to hear them. However, this Committee will not hear -- if I can speak and suggest to my Chairman here --

CHAIRMAN GRANT: Yes.

COMMITTEE MEMBER BARKER: -- I don't think we should -- there can be no he said/she said. We need documented proof. If the Mayor has accepted large sums of money, I want -- I, as a member of this Committee, would like to see notarized proof from a company or said party

saying that he has -- you know, or from principal owners and vendors of Star Towers, saying that we have actually -- you know, that this has actually been done. We would all need a copy of that as well as it should be provided

to his attorneys as well as Ms. Alexander's attorneys.

CHAIRMAN GRANT: So we're looking for absolute clarity, details, definitions --

COMMITTEE MEMBER SLEDD: Yes.

CHAIRMAN GRANT: -- documentation, everything --

COMMITTEE MEMBER SLEDD: Very substantive information.

CHAIRMAN GRANT: -- to support --

COMMITTEE MEMBER SLEDD: Yes.

CHAIRMAN GRANT: -- any of this --

COMMITTEE MEMBER SLEDD: Right.

CHAIRMAN GRANT: -- by May 14th, or otherwise, the Committee will consider everything dismissed.

COMMITTEE MEMBER BARKER: Exactly.

COMMITTEE MEMBER SLEDD: Yes.

CHAIRMAN GRANT: Are we in agreement?

COMMITTEE MEMBER SLEDD: I'm in

agreement.

CHAIRMAN GRANT: Do we have a motion?

COMMITTEE MEMBER SLEDD: I move.

CHAIRMAN GRANT: There we go. There we go.

COMMITTEE MEMBER BARKER: I second that.

COMMITTEE MEMBER SLEDD: I move that the Committee not accept this and give Mr. Hart 10 business days to come up with supportive

11 documents and substantive information that we
12 can review again.
13 COMMITTEE MEMBER BARKER: Or as Judge
14 Judy would say, dismissed without prejudice.
15 CHAIRMAN GRANT: And that would be as
16 of May 14th.
17 COMMITTEE MEMBER SLEDD: Correct. But
18 as this stands, I just move we dismiss this one.
19 I didn't find anything in it.
20 CHAIRMAN GRANT: So there we have it.
21 Now we would now like -- wait, we have
22 a motion on the floor.
23 COMMITTEE MEMBER BARKER: And I second
24 it. You did not --
25 CHAIRMAN GRANT: Second it?

1 COMMITTEE MEMBER BARKER: -- hear me.
2 I'm sorry.
3 CHAIRMAN GRANT: Yes. The motion has
4 been seconded. That is all good and done.
5 Mr. Hart being in the crowd now, you
6 understand what the Committee would like?
7 MR. HART: (Nods head)
8 CHAIRMAN GRANT: Great.
9 And now if it is all right with the
10 other Committee Members, I'd like to open it to
11 the floor here for a brief period of time, let's
12 say no more than till 6:45, and then we'll all
13 kind of get out of here.
14 MR. McLENDON: Thank you. And again, I

15 represent Maria Alexander. Just a couple of
16 points briefly, and they are contained in our
17 response letter.
18 The way that the ordinance is set
19 forth, it requires that those statements be put
20 in the initial complaint that is filed. And I
21 would argue that allowing the supplementation
22 later of data if the complaint does not clear a
23 minimum hurdle really is something that would
24 promote the policy of someone coming in and just
25 making an allegation and then sort of allowing a

1 fishing expedition later on.
2 And I would suggest that if the
3 Committee finds that the facts did not meet the
4 burden in this, that those complaints would be
5 appropriately dismissed, and it could be re-
6 brought with those facts. But in this
7 situation, I would encourage that to be
8 something that is judged on the face of whether
9 the due diligence has been put into the petition
10 to meet that initial burden, and I believe that
11 is the way the ordinance is structured for
12 review.
13 CHAIRMAN GRANT: I believe -- I believe
14 there is a lot of merit in that, now, thinking
15 about it.
16 COMMITTEE MEMBER BARKER: I do --
17 CHAIRMAN GRANT: That would need to be
18 re- --
19 COMMITTEE MEMBER BARKER: -- as well.

20 COMMITTEE MEMBER SLEDD: Yes.
21 CHAIRMAN GRANT: With detail.
22 COMMITTEE MEMBER BARKER: My thoughts
23 are also that. With all due respect to Mr. Hart
24 having been in an official capacity, I am
25 concerned that he didn't already bring that,
♀ 33

1 knowing that that's what you do is to bring all
2 that.
3 We were just simply -- and hopefully,
4 future complaints, whomever they be against or
5 whomever brings them, will take from this that
6 we won't be maybe so generous next time. You
7 know, just drop it and that's it.
8 MR. McLENDON: And if I could make one
9 more point.
10 CHAIRMAN GRANT: Please.
11 MR. McLENDON: As to the charges
12 regarding Mr. Entsminger, your ordinance
13 provides a six-month statute of limitations for
14 anything to be brought. And the ordinance
15 states if it's beyond that, that charge does not
16 even get off the launching pad. And the dates
17 that are alleged in the complaint are in August
18 of last year, so the statute of limitations of
19 six months would have expired in February for
20 those charges. So again I would --
21 And I understand our procedure. If it
22 were a hearing, I would be saying I would like
23 to make a preliminary motion that this charge be

24 dismissed on the grounds that it is factually
25 prohibited based upon the statute of
♀ 34

1 limitations. And I think that is an important
2 issue that before we sort of open up the doors
3 to, you know, let's start talking to everybody
4 and have a big hearing on it, we've got to look
5 at what the ordinance tells us to do, which is
6 the ordinance is saying you've got to do your
7 due diligence before you come in and you start
8 this process and you bring everybody here
9 tonight, and, you know, it takes all these
10 resources. What your ordinance is saying, do
11 that due diligence before you bring this in
12 here.
13 And again, I would just encourage you
14 based on that, that this is a petition that in
15 and of itself should be dismissed. And if those
16 documents or facts are out there, I don't see
17 anything that says it can't be brought again.
18 But it should be dismissed procedurally because
19 the due diligence wasn't there, and I think it's
20 really important to promote someone doing that
21 before they file these. And I'm concerned that
22 to say, "Well, there may be something here.
23 Let's have a hearing later and see if there's
24 anything comes out," is a bad policy that will
25 encourage people to file complaints with broad
♀ 35

1 statements.

2 ATTORNEY YOUNG: May I make a few
3 comments?
4 CHAIRMAN GRANT: Of course. Of course,
5 please.
6 MS. YOUNG: My name is Karen Jenkins
7 Young and I'm here representing Mayor Ray
8 Jenkins.
9 I join in Mr. McLendon's request that
10 you reconsider permitting Mr. Hart additional
11 time to come up with his documentation. You
12 know, we often hear that everyone's due or has a
13 right to their day in court, and that may be
14 true, but this was Mr. Hart's day in court; and
15 that is, I suggest to you the way your ordinance
16 is designed, it guides you to dismiss at this
17 point. This is not a situation where he's
18 provided even really any supporting documen-
19 tation, and I submit to you that a dismissal is
20 warranted at this stage.
21 If you disagree with me, I would
22 respectfully request that you look at each
23 individual charge and try and toss out what
24 there is absolutely no supporting evidence of.
25 You know, you three good folks have a

1 very sobering duty, and that is to pass judgment
2 on a fellow person, fellow human being. You
3 know, most of us grew up with judge not lest ye
4 be judged from the Bible. What does that mean
5 for someone with your duty? It doesn't mean

6 that you can't pass judgment on Mayor Jenkins,
7 on Maria Alexander, but it does require you to
8 do it in the manner that the ordinance guides
9 you. And I suggest to you that you again have a
10 sobering duty, and this is a very serious matter
11 for someone to bring two people into essentially
12 a public forum and accuse them of very serious
13 things.
14 And I suggest and I request and urge
15 you to require that he do it right and to
16 require that today was his day in court and he
17 didn't meet his burden. And I suggest -- I
18 respectfully request that you reconsider your
19 decision to give him your motion -- that is, to
20 give him 10 additional days. Thank you.
21 COMMITTEE MEMBER BARKER: Well, it
22 actually has been dismissed.
23 CHAIRMAN GRANT: Well --
24 COMMITTEE MEMBER BARKER: It was only
25 my suggestion that we --

1 CHAIRMAN GRANT: Yes. And the comments
2 to bring up other thoughts, that yes, this is
3 probably not something we should let tail on.
4 If he would like to re-file --
5 One second. If he would like to
6 re-file or do anything of that nature, that
7 would be something that would go on and that
8 would be something extra outside of this
9 document here.
10 - - -

11 (Brief, inaudible conversation)

12 - - -

13 CHAIRMAN GRANT: We're re-reading. And

14 members out there, please, you must understand

15 -- Tom, I see you there -- you must understand

16 we are volunteers. We have been selected and

17 just put in here, and we are just an advisory

18 committee to the Council members and to the

19 Mayor. That is our role.

20 So novices? Agreed. I am. So when we

21 do hear other counsel and other input, it does

22 kind of click off different things that we've

23 gone through different classes and different

24 seminars, so it just kind of picks up various

25 elements there.

1 But Sandee has brought to our attention

2 here that after an Ethics Commission hearing,

3 dismiss any complaint that is unjustified,

4 frivolous, or patently unfounded or fails to

5 state sufficient facts to -- in the disciplinary

6 jurisdictions by the council or anything like

7 that. So that is well noted.

8 But Mr. Hart does have his hand up.

9 And if you would like to, sir, just a couple

10 minutes to make any comments.

11 MR. HART: Thank you. This is my day

12 in court, and I did bring documentation. And I

13 think you made the right decision about you need

14 the documentation to go with the charges.

15 And as far as billing for Ms. Alexander
16 or the donations from Star Towers, I have all
17 those documents with me.
18 COMMITTEE MEMBER BARKER: Why was that
19 not submitted to us --
20 MR. HART: I have all those documents
21 with me.
22 COMMITTEE MEMBER BARKER: Why was that
23 not submitted to us along with the complaint so
24 that we would not have --
25 MR. HART: Well, I'm a neophyte at

1 this, too, and I didn't understand how that was
2 done.
3 And so you just made a ruling to give
4 us 10 days to submit the documents. I can
5 submit them tonight or two days from now.
6 Then their attorneys talked, and now
7 what are we doing?
8 COMMITTEE MEMBER BARKER: We've already
9 ruled, though.
10 CHAIRMAN GRANT: Yes. What I think
11 needs to be done is this ethics complaint that
12 has been filed needs to be dismissed. This is
13 from my --
14 COMMITTEE MEMBER BARKER: Yeah. We've
15 already ruled.
16 CHAIRMAN GRANT: -- (overspeaking)
17 going to another committee.
18 This one needs to be dismissed. We
19 can't tell you to file additional things. It is

20 your right as a citizen to -- to go other. But
21 documentation and details and the proof of
22 burden [sic] has to be out there for the citizen
23 to -- documentation has to be there to support
24 everything, and that is my explanation.
25 COMMITTEE MEMBER BARKER: With due
♀ 40

1 respect also --
2 CHAIRMAN GRANT: Absolutely with due
3 respect.
4 COMMITTEE MEMBER BARKER: With due
5 respect, absolutely, if somebody is going to
6 file whether they've been involved in government
7 or not ever in their life, you know, it would
8 behoove you to examine all areas of things that
9 need to be provided so that you don't get
10 brushed off, so that you say, "Oh, yes, it's
11 here. Here is the documentation," rather than
12 to be after the fact, when you have actually
13 been a City official at one time, and say "I'm a
14 novice at this," you know, because we've all --
15 you know, we're really the only novices here, I
16 mean, you know, so, with the exception of those
17 that are, you know, very involved.
18 So everybody needs to bring what you
19 want. You know, when you go to the doctor, you
20 take all of your medications and everything with
21 you so they'll know exactly what's involved in
22 your illness.
23 - - -

24 (Brief, inaudible discussion)

25 - - -

1 COMMITTEE MEMBER BARKER: Got another
2 issue. Hold on.
3 - - -
4 (Brief, inaudible discussion)
5 - - -
6 CHAIRMAN GRANT: Ms. Sandee is pointing
7 out Section 2-275, receipt of complaints. It
8 goes through and talks about how it goes to the
9 Clerk's office, how it's then forwarded to the
10 Ethics Committee, the different formats there.
11 If the complaint is not in proper form, the
12 Clerk kicks it out. The Ethics Commission is to
13 review, determine whether or not it is
14 unjustified, frivolous, or patently unfounded,
15 or fails to state sufficient facts.
16 The initial intake meeting, which is
17 occurring now, should occur within a 30-day
18 period, and then can collect evidence and
19 investigate. And that --
20 COMMITTEE MEMBER BARKER: Which would
21 mean he can do that.
22 MR. McLENDON: Well, what I was I going
23 to say --
24 CHAIRMAN GRANT: And that --
25 MR. McLENDON: And I apologize. Go

1 ahead, sir.

2 CHAIRMAN GRANT: Yes, and that, I would
3 think if we found with the initial things that
4 he's provided --
5 COMMITTEE MEMBER SLEDD: Uh-huh.
6 CHAIRMAN GRANT: -- that more evidence
7 needs to be clarified or things need
8 clarification, that it would go down that path.
9 COMMITTEE MEMBER SLEDD: Uh-huh.
10 CHAIRMAN GRANT: I really think that's
11 the intent there. But with what we have here,
12 it's just kind of undocumented words here.
13 Like the other ones we dealt with were,
14 you know, hey, you gave some facts, you gave
15 some facts. Yeah.
16 COMMITTEE MEMBER SLEDD: Let's check
17 the facts.
18 CHAIRMAN GRANT: Go back and provide
19 all that documentation. And I think that -- I
20 think that's the path that wanted to go down.
21 COMMITTEE MEMBER SLEDD: So we're going
22 to have --
23 CHAIRMAN GRANT: So what we need --
24 COMMITTEE MEMBER SLEDD: -- another
25 motion.

1 CHAIRMAN GRANT: -- is we need a motion
2 to reverse our first motion to give 15 business
3 days.
4 COMMITTEE MEMBER SLEDD: 10.
5 CHAIRMAN GRANT: Can someone suggest?

6 COMMITTEE MEMBER BARKER: This is
7 because if the complaint meets first review
8 standards, then Ethics Commission can review it,
9 take evidence and hold hearings.
10 CHAIRMAN GRANT: It meets the first
11 standards.
12 COMMITTEE MEMBER BARKER: Beyond a
13 reasonable doubt.
14 COMMITTEE MEMBER SLEDD: Right.
15 CHAIRMAN GRANT: Right. We can then
16 collect the -- the Committee does have the
17 ability to collect evidence and investigate or
18 provide the claimant to do that, if it goes past
19 the first preliminary stage of beyond a
20 reasonable doubt, then the burden of proof is
21 then being put back on the accuser.
22 COMMITTEE MEMBER BARKER: Do we need to
23 reconvene?
24 CHAIRMAN GRANT: We need to withdraw
25 the motion for this --

1 COMMITTEE MEMBER SLEDD: To have 10
2 more days.
3 CHAIRMAN GRANT: -- to have 10 business
4 days.
5 COMMITTEE MEMBER BARKER: Okay.
6 CHAIRMAN GRANT: Is there a motion to
7 withdraw that?
8 COMMITTEE MEMBER BARKER: I make a
9 motion to withdraw giving him 10 days --
10 CHAIRMAN GRANT: And to --

11 COMMITTEE MEMBER BARKER: -- in order
12 to provide documentation to this Committee.
13 CHAIRMAN GRANT: Right. That's
14 withdrawing the 10 days and then --
15 COMMITTEE MEMBER BARKER: Withdrawing
16 the 10 days.
17 CHAIRMAN GRANT: -- to dismiss this.
18 COMMITTEE MEMBER BARKER: Yes.
19 CHAIRMAN GRANT: Okay. So there's a
20 motion on the table to withdraw the original
21 motion to give 10 days or 10 business days to
22 provide details, and to then dismiss the
23 complaint as it is filed.
24 COMMITTEE MEMBER SLEDD: I second it.
25 CHAIRMAN GRANT: There's a second on

1 that, and I will then also add mine, and this is
2 unanimous to then withdraw this and dismiss this
3 Ethics complaint that is filed.
4 MR. McLENDON: Well, to be fair, let me
5 make sure -- something I said earlier, my
6 associate pointed out to me, and I wanted to
7 bring your attention to this before you vote
8 because I wanted to make sure we're fair. I did
9 notice here in Section 2-279, there are some
10 provisions about a six-month prohibition on
11 refiling on the same charges. That language is
12 -- I'm going to leave that to the City Attorney
13 to interpret that. I did not realize that, and
14 I apologize. So just to be fair, I don't know

15 when this could be refiled. But before you
16 voted, I wanted to make sure that was on the
17 table because I had said earlier that I thought
18 it could.
19 CHAIRMAN GRANT: And agreed. And
20 that's something I think we'll have to let Tom,
21 the complainant, figure that out.
22 MS. YOUNG: Yes, I agree.
23 CHAIRMAN GRANT: But what is provided
24 to us as a committee, it is dismissed due to the
25 fact that there is lack of evidence and

1 documentation for that.
2 With that being said, that was all the
3 new business that we had on the table.
4 Is there a motion to adjourn?
5 COMMITTEE MEMBER BARKER: Motion.
6 CHAIRMAN GRANT: Motion to adjourn has
7 been --
8 COMMITTEE MEMBER SLEDD: And I second
9 it.
10 CHAIRMAN GRANT: And it has been
11 seconded.
12 All right. Thank you very much. This
13 committee, this Ethics meeting is now over.
14 - - -
15 (Meeting concluded at 6:55 p.m. the
16 same day.)
17 -oOo-
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♀ 47

1 C E R T I F I C A T E
2 STATE OF GEORGIA]
3 COUNTY OF DEKALB]
4 I hereby certify that the foregoing transcript
5 was taken down, as stated in the caption, and the
6 proceedings were reduced to typewriting under my
7 direction and control.
8 I further certify that the transcript is a true
9 and correct record of the evidence given at the said
10 proceedings.
11 I further certify that I am neither a relative
12 or employee or attorney or counsel to any of the
13 parties, nor financially or otherwise interested in
14 this matter.
15 This the 7th day of May, 2009.
16
17 _____
18 Theresa Bretch, CCR
19 Permit No. B-755
20
21 [SEAL]
22
23

24

25
♀
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