

Strong and Independent Ethics Board please!



The Atlanta
Journal-Constitution



DeKalb County legislators defend ethics bill as criticism mounts

Sept 18, 2019

By Tia Mitchell, The Atlanta Journal-Constitution



Strong and Independent Ethics Board please!

DEKALB CITIZENS
— ADVOCACY COUNCIL —



**The Atlanta
Journal-Constitution**

Torpy at Large: DeKalb
ethics chief a needed
thorn in county's side

May 26, 2019

By Bill Torpy, The Atlanta Journal-Constitution

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Journal-Constitution



Torpy at Large: DeKalb
ethics board needed a
tweak, got a thwack

April 10, 2019

By Bill Torpy, The Atlanta Journal-Constitution

Will state law weaken DeKalb's board of ethics

1 minute left



Strong and Independent Ethics Board please!



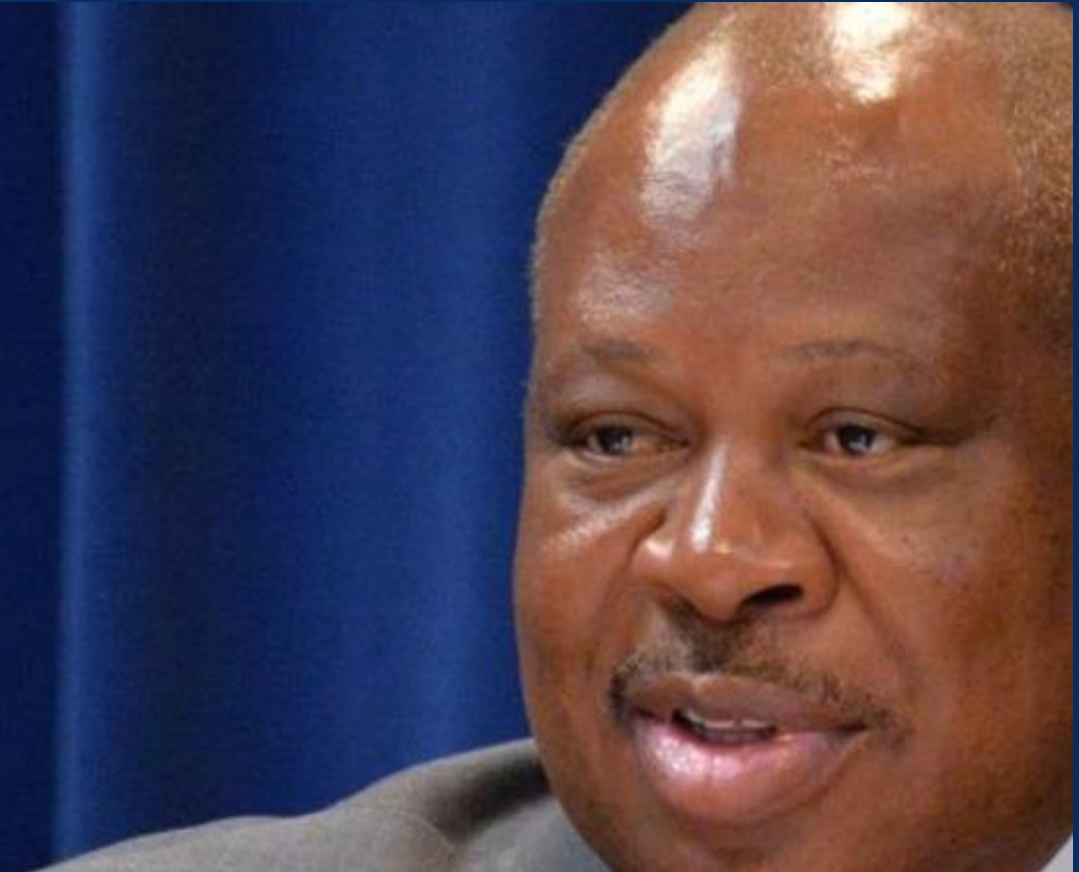
The Atlanta
Journal-Constitution



Ex-DeKalb
Commissioner Stan
Watson pleads guilty
to \$3,000 theft

Oct 25, 2017

By Mark Niese, The Atlanta Journal-Constitution



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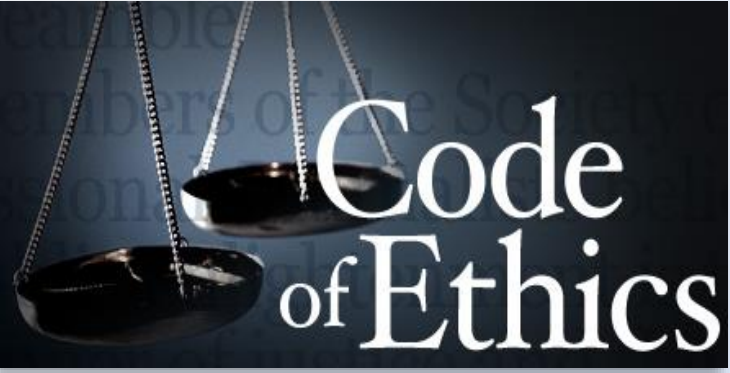


Elaine Boyer handed 14-month prison sentence

March 20, 2015

By Johnny Edwards, The Atlanta Journal-Constitution





DEKALB CITIZENS
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DeKalb County Board of Ethics Referendum

Threatens the Board's Independence

“Creating excellence in governance through education, engagement, and transparency”

Purpose:

- To educate the citizens of DeKalb County about DeKalb County governance issues;
- To advocate for informed citizen engagement in DeKalb County governance; and
- To encourage transparency in DeKalb County government.

Current Focus:

Defeating the new legislation revising the DeKalb County Board of Ethics

Legislative Background

November 2015

- Referendum established a new Ethics Officer position, Ethics Board, and Ethics based on best practices employed by other governments
- Passed by 92% of DeKalb voters

December 2015

- Sharon Barnes Sutton initiated a lawsuit that was then filed by attorney Dwight Thomas

2017

- In 2017, members of the delegation made an unsuccessful attempt to “fix” the Ethics Act.

Legislative Background (Cont.)

August 2018

- Georgia Supreme Court ruled against the appointment process that included non-elected entities (such the Bar Association and the Chamber of Commerce)
- All Georgia boards using the same process were impacted (Including City of Atlanta)

January 2019

- New legislation introduced to fix the appointment process, but it included other, highly impactful changes

What an ethics expert says:

“The bottom line is that this bill is clearly meant to weaken and dilute the excellent policy passed in 2015, without any convincing reasons to weaken the bill. DeKalb is slipping back to a former posture that got it in trouble in the first place. I would agree that this bill should be strongly opposed.”

Paul Root Wolpe, Ph.D
Director, Center for Ethics
Emory Center of Ethics

Changes gut the Board's effectiveness

- Places the fox in the henhouse:
 - CEO gets to appoint a board member
 - CEO/BOC review and approve policies and procedures of the Board of Ethics
- Replaces the ethics officer with a clerical, non-legally trained ethics administrator
- Requires that employees report ethics violations to HR rather than directly to the Ethics Office
- Requires Ethics Board to abandon investigations of elected officials or employees if they resign, retire or complete their term of service.
- Prevents the reporting of any decision about a candidate within 45 days of an election

The net result: The reforms voters approved in 2015 are effectively abolished

Role changes

Ethics Officer Under Current Act

Experience

This is a professional legal position that requires a law degree and five years of experience.

Trains county employees on ethical conduct and the code of ethics

CAN initiate or bring an investigation to the Board of Ethics

CAN determine jurisdiction (ethical vs. criminal)

CAN evaluate evidence

CAN report criminal activity to state or federal law enforcement

Ethics Administrator Under Revised Act

Experience

This is a clerical position that requires a bachelor's degree, but no ethics work experience or legal training.

Trains county employees on ethical conduct and the code of ethics

CANNOT initiate or bring an investigation to the Board of Ethics

CANNOT determine jurisdiction (ethical vs. criminal)

CANNOT evaluate evidence

CANNOT report criminal activity to state or federal law enforcement

Role changes (Cont.)

Ethics Officer Under Current Act

Experience

This is a professional legal position that requires a law degree and five years of experience.

CAN Provide legal research, analysis, and experience to determine jurisdiction and sufficiency of evidence

CAN Provide legal advice to the Board

CAN Provide advisory opinions to county officials and employees

Ethics Administrator Under Revised Act

Experience

This is a clerical position that requires a bachelor's degree, but no ethics work experience or legal training.

CANNOT Provide legal research, analysis, and experience to determine jurisdiction and sufficiency of evidence

CANNOT Provide legal advice to the Board

CANNOT Provide advisory opinions to county officials and employees

Role changes (Cont.)

Ethics Officer Under Current Act

Experience

This is a professional legal position that requires a law degree and five years of experience.

Investigates and takes appropriate action on employee ethics complaints.

Reports employee non-ethics complaints to county's Human Resource Department

Ethics Administrator Under Revised Act

Experience

This is a clerical position that requires a bachelor's degree, but no ethics work experience.

Must comply with new rules that require employees report first to Human Resources.

Employees must exhaust all other remedies before ethics board can act.

Deceptive Ballot Language

Question on the ballot:

“Shall the Act be approved which revises the Board of Ethics for DeKalb County?”

What happens if we vote NO?

- The public forcefully communicates that we want a **STRONG** and **INDEPENDENT** ethics office
- Ethics Officer and staff continue working on education, investigations, and referrals to law enforcement.
- Legislation fixing only the appointment process could be passed early in the General Assembly session, without a referendum
- Other issues could be addressed by the Charter Review Commission

What happens if we vote YES?

- Public credibility in the Board of Ethics is lost
- Ethics Education – the primary goal of the ethics officer – is gone
- Ethical reporting by county employees declines
- Ethics violations are tolerated and/or ethics investigations are delayed, stalled, or prevented
- DeKalb County continues to support a culture susceptible to fraud, waste and abuse

Citizen Expectations

- ✓ An independent Board of Ethics
- ✓ A strong ethics officer
- ✓ Ethical behavior on the part of all DeKalb County officials and employees

This ethics proposal does not support any of these.

We can do better!

Support the Independence of the Board of Ethics

Join our effort to defeat the November 5, 2019 referendum by collaborating with DeKalb Citizens Advocacy Council, Inc.

- Identify organizations/individuals for outreach
- Create awareness within your civic organizations and contacts to defeat this legislation
- Donate to this effort, display a yard sign: www.dekalbcitizens.org
- Join us on Facebook: [groups/dekalbcitizens](https://www.facebook.com/groups/dekalbcitizens)

Contact Us:

Email: info@dekalbcitizens.org



Questions and Answers