

CHEROKEE COUNTY BOARD OF ETHICS
Meeting Minutes

Date: July 23, 2015

Meeting Location: Cherokee County Conference Center at The Bluffs; Business Center

Board Directors:

Julie Cullins, Chairman	Present	Debra Frieden, Vice-Chairman	Present
Gil Howard, Director	Present	John Seufert, Director	Absent
Phil Dodge, Director	Present	Gaylen Roberts, Director	Present
Natalie Green, Director	Absent		

Others Present:

J. Marshall "Buzz" Wehunt, CCBBoE Attorney of Record
Laura Shoop, CCBBoE Secretary
Jessicah Peters, Cherokee Tribune, Guest
[Indecipherable], Heads Up Woodstock, Guest
Andrew Flood, Heads Up Woodstock, Guest
[Indecipherable], Heads Up Woodstock, Guest
"Buzz" Ahrens, Chairman, Cherokee County Board of Commissioners, Guest
Christy Black, Cherokee County Board of Commissioners, Guest
Michael Haines, Cherokee County Board of Commissioners, Guest

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- **Chairman Cullins called the meeting to order at 6:02 p.m.**
 - **Pledge of Allegiance**
 - **Approval of Minutes from April 23, 2015**
Director Phil Dodge made a motion to accept the minutes as they stood, seconded by Director Gil Howard. Motion passed unanimously.
 - **Public Hearing of Ethics Complaints**
Chairman Cullins opened floor for public hearing/discussion and, once it was established that all guests were part of Heads Up Woodstock, invited them to selected a representative to take five minutes to present their complaint to the Board. Guest Andrew Flood from Towne Lake/Woodstock read the complaint against Commissioner Brian Poole as submitted via email to the Board (attached as Exhibit A).

Guests were notified to submit a signed and notarized hard copy of the entire complaint and any exhibits via mail to the Chairman, and that Commissioner Poole would have 20 days to respond after being notified of the complaint by the CCBBoE.

Statement for the record: the conversation between several members of the CCBBoE with the Board attorney before the meeting constituted attorney-client privilege and contained no discussion of matters of substance as it was held for the sole purpose of re-familiarizing members with the internal procedures of the CCBBoE.

Chairman Cullins told guests that she would email Mr. Flood with details as to the requirements and an address for submission of the complaint, and that while there was no guarantee the Board would have a response by the 4th quarterly meeting, they would be doing due diligence to said complaint.

Guests from Heads Up Woodstock and the Cherokee Tribune exited the room.

Several members of the Board noted that they did not have a copy of the guidelines for submitting an ethics complaint nor the bylaws. *Action item:* Chairman Cullins volunteered to email same to the Board. A suggestion was made to put the bylaws on the website for the benefit of those desirous of submitting a complaint.

Discussion regarding proper procedure once complaint had been formally lodged. Questions included how and when to submit the notice to Commissioner Poole, whether discussions can be held under executive session or must be open to the public, what constitutes a valid as opposed to a frivolous complaint, what constitutes due process, and whether Board members could obtain non-redacted material. Conclusions:

- If a complaint is pending, a special meeting can be called at any time to discuss said complaint. No need to wait until next quarterly meeting.
- The CCBBoE has the authority to dismiss a complaint outright if it considers the complaint to be frivolous.
- The complaint under discussion does not appear to be frivolous.
- Once Heads Up Woodstock has lodged a valid, notarized, formal complaint, the Board needs to consider it, notify the person against whom the complaint is lodged, and go through proper procedure. Even if said complaint appears groundless, the CCBBoE must go through proper procedure to make sure the public is aware that the Board takes complaints seriously and does not simply make arbitrary decisions.
- *Action Item:* determine a physical address for the CCBBoE; put a PDF of the CCBBoE bylaws on our webpage so people know the proper procedure for filing an ethics complaint.
- No need to call a special meeting until we receive a formal complaint and notify Commissioner Poole of said complaint.
- The CCBBoE has the authority to subpoena evidence for investigations.

Guests from the Cherokee County government entered at 6:43 p.m.

Chairman Cullins asked Guest Christy Black about an address for the CCBBoE. Ms. Black suggested that CCBBoE mail be sent to 1130 Bluffs Parkway, Canton, Georgia 30114. It was agreed that the Chairman would email Ms. Black to let her know if the CCBBoE was

expecting mail, and that once it was received, Ms. Black would make the Chairman aware of the contents and either hold for pickup or forward to the Chairman's home address. The Board was invited to email Ms. Black with items and/or information to post on the Board webpage.

Action Item: It was stated that the CCBoE needed to post a link on its webpage to the CCBoE bylaws and post a paragraph on the webpage information regarding how to file a complaint. Chairman Cullins volunteered to take care of this.

Brief discussion regarding county email addresses and issues with said email accounts, including difficulty attaching documents when using a Chrome browser. Ms. Black and Mr. Haines suggested that members select the "light" version when logging in if they have this problem. Members were informed that they must continue to change their passwords frequently for security purposes.

Guests exited the room.

Suggestion that the Board have name cards for board members so that visitors could identify members' names and positions. *Action Item:* Secretary Shoop was asked to make name cards to bring to the next meeting.

All members were reminded that members cannot discuss and come to any agreement on board issues via email or any discussion outside of CCBoE meetings.

Director Phil Dodge made a motion to close the floor for ethics complaints, seconded by Chairman Cullins. Motion passed unanimously.

▪ **Discussion Items:**

Members noted that they did not have a copy of the new Ethics Board legislation passed during the 2015 legislative session. Attorney Wehunt offered to email a copy of it to the Board. No further discussion items.

▪ **New Business**

No new business.

▪ **Next Meeting:**

The 4th Quarterly Meeting of 2015 will be held on Thursday, October 22, 2015, at 6:00 p.m. at the Cherokee County Conference Center at The Bluffs.

▪ **Motion to Close:**

Director Howard made a motion to adjourn. Motion seconded by Vice-Chairman Frieden. Motion carried unanimously. Meeting adjourned at 7:03 p.m.

Ethics Complaint - Brian Poole

Against Poole Crematorium [againstpoolecrematorium@gmail.com]

EXHIBIT A**Sent:** Wednesday, July 22, 2015 2:57 PM**To:** CC Board of Ethics**Attachments:** Exhibit C.pdf (830 KB) ; Exhibit B.pdf (2 MB) ; Exhibit A.pdf (980 KB)

July 22, 2015

Cherokee County Board of Ethics
1130 Bluffs Parkway
Canton, GA 30114

Dear Mrs. Chairman and Members of the Ethics Board,

A little over a month ago, residents of the Towne Lake Community came together and formed an informal group in opposition to a funeral home and crematory that is planned to be constructed in a retail center located at Eagle Drive and Rose Creek Drive. We named this group of individuals Heads Up Woodstock, but have not created an official entity. We discovered that this planned funeral home and crematory is owned by County Commissioner, Brian Poole. The intention of our group, Heads Up Woodstock, is to keep area residents informed and to communicate upcoming events.

We started to research similar facilities that include crematories and became very concerned regarding the potential health risks to the residents of our community, especially with this facility and its proposed location surrounded by residential properties, a daycare, and several schools.

On June 29th, a Towne Lake resident filed an open records request to obtain all communications regarding Poole Funeral Home and Crematory, as well as site plans, financials, building plans, etc. The county fulfilled the open records request on July 10, and we as a group have been reviewing the documents carefully.

After reviewing all of the known facts and the documents obtained by open records and public record, we came to the unfortunate conclusion that we had enough information to suspect that Commissioner Brian Poole may have used his position for personal gain, and could possibly be in violation of Article II, Section 1 (a) of the Cherokee County Ordinances.

Heads up Woodstock is filing this ethics complaint with you today. Based on the information we have obtained, we believe that probable cause exists to show that Commissioner Brian Poole used county resources for his personal gain and possibly used his position for his own personal gain.

Exhibit A (attached) contains email communications between Commissioner Brian Poole using his county email account to communicate with county employees, contractors and vendors regarding his personal business. Using his official county email to communicate with the staff gives the appearance that he could be attempting to garner special treatment. The communication with County Manager, Jerry Cooper (also using his county email) is an example of such special treatment. Why would the county manager use his county email during business hours to find a contractor for Commissioner Poole's personal business? An outside observer may reach the conclusion that Commissioner Poole used county IT systems and his county title of "Commissioner" to exert undue influence on other members of Cherokee County staff. Have any of the vendors or contractors that Commissioner Poole communicated with on his county email ever conducted business with the county; or do they hope to do business with the county in the future? Have they ever or will they ever apply for a rezoning or variance? Did

Commissioner Brian Poole receive favorable pricing from the vendors and contractors that he communicated with from his county email? The email communication between Architect, Edgar Allen Paul and Commissioner Brian Poole on February 3, 2015 shows that Mr. Paul made a special note to make Commissioner Poole aware of the fact that he would not be charging him for the design of the crematory.

Exhibit B (attached) contains email communications sent and received by Commissioner Poole using his county email and various contractors regarding his personal business. Commissioner Poole also forwarded communications sent to his personal email (redacted) to his county email address.

Exhibit C (attached) contains financial projections and what appears to be a financial prospectus that would be shared with potential investors. The records we received do not show an incoming communication with these documents attached so we have to question how these documents were transmitted to the county server in order for Commissioner Poole to be able to send these documents from his county email. The recipients of the emails containing the financial documents along with the links to Commissioner Poole's Dropbox file were redacted, so we are unable to conclude who or where these documents were transmitted to by Commissioner Poole. The very appearance of financial documents of his personal business available to be sent from his county email certainly gives the impression that Commissioner Poole could have been reaching out to potential investors from his official county email address and using his county position and title for personal gains.

These examples highlight just a few of many communications Commissioner Poole received and sent from his county email. We encourage the ethics board to do proper due diligence and look into all personal and business correspondence on Commissioner Poole's county email.

We are confident that the ethics committee will give this ethics complaint serious consideration, and that appropriate action will be taken in order to restore our faith in our elected officials. We want to believe that our elected officials are representing the best interests of the people here in Cherokee County.

Sincerely,
Heads Up Woodstock

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