

CHEROKEE COUNTY BOARD OF ETHICS

First Quarterly 2023, Meeting Minutes

Date: January 26, 2023

Meeting Location: Cherokee County Admin Complex, 1130 Bluffs Parkway, Canton, GA 30114
Ground Floor Business Center Conference Room

Board Directors:

Stephen Divine, Director	Present	Carolyn Kissiah, Director	Present
Phil Dodge, Director	Present	Larry Mrozinski, Chair	Present
Natalie Green Hosea, Vice-Chair	Present	Gil Howard, Director	Present
Roy Taylor, Director	Present		

Others Present:

Phillip Beggs, CCBBoE Attorney of Record
Elizabeth Madson, CCBBoE Secretary
Deborah Davis, Visitor

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- **Chair Mrozinski called the meeting to order at 6:00 p.m.**
 - **According to our bylaws, Pledge of Allegiance**
 - **Recognition and Introduction of visitor Deborah Davis**
 - **Public Hearing of Ethics Complaints**
Chair Mrozinski requested a motion to add a complaint he physically received earlier in the day to the Agenda, as in accordance with the Board's procedures he is unable to add to the Agenda after it is sent to the Directors. Director Divine made a motion to add said complaint to the Agenda, seconded by Vice-Chair Hosea. Motion passed unanimously.
 - **Approval of Minutes from October 27, 2022**
Director Howard made a motion to accept the minutes as they stood, seconded by Director Kissiah. Motion passed unanimously.
 - **Swearing In-Oath of New BOE Director Roy Taylor**
Chair Mrozinski swore in Director Taylor with State of Georgia 2010 Title 45.
 - **Election of Officers for 2023**
Chair Mrozinski opened the floor for the 2023 Officer nominations. Director Howard made a motion to nominate Chair Mrozinski to continue as Chair, seconded by Vice-Chair Hosea. Motion passed unanimously. Chair Mrozinski thanked the board for the nomination.

Chair Mrozinski made a motion to nominate Vice-Chair Hosea to continue as Vice-Chair, seconded by Director Howard. Motion passed unanimously.

- **New Business: Director Divine's Appointment**

Chair Mrozinski opened the floor to discuss any new business. Director Divine announced that he was appointed as Chairman of the Board of Elections (BOE) on January 9, 2023 and desired to consult with the Board to determine if there is a conflict of interest to serve on both the BOE and the Cherokee County Board of Ethics. Director Divine disclosed that he will receive a small stipend from the BOE and that the BOE often receives criticism from a group of local activist.

Directors discussed that it would be in the best interest of the Board to assign Attorney Beggs with the task to review whether Director Divine's appointment to the BOE presents a conflict of interest and to only rely on Attorney's Beggs opinion. Chair Mrozinski stated his opinion that Director Divine did not need to remove himself from the Board and that if an issue becomes present he can recuse himself. Director Howard made a motion to defer to Attorney Beggs on this issue, seconded by Director Taylor. Chair Mrozinski questioned if it was necessary to assign this task to Attorney Beggs since there was no present complaint. Chair Mrozinski proposed that he address Director Divine's appointment with the Board of Commissioners prior assigning a task to Attorney Beggs.

Directors discussed Sections 2 (Definitions), 3 (Conflict of Interest), 4 (Disclosure of Interest) and 9 (Board created; membership; organization, staff and budget; powers and duties) of the Board of Ethics' Code. Directors further discussed that it would be beneficial for the Board to be prepared and research this issue now rather than wait for a complaint to arise. Vice-Chair Hosea stated that it appeared Director Divine invoked Section 4 of the Board of Ethics' Code by disclosing his appointment and requesting the Board's opinion. Chair Mrozinski explained his understanding of Section 4 and that it would apply when there is a perception of a violation.

Director Taylor made a call to question. Chair Mrozinski proposed to rephrase the current motion and made a motion that Attorney Beggs will present to the Board, no later than April 27, 2023, with a small brief on his position if a Board Director being appointed to any other board is a conflict of interest, with an emphasis to review Sections 4 and 9 of the Board's Code and any other sections Attorney Beggs deems to advise the Board on. Said motion was held to a vote and passed.

- **New Business: Hand-Delivered Ethics Complaint**

Chair Mrozinski explained to Visitor Davis that when the Board enters Executive Session, all guests, visitors, and the Board's Secretary need to leave the room. Vice-Chair Hosea further explained that after the Executive Session is closed, guests and visitors are welcome back to join the meeting. Directors discussed that in previous Executive Sessions the Board's Secretary remained present but that no minutes were taken. It was further discussed that the Board must rejoin their quarterly meeting in order to officially adjourn. Chair Mrozinski reported that the Board feels strongly that the Secretary remain during Executive Session, but that the Board's Code does not specifically outline those requirements.

Director Dodge so moved to open Executive Session under the complaint that was filed, seconded by Vice-Chair Hosea. Motion passed.

Guests exited the room at approximately 7:07 p.m.

--START EXECUTIVE SESSION --

--END EXECUTIVE SESSION --

Guests returned at approximately 8:15 p.m.

Director Howard reported that during the Executive Session the Board analyzed and discussed at great length the three pending complaints brought before the Board and that it is the unanimous opinion of the Board that none of these complaints rise to the level that would constitute a violation of the Board of Ethics' Code and therefore should be dismissed. Director Howard further reported that it was the Board's opinion that Attorney Beggs inform the complaining party of his right to amend the complaints and provide additional information. Director Howard made a motion that all three complaints be dismissed for lack of probable cause, seconded by Vice-Chair Hosea. Motion passed unanimously.

Chair Mrozinski asked the Board to please safeguard the documentation each Director received relating to the complaints.

- **Next Meeting:**
The 2nd Quarterly Meeting of 2023 will be held on Thursday, April 27, 2023 at 6:00p.m. at the Cherokee County Business Center at the Bluffs.
- Director Dodge made a motion to adjourn, seconded by Director Taylor. Motion passed and meeting adjourned at 8:22 p.m.