

Report Limitations

This document is only an overview of some of our findings up to the date this assignment was terminated by Interim Chief Executive Officer Lee N. May, Jr., on August 6, 2015. It is not the “final report” as envisioned when we were retained and does not include every document, detail or fact with regard to this inquiry.

All interview summaries and other related material will be made available to the Director of the Georgia Bureau of Investigation.

Appalling corruption and a stunning absence of leadership in the DeKalb County government are a disgrace to its citizens and an embarrassment to our state. A pattern of corrosive and widespread misconduct has destroyed public confidence in the integrity of the governing authority.

We found that many elected officials fail to understand or follow the simple dictate of the Georgia Constitution: *All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times amenable to them.* [Georgia Constitution, 1983, Article 1, Section 2, Paragraph 1]. If the public officers who have violated the community's trust are truly concerned about the future of DeKalb County, they will resign from office today.

We began this inquiry as directed by Executive Orders of Interim Chief Executive Officer Lee N. May, Jr., appointing us as "independent" Special Investigators to "help restore the public's trust" in county government. He instructed us to "identify the county's risk exposure for waste, fraud and abuse, and proactively identify and investigate instances of wrongdoing." [Exhibit A].

Our instructions were to go well beyond an attempt to uncover only criminal wrongdoing that might be of interest to prosecutors. Instead, our mission was to find and expose a much broader range of misconduct than that which would rise to the level of prosecutable criminal charges. Mr. May said our inquiry was to also "determine the extent of waste and abuse in county government and then to make specific findings and recommendations to prevent further wrongdoing."

There was no deadline for the report of our findings. Instead, we were to conduct this investigation for “not less than 120 days, subject to extensions by the Chief Executive Officer necessitated by the findings of the Special Investigators.” We were to “review all aspects of county government.”¹

Mr. May publicly promised that we would have “unfettered access” to all county employees and records. We did not. The shocking deceit of Mr. May, to us and the public, with his fanfare that heralded an “independent investigation” is troubling.

Within the first few days we encountered obstructions and obstacles that delayed and impeded the truth-seeking process. It soon became clear that Mr. May and others wanted this investigation to be neither independent nor thorough. This interference hindered our work.

For example, early on, Mr. May suggested to Mr. Bowers that he should prevent Mr. Hyde from conducting an interview with Mr. Morris Williams, a high-level county official who abruptly retired shortly after we were hired. This became more significant when we discovered that Mr. May borrowed money from a subordinate, Mr. Williams.² The loan Mr. May received from Mr. Morris Williams is in violation of the county Organizational Act, which states that no member of the county governing authority shall directly or indirectly receive a loan for himself if he recently has been, or is now, involved in, any official act or action directly affecting the lender. [See Org. Act Sec. 22A. (c)(2)a.(ii)]. The penalty for that offense includes removal from office.

¹ The request that we investigate every department was later reduced by Mr. May to cut the costs of this inquiry.

² We were unable to determine if the money loaned was connected to a \$4000 check that was paid to either Mr. May or Mr. Morris Williams by a county vendor. Further information will be provided to the GBI.

In at least two instances, Mr. May and others conspired to actively block our efforts to obtain public records from county offices. For example, we requested records from the district attorney and the sheriff that were needed to complete our examination of the Purchasing Department.

While the sheriff provided financial records for one month (March 2015), the district attorney, Robert James, in clear violation of the Georgia Open Records Act, flatly refused to even respond to our letters requesting documents that could have explained his questionable spending. Instead, he complained to Mr. May about our request. Mr. May then wrote a letter to James stating that our request was “beyond the scope of the Executive Order.” [Exhibit B]. It was not.

Whatever confidence we had in Mr. May ended when we received, through the news media, his “Dear Robert” apology written to the district attorney. That letter also gave the appearance that Mr. May was attempting to help Mr. James cover-up misconduct. The law requires these public records, indicating how funds were spent by Mr. James, to be available for inspection at all times to anyone. As a result of Mr. May’s interference, and Mr. James’ refusal to follow the law, we were unable to determine if expenses incurred by the district attorney were appropriate or legal.³

Mr. May and his staff claimed that many records we needed were “missing.”⁴ When we asked his staff for records of former county employees and officials, we were told “[T]hey don’t work here anymore. We don’t have their records. They may have taken [the records] with

³ James said publicly that he provided the records we wanted to the GBI. He claimed that “I’m just not going to participate in an investigation I don’t agree with.” This prevented us from determining if his spending was lawful. His actions made it appear that he sent his records to the GBI to prevent them from being subject to public inspection in accordance with the Open Records Act.

⁴ We never received supporting records or other documents from many Commission Members, Mr. May, and the county’s public information officer.

them.” The DeKalb County Records Retention Policy and state law require that accounting records be kept five years and travel records must be kept at least four years.

We met with Mr. May and his Chief of Staff, Mr. Edmond Richardson, on August 5, 2015, and agreed that the “final report” would be delivered to Mr. May, the Board of Commissioners (“BOC”) and the public on October 6, 2015, at the same time. The next day, Mr. May sent us a letter saying our report was now due on August 26, 2015. [Exhibit C].

May’s ham-handed attempt to fabricate a deadline in order for him to receive our findings some 41 days before the public and the BOC directly contradicts his many claims that we would have independence and that neither he, nor anyone else, would see the report before it was completed. We were very clear with Mr. May that this investigation could not be completed by his new “deadline” due to many other matters we needed to conclude. He terminated this investigation, while knowing there were hundreds of other interviews to conduct and thousands more documents to review.

THE INDICTMENT OF LUNDSTEN⁵

The Executive Orders directed us to ensure that all county departments were being appropriately managed and operated. We began with the Finance Department, which administers the fiscal affairs of DeKalb County government and directs the activities of six subordinate divisions. The director of the department serves as the County’s chief financial officer and

⁵ For the purposes of our identifying specific expenditures of public funds that warrant further analysis, instead of our own standard of review, we are using the Lundsten indictment to determine what constitutes probable cause to believe that a crime has occurred. We state no opinion as to the appropriateness or wisdom of indicting Mr. Lundsten.

reports directly to the CEO and the BOC. She can only be terminated, for cause, by an affirmative vote of five members of the BOC.

Our initial plan in evaluating the Finance Department was to conduct a survey of purchasing by randomly selecting a few records from each county department. However, that changed after April 16, 2015, with the indictment of Robert Lundsten, a former executive assistant to DeKalb District One Commissioner Elaine Boyer. [Exhibit D].

Mr. Lundsten was charged with nine felonies: 6 counts of theft by taking and 3 counts of making a false statement. While the total dollar amount of the alleged thefts is not listed in the indictment, the false statement counts are based on what Mr. Lundsten is said to have written on a receipt from a grocery store for the purchase of “drinks and office supplies” and two United Parcel Service receipts totaling \$72. [*The Crier*, Dick Williams, 4/21/15] Other sources told us that the total amount of these alleged thefts was less than \$300.

Using the indictment of Mr. Lundsten as the measure for what is considered by the DeKalb County District Attorney and Grand Jury to be a theft of government funds and false statements by a public official or employee, we expanded our review to include records of all official spending. This greatly increased the amount of time and the number of documents we needed to obtain and evaluate to complete a thorough assessment. We strongly believe that to only identify a few examples from each department of what appeared to be illegal or improper spending by employees and officials would have been misleading, unfair and wrong. In light of the Lundsten indictment, we either had to look at all the expenditures or none of them.⁶

⁶ Due to the high volume of questionable spending found, we recommended that Mr. May suspend all non-emergency purchases until this investigation was concluded and he did so on June 8, 2015.

It is clear from a review of the records that more analysis is needed to determine if these expenses were legally spent for legitimate county business. We reviewed some 2,257 pages of transactions, over 50,000 individual purchases and related documents, and found thousands of questionable charges.

ILLEGAL GRATUITIES

According to the Georgia Supreme Court, for a county official to legally spend public funds, in addition to a budget allocation, the expenditure must be within the sphere of his or her legally delegated powers. Griffies v. Coweta County, 272 Ga. 506, 509 (2000) (Superior court clerk could spend \$368.89 on bottled water for her employees because tap water was green, slimy and smelled.). In that case the clerk spent a miscellaneous budget line item for the water over a two year period. The Supreme Court concluded that the clerk “did not abuse her discretion in determining that the purchase of drinking water was necessary to avoid nuisance problems for the employees and to provide potable, nuisance-free drinking water for them.”

In another case, Mr. Gerald Blaney, the Gwinnett County Solicitor-General, sought county funds to pay his attorney fees in personal litigation after he had been repeatedly told that he was not covered by the county indemnification plan. See Gwinnett County v. Blaney, 275 Ga. 606 (2002). He paid his attorney fees with official and budgeted funds, but the Supreme Court concluded the expenditure was not “within the sphere of [the officer’s] legally delegated powers.” The Court ruled that Blaney had not shown the express, implied or inherent power that he had as solicitor to hire his own lawyer for the litigation in question.

The question for the expenditures we reviewed that were made by DeKalb County officials or employees is: What was the “sphere of the official’s legally delegated powers?” The Griffies and Blaney cases show that there are limits to what public officials can spend. These

spending limits, however, are not new. The prohibition against gifts made by public officials has been in the Georgia Constitution since at least 1877. There is no authority for a member of the BOC, or a county employee, to make charitable contributions using government funds. We were unable to determine if any of the donations of county funds to charities were claimed as deductions by those officials on their personal federal or state income tax returns. However, tax receipts were requested by some individual commission members.

Regardless of the charitable or worthwhile nature of the recipients or their undertakings, Georgia courts have strictly construed laws that prohibit gifts of government property. See, e.g. The Garden Club of Ga., Inc., v. Shackleford, 266 Ga. 24 (1995) (Ga. DOT program of freely permitting trimming of trees and vegetation to make advertising signs on private property more visible was an impermissible gratuity). And nine years ago, the Court ruled that, for the purposes of interpreting Georgia's constitutional prohibition against a government granting gratuities, "gratuity" meant "something given freely or without recompense; a gift." Rabun County v. Mountain Creek Estates, LLC, 280 Ga. 855, 859 (2006).

Several official opinions of the Georgia Attorney General over the last 67 years also show it is clear that the law against gratuities continues to be strictly construed:

- Opinion of Attorney General 1948-49 – payments to former chancellor of the university system and widow of budget director prohibited (AG Cook);
- Op. Atty. Gen. 1958-59 – giving public school property to private individual prohibited (AG Cook);
- Op. Atty. Gen. 1963-65 – maintaining private property prohibited (AG Cook);
- Op. Atty. Gen. 1967-150 – retroactive pay raises prohibited (AG Bolton);

- Op. Atty. Gen. 1967-418 – provision of office space and telephone service to private credit union prohibited (AG Bolton);
- Op. Atty. Gen. 1971-128 – contributions to Ducks Unlimited prohibited (AG Bolton);
- Op. Atty. Gen. 1992-1 – payment of entertainment expenses prohibited (AG Bowers);
- Op. Atty. Gen. 1997-6 – payments to Paralympic organizing committee prohibited (AG Bowers);
- Op. Atty. Gen. 2004-3 – flights of state aircraft only for official business even if state officials were to reimburse for personal use (AG Baker).

There is no basis in Georgia law to interpret the gratuities clause any less rigidly today than it has been applied over the last half-century. It is argued by some that the gratuities clause should not be applied so strictly, such as employee awards. There is some validity to that argument, depending on how the awards are structured. If an award is made solely to recognize employee performance, and the program existed before the award is made so as not to be a retroactive payment, the award would be lawful. [Op. Atty. Gen. 1973-76; Op. Atty. Gen. 1971-184.]. If, however, a cruise to the Bahamas is “won” by drawing a name from a jar, as was done at the DeKalb County Annual Customer Service Recognition Program in April of 2014, it can be nothing but an illegal gratuity. Chance cannot be the basis of the award. It must be merit in the workplace alone.

Section 9 of the DeKalb Organization Act sets out the powers and duties of the BOC and does not provide any legal authority for individual commission members to act on their own.⁷

And long-standing Georgia case law on the legal authority of cities and counties is clear:

“...the well-established general rule that counties and municipal corporations can exercise only such powers as are conferred on them by law, and a grant of power to such corporations must be strictly construed: and such a corporation can exercise no powers except such as are expressly given or are necessarily implied from express grant of other powers, and if there is a reasonable doubt of the existence of a particular power, the doubt is to be resolved in the negative.”
Beazley v. DeKalb County, 210 Ga. 41, 43 (1953) (Citations omitted).⁸

When the above citation, along with the lack of specific legal authority for individual spending by Commissioners and employees is considered, much of the immense sums spent in recent years by DeKalb County officials and employees are illegal. Most of the spending we reviewed appears to have been for gifts and services or goods that could not have been lawfully purchased using government funds.

SPECIFIC IMPROPER SPENDING

As Mr. May properly suggested, one of the first things we did was to ask him for various records with regard to his spending as both the elected Commissioner for District 5, and as the appointed Interim Chief Executive Officer. After our review of those documents, we met with Mr. May to discuss some of his expenses and other areas of concern. Among other things, we questioned his purchase of a movie (\$36.45) and a spa treatment (\$222.71) during his December, 2014, stay at the Grand Wailea Waldorf Astoria Hotel and Spa in Hawaii. [Exhibit E]. Mr. May claimed he had reimbursed the county for the purchase of a movie and spa treatment and that he

⁷ “Legal authority” in this context means a specific grant of power or a duty in the state Constitution, the Organizational Act or in the Official Code of Georgia, permitting a county government actor to spend money.

⁸ See Bryan County v. Yates Paving and Grading Company, Inc., 251 Ga. App. 441 (2001), for the continuing vitality of the Beazley decision.

would provide documentation showing that he had personally paid for those charges. He did not.

Other examples of questionable spending by Mr. May include the following:

<u>Organization</u>	<u>Approximate Date</u>	<u>Amount</u>
Ray of Hope Christian Church	March 3, 2008	\$200
The Collaborative Firm, LLC ⁹	June 18, 2009	\$6,000
YMCA South DeKalb	September 14, 2009	\$1,614
Best Buy, Lithonia, GA	April 13, 2012	\$74
ASI System Integration (x3)	2012 – 2013	\$9,133
Alliance for Innovation	August 22, 2012	\$120
Bloomstoday	November 23, 2013	\$125
CGS TKTS Tours, New York, NY	December 5, 2013	\$211
Affinia Manhattan, NY	December, 2013	\$1,039
Waldorf Hotel, New Orleans	January 19, 2014	\$1,583
Profile Marketing & Public Relations	Unknown	\$4,300
Edible Arrangements	August 15, 2013	\$46
FTD Blooms Today	November 23, 2013	\$125
Bada Bings! Food & Fun	December 21, 2013	\$893

In addition to Mr. May, we have identified questionable spending from others, with little or no explanation given to the Purchasing Department as to the specific benefit to the county or the purpose of the purchase. What follows is a selection of suspicious charges we found:

⁹ Founded by Michael Hightower.

District Two Commissioner Jeff Rader

DeKalb Historical Society	2009	\$6,000
Decatur Bulldogs Booster Club	2009 – 2013	\$950
Druid Hills Athletic Foundation	2009 – 2013	\$1,050
The Arts Leadership League of Georgia	October 21, 2009	\$2,500
Northlake Community Alliance, Inc.	2009 – 2013	\$2,500
Georgia Shakespeare Festival	December 20, 2010	\$1,000
Senior Connections, Inc.	2010 – 2013	\$2,500
DeKalb County Police Alliance	2011 – 2012	\$1,000
PEDS	February 23, 2011	\$1,000
Georgia Budget & Policy Institute	December 4, 2012	\$500
DeKalb Historical Society	November 20, 2012	\$75
DeKalb Library Foundation	February, 2012	\$250
Cross Keys Foundation, Inc.	July 3, 2012	\$1,000
Leadership DeKalb, Inc.	August 24, 2012	\$3,200
Park Pride Atlanta, Inc.	January 3, 2012	\$10,000
Park Pride Atlanta, Inc.	December 28, 2012	\$10,000
South River Watershed Alliance	August 19, 2013	\$150
Atlanta Area Agency on Aging	July 9, 2013	\$250
DeKalb Library Foundation	March 1, 2011	\$65
Atlanta Bicycle Foundation	January 26, 2012	\$100
The Civic League for Regional Atlanta	March, 2012	\$40
South River Watershed Alliance	August 19, 2013	\$150
PEDS	December 15, 2014	\$500
Senior Connections	December 19, 2014	\$500

Atlanta Bicycle Coalition	December 19, 2014	\$250
Georgia Budget & Policy Institute	December 19, 2014	\$250
Georgia River Network	December 19, 2014	\$100
DeKalb Historical Society	December 19, 2014	\$125
The South Fork Conservancy, Inc.	December 23, 2014	\$100
Park Pride	December 21, 2013	\$200
Just Give	March, 2014	\$26
Georgia Budget & Policy Institute	December 6, 2013	\$500
PEDS	December 6, 2013	\$500
DeKalb Historical Society	December 6, 2013	\$75
Georgia River Network	December 6, 2013	\$35
Net Progression, Inc.	2008 – 2009	\$5,000
Davis Fox ¹⁰	Multiple	\$6,000

District Three Commissioner Larry Johnson

In The News	November 25, 2009	\$266
Pathways Community Network	October 8, 2008	\$3,000
Fowler's Food Consultant	2008 – 2013	\$6,568
Georgia State University Foundation	May 25, 2012	\$500
BLH Consulting	2009 - 2010	\$21,500
BGB & B	2010 – 2014	\$10,000
DeKalb for Seniors, Inc.	April 7, 2014	\$150
DeKalb Historical Society	February 14, 2011	\$60
Party City.com	October 26, 2011	\$228

¹⁰ Mr. Fox is Commissioner Gannon's policy analyst and project manager.

Porter Sanford	Multiple	\$11,500
Pencilworx Design Group	November 22, 2011	\$4,000
Brookstone	February 21, 2013	\$363
Crossroads News	February 25, 2013	\$750
Maud Baker Florist (x2)	July 11, 2013	\$148
Suburban Rental	July 26, 2013	\$578
Maud Baker Florist	August 15, 2013	\$142
Best Print	August 21, 2013	\$998
Custom Ink T-Shirts	August 23, 2013	\$1,935
Leadership DeKalb	August 12, 2013	\$250
Crossroads News	January 10, 2014	\$650
Caterrific	January 21, 2014	\$638
Caterrific	January 24, 2014	\$342
Caterrific	January 29, 2014	\$638
Brookstone	March 6, 2014	\$32
Bobby French (DJ & Mobile Karaoke)	Multiple	\$800

District Four Commissioner Sharon Barnes Sutton

Dixie Glasshoppers, Inc.	August 27, 2008	\$495
Empowerment Planners and Consulting ¹¹	2009	\$3,700
Added Pizzazz	2009 – 2014	\$3,226
Crossroads News	2009 – 2014	\$2,590
Advantage Car Rental (traffic fine)	February 21, 2014	\$130
HSI Systems & Consultants ¹²	2008 - 2009	\$34,570

¹¹ Owned by Judy Brownlee, who is the county-paid aide for Barnes-Sutton.

¹² Operated by Warren Mosby. Media reports say that he is, or was, the boyfriend of Barnes-Sutton.

Influence Factory, LLC	2011 – 2014	\$46,000
Space Walk	June 24, 2010	\$144
Bell & Washington LLC ¹³	2011 – 2012	\$11,530
Rixter-Tate Public Relations ¹⁴	2010 – 2011	\$4,200
Marglan Group ¹⁵	June 28, 2013	\$3,500
PayPal (Ethyll)	February 10, 2014	\$500
Africa's Children	October 20, 2013	\$1,000
Bed Bath & Beyond	September 2, 2013	\$239
Apple Store, Birmingham, AL	May 3, 2013	\$229
Advantage Car, College Park, GA	January 17, 2013	\$897
International School Foundation	April 14, 2011	\$150
New York Times	December 12, 2013	\$201
RightThink Associates ¹⁶	2009	\$30,775
Ashlee Wright ¹⁷	Multiple	\$11,910
Karen Williams	Multiple	\$10,000
Tangela Robinson ¹⁸	Multiple	\$232
Tyrone Hardeman (Disc Jockey)	Multiple	\$950

Judy T. Brownlee (Assistant to Barnes Sutton)

Maud Baker Florist	August 23, 2011	\$85
Cafepress.com	August 28, 2011	\$524

¹³ Law firm represented Barnes-Sutton for personal tax and car payment matters.

¹⁴ Rashana Rixter worked for Barnes-Sutton's "youth leadership academy."

¹⁵ Owned by Marguerita Lance, who was secretary for Barnes-Sutton.

¹⁶ Operated by Warren Mosby.

¹⁷ County employee, Watershed Management

¹⁸ Worked for Barnes-Sutton's "youth leadership academy."

Maud Baker Florist	October 20, 2011	\$165
Edible Arrangements	February 21, 2012	\$72
Cafepress.com	September 28, 2012	\$322
Maud Baker Florist	October 16, 2012	\$49
PayPal (Dancenia dance lessons)	April 18, 2013	\$100
PayPal (Africa Children)	October 19, 2013	\$240
Crestline Co. Inc.	July 18, 2011	\$504
Wal-Mart (Gift card)	December 8, 2012	\$100

District Six Commissioner Kathie Gannon

Bleakly Advisory Group	November 10, 2008	\$3,220
Coles Italian Ice	November 5, 2008	\$400
Net Progression, Inc.	2008 – 2009	\$5,000
Druid Hills H.S. Foundation ¹⁹	2008 – 2013	\$1,800
Lynwood Park Community Assoc.	April 10, 2009	\$100
Georgia Institute of Technology	June 11, 2009	\$6,435
Senior Connections, Inc.	2009 – 2013	\$1,980
DeKalb County Police Alliance	2011 – 2012	\$1,100
DeKalb Historical Society	November 17, 2011	\$3,000
DeKalb Library Foundation	2011 & 2013	\$3,000
Decatur Bulldogs Booster Club	2009 – 2013	\$950
Turkheimer and Hadden, LLC	December 7, 2012	\$5,000
DeKalb Library Foundation [Exhibit F]	May 25, 2012	\$100

¹⁹ Druid Hills High School Athletic Foundation.

Poplar Springs Baptist Church (gift card)	April, 2013	\$50
Fred Mucci (guitarist/vocalist)	April, 2013	\$250
Blue Soda	April 10, 2013	\$360
QuikTrip (gift card)	May 2, 2013	\$100
Park Pride Atlanta, Inc.	May 1, 2013	\$6,000
DeKalb Library	December 19, 2013	\$1,000
Target (gift card)	December 19, 2013	\$100
CVS Pharmacy (gift cards)	December 7, 2012	\$1,000
Kroger (gift card)	December 6, 2012	\$100
Jimmy John's	January 14, 2014	\$7.75
Davis Fox	December 1, 2010	\$2,000
Harriet Hollis ²⁰	2008 - 2010	\$4,000
PRISM ²¹	Multiple	\$600
Rita Morgan ²²	2010	\$2,171

District Seven Commissioner Stan Watson

AADCO Printing & Mailing	2008 – 2009	\$90,763
Capital Media Productions	2008	\$4,250
New York Times	2009 – 2010	\$136
Fowler's Food Consultant & Catering	April 17, 2009	\$685
Crossroads News	January 4, 2010	\$650

²⁰ 2008 Campaign manager for Ms. Gannon.

²¹ Non-profit until status revoked by IRS. Operated by Joe Arrington, husband of Gannon's former secretary.

²² Former executive assistant to Ms. Gannon.

The Wall Street Journal	October 30, 2009	\$99
LDO Consulting	2011 – 2012	\$3,900
Broadway Consulting Group	2011 – 2014	\$7,000
Rotary of South DeKalb	2012 – 2014	\$2,475
UrbanProfessionals.com	April 21, 2014	\$500
National Pal, Inc.	April 22, 2011	\$410
The Urban Professionals	September 12, 2013	\$750
Atlantis Hotel Health Club	May 26 – 27, 2011	\$45
Ellery Hill ²³	2007 – 2008	\$7,400
Chicago Sheraton (Movie)	April 19, 2011	\$20.15
Ft. Worth, TX Renaissance Hotel (Movie)	July 21, 2013	\$18.39

Mr. Morris Williams²⁴

Bench Warmers	August 12, 2013	\$400
Shell Oil (BOC Lunch)	October 8, 2013	\$350
Athens Pizza	May 5, 2014	\$751
Athens Pizza	February 4, 2013	\$300
J. R. Crickets	March 18, 2013	\$299
Gutbusters	March 11, 2013	\$150
Athens Pizza	April 16, 2013	\$300
Benchwarmers	April 8, 2013	\$350
Art by Golden	May 23, 2013	\$600
Zanza	May 12, 2013	\$300

²³ Campaign manager for Watson. [*The Crier*]

²⁴ Many transaction logs and other records for Williams were marked “misplaced receipt” and had no supporting documentation.

Bobalu Cigar Co., Austin, TX	June 26, 2013	\$10.83
Green Ginger	November 4, 2013	\$350
Eurasia Bistro	June 24, 2010	\$1,587
Zanza	March 16, 2014	\$350
Floral Couture	November 14, 2012	\$485
Qzeens Catering	November 14, 2012	\$500
Coco Cabana	November 26, 2012	\$500
Southland Golf & Country Club	February 10, 2011	\$100
Stone Mountain Park	August 9, 2011	\$500
Kroger (popcorn)	June 23, 2014	\$6.99
DeKalb Chamber ICEO event tickets	July 25, 2014	\$875
Circle K (boiled peanuts)	July 14, 2014	\$2.99

District Attorney²⁵

Leadership Georgia	April 18, 2011	\$120
Brandsmart	August 19, 2011	\$779
Paragshah12	October 6, 2011	\$1,624
Execute Your Passion, LLC	December 2, 2011	\$1,500
Kenley's Catering	December 6, 2011	\$450
Uncle Bob's	December 12, 2011	\$344
Bear Valley Service ²⁶	January 5, 2012	\$925
Kenley's Catering	March 15, 2012	\$250

²⁵ These questionable charges may have been lawful and proper. However, our requests to review public records that could have explained and justified these expenses were ignored by the district attorney.

²⁶ It appears that the district attorney utilizes vehicles that have been seized and condemned as a result of various criminal matters for his use. Many of the automobile repair charges reviewed are for those vehicles.

Decatur Lock & Key	March 27, 2012	\$150
Leadership Georgia	April 9, 2012	\$130
Kenley's Catering	April 16, 2012	\$428
Palace Café (New Orleans)	April 18, 2012	\$270
Kenley's Catering	April 27, 2012	\$459
Women's Resource Center	May 23, 2012	\$250
State Bar of Georgia	May 18, 2012	\$474
P. F. Chang's (Atlanta)	June 26, 2012	\$188
Leadership Georgia	August 28, 2012	\$150
Uncle Bob's	September 4, 2012	\$938
Public Storage	September 10, 2012	\$271
Public Storage	October 8, 2012	\$271
IISSTA ISRAEL LTD Sapir, Israel	October 21, 2012	\$256
Valross (PayPal)	December 28, 2012	\$2,000
Kenley's Catering	January 17, 2013	\$316
Bear Valley Service (Land Rover repair)	January 18, 2013	\$1,831
Kenley's Catering	January 18, 2013	\$272
Uncle Bob's	January 26, 2013	\$509
Kenley's Catering	February 23, 2013	\$480
State Bar of Georgia	February 25, 2013	\$200
Uncle Bob's	March 3, 2012	\$858
Leadership Georgia	April 29, 2013	\$50
State Bar of Georgia	May 3, 2013	\$255
Act Express, Inc.	May 10, 2013	\$195
State Bar of Georgia	May 23, 2013	\$455

WRC (PayPal)	June 3, 2013	\$250
Decatur Tire & Service	August 27, 2013	\$2,567
Lawyer's Club (PayPal)	August 26, 2013	\$350
Event Insurance (Nevada)	September 9, 2013	\$151
Kenley's Catering	September 12, 2013	\$464
DeKalb Bar Association	October 21, 2013	\$10
Leadership Georgia	October 28, 2013	\$150
Kenley's Catering	October 29, 2013	\$371
Decatur Tire & Service	December 19, 2013	\$543
The Fast Food (PayPal)	December 19, 2013	\$145
Kenley's Catering	January 15, 2014	\$414
Kenley's Catering	January 15, 2014	\$399

DUI Court

1-800-Flowers.com	March 13, 2011	\$194
FTD.Com	April 28, 2011	\$58
Publix (staff celebration, balloons)	May 19, 2011	\$26
Covington Flowers	February 3, 2012	\$64
1-800-Flowers.com	March 6, 2012	\$144
Instead of Flowers	March 8, 2012	\$94
1-800-Flowers.com	July 3, 2012	\$134
1-800-Flowers.com	March 19, 2013	\$144
Cherry Moon Farms	April 25, 2013	\$112

County Clerk Barbara Sanders

Publix (cereal)	May 18, 2009	\$5.29
-----------------	--------------	--------

Publix (Coffee-mate)	May 18, 2009	\$3.99
Publix (Bic lighter)	May 18, 2009	\$2.99
Wal-Mart (Motts Juice x2)	June 7, 2009	\$4.00
Wal-Mart (cereal)	June 7, 2009	\$3.18
Fluff Em Florist	October 20, 2009	\$670
Stanford Who's Who	January 28, 2011	\$618
Fry's Electronics	April 22, 2013	\$63

A State Court Employee

DS Water	February 3, 2012	\$55
DS Water	February 9, 2012	\$79
Quill (unknown)	February, 2012	\$364
Publix ("Food stuff")	February 14, 2012	\$104
Publix ("Food stuff")	February 14, 2012	\$6
Crystal Springs Water	February 10, 2012	\$64
Publix ("Food stuff")	March 13, 2012	\$87
DS Water	April 5, 2012	\$31
Kroger ("Soda Pops")	April 10, 2012	\$5
Wal-Mart (Web camera)	April 15, 2012	\$89
Wal-Mart (Coffee & Flatware)	April 13, 2012	\$32
DS Water	May 3, 2012	\$31
Quill (Sugar)	May 14, 2012	\$44
Publix ("Food stuff")	May 8, 2012	\$99
DS Water	January 17, 2011	\$93
Wal-Mart (Coffee & creamer)	February 2, 2011	\$37
DS Water	February 10, 2011	\$51

Publix (Christmas cookies & tea)	February 8, 2011	\$10
Publix (Plates, napkins & flatware)	February 25, 2011	\$18
Quill (Coffeemate)	March 9, 2011	\$16
DS Waters	March 14, 2011	\$51
Quill (Foam cups)	March 17, 2011	\$35
Publix ("Food stuff")	March 8, 2011	\$68
DS Waters	April 7, 2011	\$28
Publix ("Food stuff")	April 12, 2011	\$7
Walgreens (mints)	April 13, 2011	\$5
Public (flatware)	May 2, 2011	\$10
DS Waters	May 5, 2011	\$36
Publix ("Food stuff")	May 11, 2011	\$66
1-800-Flowers.com	May 12, 2011	\$134
DS Waters	June 2, 2011	\$28
Publix ("Food stuff")	June 14, 2011	\$94
Quill ("Sugar in the Raw")	June 20, 2011	\$9
Wal-Mart (coffee & creamer)	June 18, 2011	\$15
DS Waters	June 30, 2011	\$36
Publix ("Food stuff")	July 12, 2011	\$74
DS Waters	July 28, 2011	\$43
DS Waters	August 25, 2011	\$38
Publix ("Food stuff")	August, 2011	\$127
Publix ("Food stuff")	September 6, 2011	\$63
Kroger (cutlery)	September 19, 2011	\$11
Wal-Mart ("Food stuff")	October 3, 2011	\$103

Publix (Gift card)	October 15, 2011	\$150
Publix (Gift card)	November 1, 2011	\$175
DS Waters	November 4, 2011	\$29
DS Waters	February 5, 2015	\$68
DS Waters	January 8, 2015	\$13

Law Department

DeKalb Bar Association (dues x 4)	July 25, 2014	\$900
Derek White (photographer) ²⁷	March 17, 2015	\$500

Community Development

The Gallery Collection (holiday cards)	November 5, 2010	\$80
Office Depot (“missing receipts”)	March 6, 7 & 25, 2012	\$271
Office Depot (unknown)	May 2013	\$953

Human Resources Department

QuikTrip (gift cards)	April 2, 2014	\$700
Royal Caribbean Cruise, Ltd.	March 27, 2014	\$682
Hall’s Atlanta Wholesale Florist	April 16, 2015	\$409
American Designer Flowers	April 28, 2015	\$89
QuikTrip (gift cards)	February 11, 2015	\$600
QuikTrip (gift cards)	March 11, 2015	\$60
Hall’s Atlanta Wholesale Florist	April 14, 2014	\$366
Costco (snacks & water)	November 30, 2012	\$886
Costco (snacks & water)	May 22, 2013	\$961

²⁷ The receipt says this expense was for photographs on the county web site. We found no such photos.

Leadership DeKalb (donation)	July 2014	\$250
------------------------------	-----------	-------

Solicitor General

Mekeeshia Foster (airbrush makeup)	May 9, 2013	\$175
------------------------------------	-------------	-------

Watershed Management Department

Best Buy (television)	April 29, 2013	\$849
-----------------------	----------------	-------

Best Buy (television)	June 14, 2011	\$689
-----------------------	---------------	-------

Best Buy (television)	June 16, 2011	\$657
-----------------------	---------------	-------

RadioShack (television)	January 10, 2014	\$179
-------------------------	------------------	-------

Fleet Management Department

RBM of Atlanta ²⁸	August 3, 2012	\$474
------------------------------	----------------	-------

DIRECTV	January 26, 2015	\$83
---------	------------------	------

Pinehill Trophy (retirement clock)	December 20, 2012	\$150
------------------------------------	-------------------	-------

Pinehill Trophy (retirement plaque)	December 3, 2013	\$45
-------------------------------------	------------------	------

Tampa toll road (fine payment) ²⁹	January 17, 2014	\$42
--	------------------	------

Nalley BMW (parts for BMW)	April 3, 2014	\$113
----------------------------	---------------	-------

Hennessy Jaguar	August 10, 2011	\$174
-----------------	-----------------	-------

Nalley BMW	August 18, 2011	\$6
------------	-----------------	-----

OUTSIDE REVIEW BY PLUNKETT

On April 22, 2014, the BOC asked for bids for an independent analysis of spending by

²⁸ For work on county vehicle #10775 which is assigned to the District Attorney.

²⁹ Used to pay delinquent toll road fine in Tampa, Florida by fleet management employee who attended a 3-day training session and failed to pay for the use of a toll road.

each member and their staff assistants. O.H Plunkett & Company, P.C. (“Plunkett”) was awarded the contract. This engagement was “solely to assist with monitoring proper application of certain policies and procedures relating to analyzing the expenditures of each member” of the BOC and their staff for the years commencing April 2004 through April 2014.³⁰ We found the Plunkett reports to be of little value.

While Plunkett refused to provide any records or discuss their findings with us, we obtained copies of its reports to the BOC. Plunkett’s review of expenditures were “to consider (a) whether purchases were for appropriate material goods used by a Commissioner in the normal functioning of a Commission office; (b) whether there is evidence of a valid work product when a service is purchased; and (c) what evidence exists that meals and travel expenses were for County business.”

Plunkett noted several deficiencies described in the county’s Internal Audit & Licensing Division reports covering transactions from 2009 to 2011. Those included: (a) improper or nonexistent transaction logs; (b) charges unsupported by receipts or other documentation; (c) lack of approval at the appropriate levels by authorized personnel as identified in the Policies and Procedures manual; and (d) incorrect coding of transactions by budget line categories. Plunkett noted that “our procedural review revealed deficiencies concurrent with those previously found by the Internal Audit Reports. A substantial portion of the supporting documents including the P-Card accounting logs were never prepared or submitted in accordance with the Policies and Procedures adopted by the county.” Some of Plunkett’s findings include:

³⁰ Plunkett used the 2004 purchasing card policy: “For the purposes of our review, we followed the guidelines of the March 2004 policy which was in effect for the entire scope period.”

Lee May, District Five & ICEO

District Five expenses, starting with the 2006 Special Election to fill the position vacated by Hank Johnson, totaled approximately \$57,283. Plunkett noted that only 39% of all transactions had supporting records. A total of 509 transactions (61%) with the aggregate amount of \$43,862.27 did not have the required supporting documentation. “Monthly P-Card transaction logs and supporting receipts were missing from substantially all of the months reviewed . . .” Yet Plunkett stated “[w]e reviewed all related transactions and determined that based on the individual transaction descriptions, the expenditures appeared to be County business related.”

Jeff Rader, District Two

District Two expenses included 424 transactions, with 77% supported by receipts.³¹ However, 23% of the charges were not included on the transaction logs.

Larry Johnson, District Three

District Three was in “general compliance with established County policies and procedures.” Based on the documentation provided, “97% of transactions were supported by receipts” submitted by Commissioner Johnson. However, “100% of the transaction logs provided for review lacked an approval signature as directed by the P-Card policy.” (This is common in most of the districts, due in part because there is no one specifically identified to “approve” the expenses by a Commission member.)

The review identified some \$12,000 spent for “community constituent support” to the Sanford Porter Center from 2011 – 2013. (This appears to have been contributions made by Commissioner Johnson using official funds.) There was also \$110,260 paid to Jettie Guinyard for graphic design and other services.

³¹ Commissioner Rader took office in 2006.

Sharon Barnes Sutton, District Four

Plunkett noted several questionable purchases made by Commissioner Barnes Sutton. Out of 743 transactions totaling \$108,720, only 25% were properly documented. There were 20 payments made to Influence Factory LLC for public relations consulting totaling \$47,800.

Kathie Gannon, District Six

Plunkett's review noted 243 transactions, 97% of which were supported by receipts. 15 transactions, totaling \$2,019, for purchases of money orders used to make "seasonal contributions to constituent groups."

Stan Watson, District Seven

From April 2004 thru April 2014, only 58% of the purchases were supported by transaction logs or receipts. The remaining 42% had no receipts or other supporting documentation to assist in the determination and identification for business purpose in accordance with county policy.

Central Administration and Clerks

Of the 10 cardholders, there was no supporting documentation for 5 employees who had 373 transactions totaling \$41,887.

FLEET MAINTAINANCE, REPAIR AND SERVICE OUTSOURCING

County mechanics in the car and light truck repair shop complained of a low volume of work done at the garage facility. This, despite a number of vehicles being out-sourced for repair work to car dealers as far away as Speedway Ford in Griffin, GA. The total spent for outside vendor repair work in 2013 was \$3,411,625, and in 2014 was \$3,505,231.

Fleet Maintenance Director J. Gregory Brake told us that by hiring as few as four additional personnel almost \$2 million could be saved each year.³² This figure was supported by an analysis conducted by Matrix Consulting Group (“Matrix”) in October 2014. Matrix concluded that staffing levels for maintenance and management functions performed in the DeKalb County Fleet Management Division Car and Light Truck shop “are insufficient to provide an adequate level of service.” Matrix also said the county could easily lower costs in its maintenance shops by pursuing the business of cities in DeKalb County that currently outsource vehicle service and repair to various dealerships.

A top-level manager said further savings of approximately \$100,000 could be accomplished by returning to the in-house practice of lubricating the heavy trucks used at the county landfills currently being out-sourced.

WATERSHED MANAGEMENT

Constant turnover in leadership and poor project supervision in the Watershed Management Department has hurt the reputation and image of the county. There have been thefts by employees involving various schemes, with a few prosecutions. It is clear that additional examination is warranted. Mr. May authorized the hiring of a firm for a forensic audit of this department. Due to the expense involved, Mr. May said that this audit can be completed at a later date.³³

PURCHASING POLICY

A new County Purchasing Policy (“Purchasing Policy”) was adopted last year. With

³² At a cost of \$361,267, according to Brake.

³³ We interviewed about half a dozen firms and were prepared to retain the services of Mr. Don Raulerson prior to our termination.

some exceptions, it covers procurement of all commodities, equipment and services. The stated purpose of the policy is to (a) obtain the best value; (b) foster effective, fair and broad-based competition in procurement and; (c) provide safeguards for the maintenance of quality, integrity and equity in the process. The policy declares its objectives “[w]ill best be achieved through an open, competitive process....”

The policy allows for the creation of an “Ineligible Source List.” Any person or company on that list cannot do business with the County, including any person or firm that has a pending lawsuit, or has filed a lawsuit, against the County within the previous three years. Remarkably, parties who file a lawsuit against the county are placed in the same category as persons exhibiting unethical business practices or people convicted of crimes involving moral turpitude.

While administrative bid protest procedures are widely used in Georgia and other states to combat corruption, the county’s Purchasing Policy provides no such procedure. Dissatisfied bidders must file a lawsuit to protest a procurement decision. However, by suing the County, the entity becomes ineligible to bid on future procurements. This creates a powerful disincentive for anyone to challenge the award of a contract.

Threatening dissatisfied bidders with disqualification from future business with the County is contrary to the stated goal of ensuring an open process, increases the risk of fraudulent procurement decisions and is bad public policy. It also raises serious constitutional concerns if the County asserted its claimed authority to deem a company ineligible due to the filing of a lawsuit.

VENDOR PAYMENTS AND BILLING PROBLEMS

There is an unreasonable delay in getting vendor invoices paid. One high-ranking county official acknowledged this and said that it hurts the County’s reputation, especially in the

small business community. There has been little effort to correct this practice.

There are multiple causes of the late payments. The County has a policy of paying invoices at “Net 30,” meaning that there is at least a built-in 30-day delay in payment from the very outset. There appears to be no county-wide policy enforced on processing invoices to insure prompt payment. However, there are instances where payments are quickly made to “connected” firms, and people. It has been suggested that only vendors who “know somebody or who pay to play” get timely payment.

As to water and sewer billing, we spoke with a landowner who, upon selling his Stone Mountain property in July of this year, was forced to satisfy a lien filed by the county for a bill that was over \$10,000, though the owner did not incur the debt. This is contrary to state law. [O.C.G.A. § 36-60-17(c)] (Supplier of water shall not impose lien against real property unless owner incurred the charges). The owner had to pay the bill in order to close the sale of the property.

OFFICE OF MANAGEMENT AND BUDGET

The Office of Management and Budget was created this year to recommend, draft and assist in passing the annual budget and a capital improvement plan. According to its mission statement, the duties include assisting senior leadership in enforcing day-to-day budgetary, financial, and management policies. One of its primary functions is to help manage the county budget. Perhaps by creating this new office, county departments will be prevented from overspending their budgets. For the past five years the average over-expenditure has been \$5,591,200.

Most departments do not spend over their budget. But some do it regularly. Since 2010, the worst violators have been: CEO (2014, 2012, 2011³⁴, and 2010); District Attorney (2014, 2013³⁵, 2012³⁶, 2011³⁷, and 2010³⁸); and Health and Welfare/Family and Children Services (2014, 2013, 2012, and 2011³⁹).

State law requires that the BOC, as the county governing authority, adopt and operate under an annual balanced budget. [O.C.G.A. § 36-81-3]. Moreover, the County's Organizational Act prohibits any expenditure of county funds except in accordance with the county budget, or amendments thereto, adopted by the BOC. [Org. Act Sec.17]. That same section requires the CEO to enforce compliance with this requirement by all departments or agencies.

Each Comprehensive Annual Financial Report between 2003 and 2013 noted the over-expenditures by county departments and what could be done in the months ahead to correct the deficiencies. While the CEO has the duty to enforce Section 17 with regard to the budget of each department, there is no evidence that he has done so. This lack of control is the origin of much of the fraud, waste and abuse we found. About one third of the departments routinely fail to live within their budgets. Neither the CEO nor the BOC has demanded that county departments spend no more than is allotted. This conduct violates state law and the DeKalb Organizational Act. From 2003 to 2013 the county's outside financial review observed and noted this misconduct for years, yet no one has been held accountable.

³⁴ General Fund and Special Revenue – Special Tax District - Unincorporated

³⁵ General Fund and Civil and Criminal Court System – District Attorney

³⁶ General Fund and Non-major Special Revenue Grant-in-Aid

³⁷ General Fund and Non-major Special Revenue Grant-in-Aid

³⁸ Civil and Criminal Court System and Non-major Special Revenue Grant-in-Aid

³⁹ General and Non-major Special Grant Revenue Grant-in-Aid

INSPECTOR GENERAL

There is a need to establish an Inspector General to identify fraud, waste, abuse, conflicts of interest, and other misconduct on a permanent basis. The person in this role must be independent and have the courage to confront county elected and appointed officials in all branches of government. There should be sanctions for anyone that attempts to impede investigative efforts by the inspector general.

CHIEF AUDIT EXECUTIVE

The Chief Audit Executive position was created as a part of the Office of Internal Audit under Act No. 206 of the 2015 Session of the General Assembly. The person who is appointed will have no more than two five-year terms, and will have the authority to issue subpoenas. The activities of the Office of Internal Audit will be subject to limited peer review by an audit oversight committee of five voting members with experience as accountants, or other relevant professional background.

Act 206 was effective July 1, 2015, and the process to appoint the first members of the audit oversight committee is due to be completed by October 31, 2015.

ETHICS BOARD

The Organizational Act of DeKalb County contains the Code of Ethics.⁴⁰ It consists of approximately one-sixth of the total Act and creates a seven member board of ethics which, until very recently, has been impotent.

As indicated by the chart below, the board was inactive from 2003 until late 2013. During this decade, there was a total of \$36,000 budgeted for the ethics board. According to the

⁴⁰ (Ga Laws 1956, p. 1203, as amended)

Comprehensive Annual Financial Reports for that period only \$3,000 was spent.

<u>DeKalb County Ethics Board Budgets</u>				
	Budgeted Amount		Actual Amount	Variance With Final
	Original	Final	(Budgetary Basis)	Budget Over (Under)
<u>2003</u>	\$2,000	\$2,000	—	(\$2,000)
<u>2004</u>	\$2,000	\$1,000	\$1,000	—
<u>2005</u>	\$2,000	\$2,000	—	(\$2,000)
<u>2006</u>	\$2,000	\$2,000	—	(\$2,000)
<u>2007</u>	\$2,000	\$2,000	—	(\$2,000)
<u>2008</u>	\$1,000	\$1,000	—	(\$1,000)
<u>2009</u>	\$1,000	\$1,000	0	(\$1,000)
<u>2010</u>	\$1,000	\$1,000	\$1,000	—
<u>2011</u>	\$8,000	\$8,000	\$1,000	(\$7,000)
<u>2012</u>	\$5,000	\$5,000	—	(\$5,000)
<u>2013</u>	\$5,000	\$11,000	—	(\$11,000)
<u>2014</u>	\$118,000	\$215,000	\$71,000	(\$114,000)

According to former Director John Ernst, the Ethics Board became active in late 2013, after the indictment of CEO Burrell Ellis. For 2014, the budget was \$215,000, but only \$71,000 was spent. Recently, the board imposed a public reprimand on a county commissioner, which is the first such action the board has taken in over a decade.

In the 2015 Session of the General Assembly, Act 204 was passed. It was signed by Governor Deal on May 12 of this year. To become effective it must be approved by county voters in a special election on November 3, 2015. If Act 204 is approved, Ethics Board members will no longer be selected by the CEO and Commission.

The new board will be appointed as follows; one member by the DeKalb Bar Association from its membership; one member by the DeKalb County Chamber of Commerce who is not an attorney; one member by majority vote from the DeKalb County legislative delegation; one member by the DeKalb County Probate Judge; one member by Leadership DeKalb; one non-attorney member appointed by the six major universities and colleges located within DeKalb County (Agnes Scott College, Columbia Theological Seminary, Emory University, Georgia State University, Mercer University, and Oglethorpe University); and one member by the chief Superior Court judge.

SANITATION DEPARTMENT

A Sanitation Department employee was arrested, while on duty, for driving under the influence (“DUI”) of alcohol in a county vehicle, which was impounded after the arrest. The next day that vehicle was retrieved and, at a supervisor’s direction, the impound fee of \$140 was paid

using county funds. The employee pled guilty to DUI and resigned from the Sanitation Department. The next week he was rehired by the county.⁴¹

RADIO SERVICES

Fourteen county departments are serviced under one contract for the removal, installation and repair of two-way radio equipment on county vehicles. This contract was executed on August 21, 2014, and renews each year. The total contract price “shall not exceed \$2,400,000.” T-Mobile Communications (“MC”), was awarded the contract and charges the county \$850 to remove radio equipment from a vehicle and \$1,900 to install new equipment, for a total of \$2,750.

This contrasts with proposals of \$1,700 from Diversified Electronics of Marietta and \$1,500 from Atlanta Communications Company (“ACC”) for the very same work. Both companies are certified by Motorola, and there is no apparent operational reason to only utilize T-Mobile Communications. ACC is a well-known and respected vendor and does work for the State Patrol and other agencies.

The MC contract was presented to the Purchasing Department by the DeKalb County Police Department (“DKPD”) as a “sole source” request for work to be conducted. DKPD asserted MC was the “only company that could perform the necessary work.” Deputy Director of Purchasing, Yolanda Broome, told us this contract should have been advertised for bids.

There is a “termination for convenience” clause in the contract with MC. This would allow the termination of the contract with a thirty-day notice at the County’s convenience. This

⁴¹ This employee had been arrested a total of six times since 2001 according to police.

contract can also be terminated, with appropriate notice, at the end of every calendar year without cause. Ms. Broome told us that this contract should be terminated and re-bid.

ALLEGATION OF BRIBERY

An allegation of bribery was made involving county employees. This information is being provided to the Director of the Georgia Bureau of Investigation, along with a copy of all relevant materials.

CONCLUSION

The government of DeKalb County has failed. To be sure, the overwhelming majority of county employees work hard each day to lawfully perform their duties, but they do so in spite of top managers and elected officials who fail to understand the proper role of government and who have little ability or desire to lead.

Outside audits, management reviews and special investigations will not fix the problems with the governance of this county. Until reform-minded public officials, who have the courage to demand that change occur are elected, this dysfunction will continue to fester. And they must understand that the transformation starts with them.

Mr. May stated that “Public cynicism continues to grow as the stench of corruption and distrust permeates our air.” Assistant United States Attorney for the Northern District of Georgia Jeffrey Davis said “Corruption in DeKalb County is rampant, and its residents are frustrated and disheartened.” District Attorney Robert James called a former administration a “sewer of corruption.” We fully concur with each statement.

RECOMMENDATIONS

1] A new day-to-day supervisor for all county operations should be appointed, so the public's trust in the administration of DeKalb County can begin to be restored. He or she should be given full power and authority to manage all county departments.

2] The interim chief executive officer of DeKalb County should resign today to allow for a special election.

3] Take immediate steps to recover all funds that were spent in violation of state law, county policy or the Georgia Constitution. For expenses that were improperly charged, but only in violation of county policy, some form of amnesty should be offered if the funds are repaid.

4] All spending by commission members and their staffs should be posted on a public county website each week.

5] No purchase cards should be used and existing accounts cards should be closed.

6] The ordinance should be enforced that forbids department heads and elected or appointed public officers from borrowing money from subordinate employees or vendors. The sanction for this conduct, which includes removal from office or termination, should be enforced.

7] All records of expenditures should be kept for at least seven years.

8] State funds, appropriated by the General Assembly, should be the sole source of funding for the office of District Attorney. This will ensure that the circuit's chief prosecutor is free from actual, or apparent, undue influence by the county governing authority.

9] The BOC should determine why there is a delay in getting bills paid and what is needed to correct this problem.

10] All information with regard to illegal conduct should be reviewed by the attorney general and a grand jury to determine if there is probable cause to believe that crimes have been committed.

11] The County Attorney and the Finance Director, both of whom can only be removed from their positions for cause, should serve as “institutional whistle-blowers.” They have a duty to provide advice and direction to ensure that county officials and employees, at all times, operate within the law. A more aggressive stance by the county attorney could have prevented many of the acts of misconduct we found.

12] The current restriction in procurement policy on those who have sued the county should be eliminated.

13] The two-way radio repair and installation contract should be re-bid.

14] The CEO should enforce the Organization Act requirement that departments live within their annual budgets. The Act should be amended to remove the exemption of the sheriff, the district attorney, tax commissioner and clerk of superior court from this requirement.