



**Ethics Meeting Minutes**  
**Tuesday, January 23, 2024**  
**Joseph R. Robison Laurel Municipal Center**  
**Meeting Room #2**

The Ethics Commission (Commission) Meeting was called to order at 6:16 PM by Chairman James Hester.

Roll was called with Chair James Hester, and Commissioners Toni Drake and Tommy Skaggs in attendance. Alternate Lynne Sport arrived at 6:24 PM.

Also, in attendance were City Administrator Christian Pulley, Ethics Counsel Dennis Whitley, III, Human Resources Manager Melissa Klinger, Administrative Assistant II Laura Christoplos, Communications Department Head Audrey Barnes, and her husband Mr. Kenneth Brown.

The election of Chair and Vice Chair was postponed until all the Commissioners could be in attendance. Chair Hester added "Comments from the General Public" to the Agenda, Item #5, General Public Hearing. The Agenda was approved with those changes.

Discussion was opened in the matter of Director Barnes not reporting her media business on her 2022 Financial Disclosure Statement (FDS).

Chair Hester explained that, while the full FDS, which elected officials are required to fill out, is more in depth than the Simplified FDS, the Simplified FDS is still a legal document that deals with the appearance of a violation, as well as an actual violation.

The Commission felt that Director Barnes' company should have been mentioned in Section 3 of the Simplified FDS since it was established in 2022. Section 3 refers to potential or actual conflict of interest, or the appearance of a conflict of interest, in the past, present or future. They felt that Prestige of Office may also have been involved since there were images of the City Seal and City employees on her website, but with Director Barnes removing the City Seal and images of City employees from the website as soon as she was asked, for which the Commissioners thanked Director Barnes, the Prestige of Office question is no longer relevant.

Mr. Brown felt that the difference between the full FDS, which requires full disclosure of all business interests, and the Simplified FDS, which asks for anything that you **subjectively believe** may constitute a potential or actual conflict of interest is the key here. He feels that there may be a disconnect between the statute and what is in the Simplified FDS. He also felt that it was misleading that the instructions say that your response should be limited to the questions asked.

It was mentioned that there is a City policy about moonlighting and Director Barnes did not report her business to the City Administrator's Office either.

Director Barnes explained to the Commissioners that she answered "None" to Section 3 since she did not believe that there was a conflict of interest. She stated that she has not in the past, and will not in the future, do any work that poses a conflict of interest with her City of Laurel work.

Director Barnes described the series of events, actions and meetings that led up to this meeting. She also described an outside job that she had done, with permission from former Mayor Moe and former City Administrator Marty Flemion.

Director Barnes stated that she thinks Administrator Pulley has a conflict of interest in acting as the Executive Officer of the Commission while working through this process. She feels that Administrator Pulley should recuse herself from this process.

Director Barnes concluded her statement by respectfully asking the Commissioners for a swift decision in this matter so that her appointment can go forward.

Administrator Pulley thanked Director Barnes for her summation and stated that whenever there is an unresolved issue or pending matter, appointments cannot go forward until the issue is resolved.

Administrator Pulley also noted that the Chair of the Commission should not be contacted directly. All contact should go through staff.

Administrator Pulley said she did not need to recuse herself since she is not a voting member of the Commission. She is here to provide guidance and support, which is what she has been doing. It is part of her job to bring conflicts of interest or ethics violations to the attention of the Commission.

Mr. Brown stated that if Director Barnes did any work that might create questions or conflicts of interest, she would come before this Commission for advisement. He stated that Director Barnes was forthright and cooperative when this was brought to her attention. He is not sure why it came to this point.

When Administrator Pulley met with Director Barnes and Ms. Klinger on January 4, 2024, she asked Director Barnes to write a statement about why she did not disclose the business on her 2022 FDS. Administrator Pulley put the statement in Director Barnes' file and notified the Chair of the Commission. As City Administrator, it is Ms. Pulley's job to report any possible conflicts of interest to the Commission.

Commissioner Drake stated that there are two issues here:

1. The issue of the photographs on Director Barnes website, which were removed. That is fine.
2. The voluntary disclosure. This issue was not addressed in a satisfactory way.

Director Barnes and Mr. Brown were focused on the language in Section 3 about **believing** that something may constitute a conflict of interest but were ignoring the part of the question about appearance of past, present, or future conflict of interest regarding current or future duties. Since Director Barnes is the Director of Communications and Media, and her company is a media company, wouldn't she think that there might be an appearance of a conflict of interest since they are both in the same realm? In which case, it should be reported.

In the past instance, Director Barnes went to the Mayor and City Administrator and asked for approval. In this instance, it would have been the prudent thing to either ask for an advisory opinion or include it in the FDS, since her position and her company involves the media.

Director Barnes said that was why she reached out to Chair Hester.

Chair Hester clarified what an advisory opinion involves. As an expert in media and messaging, Director Barnes should have been able to understand that an ordinary citizen might see a conflict for a media director to start a private media company. That is the time to ask for an advisory opinion.

The way to do that is to request, in writing, an advisory opinion. One could say that they are thinking about starting a media company and could see that there might be the appearance of conflict of interest. Then send the written request through the chain of command, in Director Barnes' case, to the City Administrator, who would give it to the Commission.

The Commission would then meet to discuss it. They might invite Director Barnes in to discuss it with them. Then they would issue a written advisory opinion which has the force of law. After that, as long as Director Barnes stays within the parameters of the opinion and complies with any requirements in the opinion, she is inoculated against the appearance of conflict of interest.

Appearance is equal to actual for ethics concerns under state law.

Mr. Brown felt that Administrator Pulley should have suggested that Director Barnes get an advisory opinion. He also suggested using the same wording on the Simplified FDS as on the full FDS.

Both Mr. Brown and Director Barnes felt that it was just a misreading of the intent of the question by a lay person.

At 7:23 PM, the Commission voted to go into executive session for legal advice per State Law.

At 7:54 PM, the Commission came out of executive session and restarted the open meeting. No decisions were made during the Executive Session.

There was no feeling that there was anything severe, but there is the open question of how to fill out the Simplified FDS. The Commission felt that it was relatively clear that Director Barnes' company should have been mentioned, since it was incorporated in 2022, and there was a website.

This does not imply that there was an actual conflict of interest, but there is the potential for an appearance of conflict.

The Commission did not talk about issuing any kind of penalties. They did ask that Director Barnes submit a letter to the Commission, through the City Administrator, to amend her 2022 FDS. Simply saying "I would like to amend my 2022 FDS Section 3 to record that I had started a corporation, even though there was no activity in 2022." Then have that letter physically stapled to her 2022 FDS to correct the deficiency.

The Commission does recognize that the wording could be improved and will be looking at making changes for the 2023 FDS. They also took note that Director Barnes was planning to include this on her 2023 FDS, indicating that this was not something that was being hidden.

In the future, the Commission wants to encourage employees to ask for an advisory opinion beforehand. Chair Hester suggested that Director Barnes take some of her own staff aside and mention that they should read through the Ethics Ordinance, due to its importance.

Commissioner Drake made a motion, with wording provided by Counselor Whitley, to continue the meeting to allow Director Barnes to amend her 2022 FDS in the form of a letter to the City Administrator, which will be presented to the Commission for their review. The process will be done in as timely a manner as possible.

The motion was seconded and passed by unanimous voice vote.

The meeting was adjourned at 8:02 PM on January 23, 2024.