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Clayton County Commissioners

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CLAYTON COUNTY BOARD OF ETHICS

Guidelines for Submitting an Ethics Complaint Form

The Clayton County Code of Ethics is defined in [County Ordinance No. 2014-288](#). The Code of Ethics sets forth the standards of ethical conduct that shall apply to relevant officials and employees in the discharge of their public duties, and to comport with the object of protecting the integrity of County government.

If you believe the Clayton County Code of Ethics has been violated, you may prepare and submit to the Clayton County Board of Ethics an [Ethics Board Complaint Form](#), which is available online at the County Board of Ethics website and from the Clayton County Clerk of Commission. The person who submits a Complaint Form is called the **Complainant**.

Please note:

1. Per the Ordinance, a Complaint Form must be submitted **“not more than 60 days from when the Complainant first becomes aware/suspects a possible violation has occurred.”**
2. Per the Ordinance, **not all employees or elected County officials are subject to the Code of Ethics.** Specifically excluded are **employees under the jurisdiction of the civil service system, and constitutional officers:** Clayton County Sheriff, Tax Commissioner, Probate Court Judge, Clerk of Superior/Magistrate Courts, Clerk of State Court, and District Attorney.
3. Complete the Complaint Form carefully, attaching any additional pages as necessary. Per the Ordinance, **“All complaints shall include all available supporting evidence and documents.”** In filling out the Complaint Form, the Complainant must explain, in writing, the exact nature of the alleged ethics violation, giving names, date, times, and other factual details. As well, the Complainant must specifically cite the ethics standard(s), as set forth in the Ordinance, which the Complainant believes may have been violated. The standards are:

Sec. 70-63 **Impartiality.** Sec. 70-64 **Acquiring an Interest.** Sec. 70-65 **Abstention.**
Sec. 70-66 **Representation.** Sec. 70-67 **Incompatible Employment.** Sec. 70-68 **Nepotism.**
Sec. 70-69 **Confidential information.** Sec. 70-70 **Disclosure.** Sec. 70-71 **Rewards or Gifts.**
Sec. 70-72 **Zoning.** Sec. 70-73 **Campaign Contributions.** Sec. 70-74 **Theft/Misuse of County Assets.** Sec. 70-75 **Duty to Report.**

Please read the Ordinance ethics standards carefully. For assistance in understanding them, you may wish to review related online videos available on YouTube, seek a definition in a dictionary of legal terms, or consult a legal authority. The Board of Ethics cannot respond to complaints about ethical standards other than the standards identified in the Ordinance.

Additionally, to ensure an impartial and fair consideration of each Ethics Complaint based on the information made available to the entire Board of Ethics in the Ethics Board Complaint Form, no member of the Board of Ethics shall communicate in person, or by phone, text message, mail, or email,

with a prospective or actual Complainant beyond the process established by the Ordinance.

4. **The Complaint Form must be notarized.** Do not sign the Complaint Form until you are with a Notary Public. Notary Public services are available at some banks and legal offices, and during regular business hours at the Board of Commissioners offices at 112 Smith Street, Jonesboro.
5. Submit the notarized Complaint Form and all related documents to the Clayton County Clerk of Commission. You may do this either in person, via US Mail, or via delivery service to:

**Clerk of Commission
Clayton County Board of Commissions
112 Smith Street
Jonesboro, GA 30236**

You may also submit an Adobe file scan of the Complaint Form and related documents via email to ethical.complaints@claytoncountyga.gov

6. Per the Ordinance, an Ethics Complaint Form cannot be submitted anonymously.
7. Per the Ordinance, if you submit an Ethics Complaint Form, you may be required to appear before the Board of Ethics.
8. Per the Ordinance, "All evidence and documents submitted as part of a Code of Ethics violation complaint shall become public record and property in accordance with the Open Records Act. The Board of Ethics may proceed with processing a complaint based on material and evidence whether the Complainant opts out of the process or not."
9. Acknowledgement of receipt of the Complainant's Complaint Form will be made to the Complainant by the outside counsel serving the Clayton County Board of Ethics.
10. Per the Ordinance, the Board of Ethics will convene for a closed meeting within 30 days of receipt of the Ethics Complaint Form to review the complaint per the Ordinance, Sec. 70-80.
11. If, after reviewing the complaint, the Board of Ethics by majority vote determines, on the basis of the Complaint Form and related documents submitted, that no good or sufficient cause exists for a determination that a violation exists, the Board of Ethics may dismiss the complaint and report such dismissal and the details of the complaint to the Board of Commissioners.
12. Upon initial review of the complaint, if the Board of Ethics determines that good and sufficient cause exists that a violation has occurred, the Board of Ethics shall conduct an investigation that includes a public hearing.
13. If the Board of Ethics concludes its investigation with the determination that a violation has occurred, the Board of Ethics may make a recommendation or recommendations to the Board of Commissioners, including sanctions as set forth in the Ordinance, Sec. 70-76.
14. If the Board of Ethics finds evidence of criminal wrongdoing the matter shall be referred to the District Attorney of Clayton County or other such appropriate prosecutorial office for review.

IMPORTANT NOTE: These Guidelines are offered for informational use only, and do not fully represent the complete County Ordinance No. 2014-288 or the complete Clayton County Code of Ethics. Should any discrepancy exist between these Guidelines and the County Code of Ethics, the official County Code of Ethics shall prevail.

June 11, 2019