

PROSECUTING ATTORNEYS QUALIFICATION COMMISSION

State of Georgia

Open Special Meeting Minutes

Tuesday, August 27, 2024 12:00pm Walton County Government Bldg
303 Hammond Drive

This special meeting of the Investigative Panel of the Prosecuting Attorneys Qualification Commission of the State of Georgia was held at the Walton County Government Building at 303 Hammond Drive, in Walton, GA. District Attorney Randy McGinley Chaired the meeting and Mr. Heap served as Recording Secretary.

**Investigative Panel
Members Present:**

District Attorney Randy McGinley, Chairman
Joey Cowart, Vice Chairman (virtual)
Judge John Ott, Member
Steve Scheer, Member (virtual)
Mr. Jason Saliba, Member (virtual)

Members Absent:

Joey Cowart, Vice Chairman (court conflict)
Steve Scheer, Member (court conflict)

**PAQC Staff Members
Present:**

Mr. Ian Heap, Executive Director (virtual)

Chairman's Comments:

Chairman Randy McGinley called the meeting to order and determined that a quorum of the Panel was present.

A motion to adopt the open meeting minutes from the regular July 02, 2024 Investigative Panel was called by Judge Ott and seconded by Jason Saliba. The motion passed unanimously.

Director's Report:

Initiated contact and sought counsel: Representative Bill Hitchens, Chairman, Appropriations: Public Safety Subcommittee; Rebecca Sullivan, Commissioner of the Department of Administrative Services (DOAS); Clarence Ingram, Deputy State Purchasing Officer, DOAS; Stephanie Beck, Deputy Director, Governor's Office of Planning and Budget; Courtney Veal, Director of the Judicial Qualifications

Committee (JQC); Cynthia Clanton, Director, Georgia Judicial Council's Administrative Office of the Court; David Emadi, Executive Director Georgia Ethics Commission; Pete Skandalakis, Executive Director, Prosecuting Attorneys' Council of Georgia (PAC); Chris Jones Chief Financial Officer PAC; Robert Smith, General Counsel PAC; Carl Chery, Senior Systems Administrator;

Set up infrastructure: Solicited bids for IT setup and services from 2 private providers, Georgia Technology and Speros; Applied for a .gov domain (both PAQC.gov and PAQCGA.gov); Set up temporary email address to migrate from my PACGA.org email (PAQCtemp@outlook.com); Rented PO Box (463 Johnny Mercer Blvd B-7, Box 318, Savannah GA 31410); Contracted for 3 cell phones; purchased an administrative vehicle; Identified potential office space (reconsidered based on physical security) walk through scheduled for 3 new potential options

Created FY 2025 and 2026 budgets. FY 2025 is on revision 7. 2026 is due September 1, as is any request for amended FY 2025 budget.

Tech issues: I do not believe it is wise to use PAC for tech. Our email and database would be open to them, and while most of our email is available to anyone via open records, some is protected by various privileges and exclusions. I solicited bids for IT setup and services from two private providers, Georgia Technologies and Speros. Both are approved State vendors. Speros has provided timely proposals. Georgia Technologies provides IT services to Bulloch County government and the Ogeechee Circuit DA's Office, among others, but was unable to provide even a quote at the time of this meeting despite almost one month of documented phone conversations and email exchanges with their CEO. I have therefore elected to contract with Speros, but that process has been complicated by the requirement to have contracts vetted by and paid through PAC. I anticipate those contracts to be in place early next month. Once those contracts are in place, secure email, secure cell phone apps for all employees and panel members, and work computers for employees should follow quickly. Web design will be rolled out in two phases, first a public information site, followed by the ability to submit complaints directly through the site.

Review of our status as a program attached to an agency (PAC) for funding and certain administrative services: What I was planning on discussing with PAC was us being a totally separate entity, and simply having the money passed through, so that I could fulfill my statutory duty of creating administering a budget. After speaking with all the people listed above it appears that that is not a viable option. There has to be separation of roles for checks and balances and there is a reason why smaller agencies are attached to larger agencies. It appears for the short term that PAC is going to have to at least handle HR, accounts payable, accounts receivable, and purchasing. That doesn't mean they make decisions but again it will have to go through them for oversight and also because of the appropriations legislation. The PAC will not fulfil this role without our paying them 10% of our budget. This rate is consistent with PACGA's indirect cost rate established through CFR 200.414(f) that allows for a 10% de minimis rate. PACGA has elected to utilize and consistently apply the 10% de minimis rate for any Federal and non-Federal funding awards where PACGA services are provided. Figuring all this out, trying to find ways around it, and trying to negotiate a lower rate took significant time. We need a legislative fix if we want to get detached from PAC. I naively believed we could be stand alone, but now believe we must be attached to a larger agency with a larger administrative staff. A major issue in choosing a different entity is not knowing whether we are judicial or executive branch. If we are Judicial, or decide to "caucus with" the Judicial branch, Courtney Veal with JQC is very happy with the Administrative Office of the

Courts. She shared her MOU, and they only charge \$32k for all their services v PAC's 10%. Conflict of interest discussion- why is there a conflict with the PAQC and PAC but not with the JQC and the AOC? Because the AOC does not answer to a Council made up of Judges.

Requesting authority to hire an Executive Assistant. First, what is the actual procedure for hiring? Our enabling statute tasks the investigative panel with authorizing such additional staff as the Commission deems necessary to carry out the powers of the commission, and our rules list among the Director's powers and duties to employ, with the investigative panel's approval, and supervise other members of the Investigative Panel's staff. So although statutorily you are only required to authorize (or not) my hiring of an Executive Assistant, our rules have a different standard, that of approval. The Chairman has suggested that the Investigative Panel would need to vote to empower me to make a hire, but would delegate the decision of who to hire to me. Again, that is a suggestion that is on the table. Second, would I be authorized to hire an Executive Assistant v an Administrative Assistant? An administrative Assistant usually has lower lever duties and thus lower required qualifications. Per the State pay scale Administrative Assistant positions top out in the \$70k range. Executive Assistants handle higher level responsibilities and require more training and prior experience. Both PAC and the JQC have Executive Assistants. Courtney Veal at the JQC fought to have her assistant so classified, and provided me with supporting data via email. I based a \$93K salary on the JQC position (although Barbara holds more qualifications and has more experience). \$93k fits well within my draft proposed budget current version. Third is the specific person I intend to hire. Even if generally you decide that you will exercise your statutory duty to simply authorize as opposed to the rule which suggests approval, I would still not hire without making a disclosure. Barbara is thoroughly qualified to assist me in getting the office up and running and keeping it running. Barbara was the Office Manager/HR director for my wife in her two terms as DA of the Eastern Judicial Circuit, and then came on as the Office Manager in the Brunswick Judicial Circuit's DA's Office when I came on as the Chief Assistant ADA. I left the BJC after a little over a year. Within just the past few months there is an issue in the press reference a budget shortfall in that office with attendant Couty Commission involvement. So before you voted I wanted to make sure you were aware there may come a question in private or in public why we or I would hire an Executive Assistant who was the Office Manager for an office that ran over budget and got crossways with one of their county commissions. I would not ask to hire her without disclosing all this, nor would I ask to hire her if I was not confident in both her ability to perform the job as well or better than any other available candidate and in her being factually in the clear in regard to the current financial issues in the BJC DA's Office. The Accountant for the BJC DA's office was fired for the budget shortfall. Barbara later resigned, with notice given 7/25. I have a copy of her separation paperwork signed by DA Keith Higgins that lists it as a resignation and includes a recommendation for rehire. Since her resignation the current Chief Assistant who took over when I left has tendered his notice, and Keith has terminated his own Executive Assistant. Having reviewed the issue carefully I am satisfied Barbara is clear malfeasance, malice, or direct responsibility for the budget shortfall or the issues with the Glynn County Commission. This can be corroborated through budget spreadsheets, the BJC DA's SOPs delineating job responsibilities, checks and balances, her separation paperwork, and a memo I asked her to prepare.

Entered executive session

Exited executive session, reported that in executive session was discussion of hiring Executive Assistant, hiring Investigator, office space leasing, and legal matters (Judge not granting summary judgement).

Vote to authorize hiring of Executive Assistant at or below number in proposed budget. Passed unanimously.

Vote to authorize advertising of Investigator at salary commensurate with experience and hiring of investigator at or below number in proposed budget- passed unanimously.

Office Space- voted to authorize Director to contract for 300 Drayton street, caveat if consistent with what the State pays for rental space.

Director was instructed to ask Charles Boring to provide an update on litigation for next meeting.

Tech Support-

Panel agreed using an outside vendor is preferred.

Clarify Interaction with the Adjudication/Hearings Panel

Prior to any individual cases Director will communicate with Presiding Member of the Hearing Panel. Director will provide updates. Director and/or staff will provide any administrative support the Hearing Panel asks for. That would include setting up Hearing Panel meetings if requested, publishing notice, etc. We will from time to time have full commission meetings to deal with subjects such as proposed changes to the PAQC rules. We will assist in filing for reimbursements for travel, per diem, etc. We have budgeted funds for the HP to contract for a staff attorney/clerk if you need one for a hearing or hearings, but will leave the selection of that individual up to the Hearing Panel. We have also budgeted for a court reporter for hearings. We will provide an app to install on HP cell phone or computer to handle all PAQC communications, so they will be segregated from other work or personal communications, and phone or text logs can be provided pursuant to open records or lawsuits without reference to other communications. We will provide a secure, archivable, searchable email address with either a @PAQC.gov or @PAQCGA.gov domain once that gets approved.

Propose Methodology for Updating the PAQC Rules: Rules changes must be voted on by entire Commission, both Investigative and Hearing Panel. Prior to full Commission meeting Commissioner will propose amendments, panel members will have option to propose additional or alternate amendments, then proposed amendments will be debated and voted on at full meeting.

Legislative goals and lobbying- We will ask for subpoena power. We will ask for exemption from firearms restrictions. We will consider asking for investigator post certification or other methods of obtaining search warrants for medical records in light of Gates v. State, S23A1158 (12/19/23). We may ask to be attached to a different agency, may ask for clarification of roles in enabling statute, may coordinate with JQC on one or more issues. We will not have a professional lobbyist (should not spend public funds for lobbying for more public funds, even if that is a small portion of what we would be lobbying for). Panel members will do some communication with legislators, and will provide introductions for Director.

Set dates for September and October Meeting- no consensus reached, Director will send out poll for next date.

There being no further old or new business for discussion, Mr. McGinley motioned to adjourn at 6:00pm and was seconded by Mr. Saliba.

These minutes were approved by the Investigative Panel of the Prosecuting Attorneys Qualification Commission.