



**PROSECUTING ATTORNEYS QUALIFICATIONS
COMMISSION**

2025

ANNUAL REPORT

www.paqcqa.gov

EXECUTIVE SUMMARY

The Prosecuting Attorneys Qualification Commission (hereinafter “PAQC” or “Commission”) issued our first annual report in December 2024, for the 2024 calendar year. The PAQC had only been operational for a few months. This report covers a full calendar year of operations. Since the issuing of the 2024 Annual Report, the PAQC has seen an increase in caseload, secured permanent office space, hired another investigator, returned approximately one quarter of FY2025 appropriations to the State’s General Fund, and has been moved from the Prosecuting Attorney’s Council (PAC) to the Administrative Office of the Courts (AOC) for the purposes of appropriations (funding) and administrative attachment. The main challenges we currently face are the lack of investigative authority (primarily subpoena power) and our current confidentiality conditions.

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MANDATE

Pursuant to PAQC Rule 2.3* “Educating the public, bar, and prosecuting attorneys should be an integral part of the enforcement function. Distribution of a detailed annual report is essential to this purpose. To fulfill its educational function, the annual report should contain: a description of the Commission’s purpose and function, basic statistics, descriptions of proper and improper prosecutorial conduct, a discussion of the cases decided during the year including private sanctions (without identifying the prosecuting attorneys), an explanation of any recommendations for changes in procedure or in the Georgia Code of Conduct for Prosecuting Attorneys, and an explanation of how to bring a matter before the Commission. The annual report should be widely distributed and available on the Commission’s website.

COMMISSION’S PURPOSE AND FUNCTION

Pursuant to the Constitution of the State of Georgia, Article VI, Section VIII, Paragraph II, any district attorney or solicitor-general may be disciplined, removed, or involuntarily retired as provided by general law. O.C.G.A. § 15-18-32* is the general law establishing the PAQC as the mechanism by which this is to be carried out.

The PAQC consists of eight Commissioners, appointed by the Governor, Lt. Governor, Speaker of the House, and Senate Committee on Assignments. The PAQC has the statutory responsibility to administer the discipline and incapacity system for elected or appointed District Attorneys and Solicitors General. Anyone with knowledge of evidence of any of the seven statutory bases for discipline or removal can file a complaint with the five-member Investigative Panel regarding allegations of misconduct or allegations of incapacity. The Investigative Panel employs a Director and staff to screen, investigate, and make recommendations concerning these complaints. The Investigative Panel may dismiss the complaints, resolve them by consent, or cause the Director to file formal charges with the three-member Hearing Panel. The Hearing Panel presides over the “trial” of the case and either dismisses the charges, resolves them by consent, or imposes appropriate sanctions, up to removal from office.

* See ‘References’ on last page for links to the PAQC Rules, O.C.G.A. § 15-18-32, etc.

COMMISSION STRUCTURE AND COMPOSITION

The Commission consists of three distinct parts. There are two commission panels, the Investigative Panel and the Hearing Panel. All panel members are appointed and serve without pay. The third part is staff, who are hired as full-time employees.

O.C.G.A. § 15-18-32* sets forth the number of commissioners, required qualifications, and appointing authorities for each. The initial terms for each position range from one to four years, followed by full four year terms. No commissioner can serve more than two full terms. The varying initial term lengths allows staggered commissioner turnover, smoother transitions, and retention of institutional knowledge. Each year of the terms run from July 1st through June 30th, tracking Georgia's fiscal year.

For FY 2026 the Commissioners remain the same. Investigative Panel Commissioners Randy McGinley and Joey Cowart have been reappointed to full terms, as has Hearing Panel Commissioner Bobby Christine. Per 15-18-32(d)(3)(B) the Investigative Panel members shall annually elect a Chairman and Vice Chair. For FY2026 Vice Chair Joey Cowart declined renomination as Vice Chair. The Investigative Panel re-elected Randy McGinley as Chairman and elected Jason Saliba Vice Chair.

INVESTIGATIVE PANEL	Name	Appointed by	Initial Date of Appointment	Initial Term Expires	Reappointed	Term Expires
Chairman	Randy McGinley	Lt. Gov. Burt Jones	9/4/2023	7/1/2025 (2 years)	7/1/2025 (4 years)	7/1/2029
Vice Chair	Jason Saliba	Senate Committee on Assignments	9/4/2023	7/1/2026 (3 years)		
Immediate Past Vice Chair	Joey Cowart	Speaker Jon Burns	7/7/2023	7/1/2023 (1 year)	7/7/2024 (4 years)	7/1/2028
Commissioner	John Ott	Gov. Brian Kemp	9/4/2023	7/1/2026 (2 years)		
Commissioner	Steve Scheer	Speaker Jon Burns	7/7/2023	7/1/2027 (4 years)		

HEARING PANEL	Name	Appointed by	Initial Date of Appointment	Initial Term Expires	Reappointed	Term Expires
Presiding Member	Bobby Christine	Senate Committee on Assignments	5/3/2023	7/1/2024 (1 year)	7/1/2024 (4 years)	7/1/2028
Commissioner	Howard Simms	Speaker Jon Burns	7/17/2023	7/1/2026 (3 years)		
Commissioner	Herb Cranford	Gov. Brian Kemp		7/1/2026 (3 years)		

* See REFERENCES section on last page for links to the PAQC Rules, O.C.G.A. § 15-18-32, etc.

COMMISSIONERS OF THE INVESTIGATIVE PANEL



Randy McGinley Chairman, Investigative Panel

Appointed by Lt. Governor Burt Jones



District Attorney Randy McGinley has been a prosecutor since graduating law school in 2011. Prior to law school, Randy graduated from Georgia Tech in 2004 and ran his own business before attending law school. Randy previously served Walton and Newton Counties as the Chief Assistant District Attorney under then DA Layla Zon. Randy has handled every type of criminal case throughout his career. He has tried everything from a DUI to drug trafficking to numerous murders, including a 1988 cold case murder. Randy has also tried numerous crimes against children as well as high profile white collar racketeering cases.

Randy lives in Walton County with his wife, Charly, and two daughters. He is a member of the Loganville Rotary Club, the Newton County Bar Association, the Walton County Bar Association, and is a Board Member for A Child's Voice Child Advocacy Center. He works closely with law enforcement on daily basis and trains law enforcement and prosecutors locally and throughout Georgia. In July 2025 Randy was named District Attorney of the Year by his colleagues in the District Attorneys' Association of Georgia.

Jason Saliba

Vice Chairman, Investigative Panel

appointed by the Senate Committee on Assignments



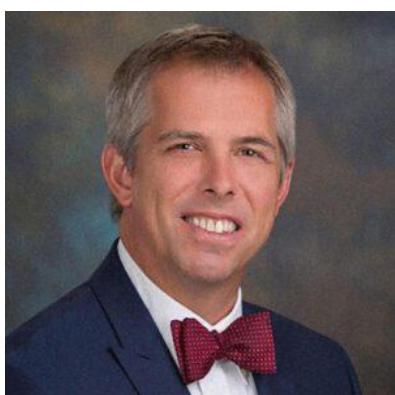
Jason Saliba is the Chief Assistant District Attorney for the Paulding Judicial Circuit. Jason is a career prosecutor, previously served as the Deputy Chief Assistant District Attorney for Cobb County where he oversaw narcotics and organized crime, grand jury, juvenile court, officer misconduct, and officer use of force cases. He serves on the Smyrna Downtown Development Authority and is a member and past chair of the boards of LiveSafe Resources and Cobb Safety Village. Jason is an alumnus of Leadership Atlanta, Leadership Cobb, and the Honorary Commanders program.

Jason focuses his volunteer work on public safety and children and has served as co-chair of the ABA Parole and Probation Committee, President of the Metropolitan Marietta Kiwanis Club, and chair of the Cobb Youth Leadership program. He has also served as a legal observer to the terrorism detainee proceedings in Guantanamo Bay. He is a graduate of Auburn University and the Emory University School of Law.

Joey Cowart

Immediate Past Vice Chairman, Investigative Panel

appointed by Speaker of the House Jon Burns



A graduate of Georgia Southern University and the Walter F. George School of Law at Mercer University, Mr. Cowart has been practicing law in Statesboro, Georgia for over 28 years. During that time, he served as the Solicitor General of Bulloch County for 16 years. In 2017, he returned to the private practice of law, and during that time he has focused his practice upon the defense of those accused of committing criminal offenses.

Judge John Ott

Commissioner, Investigative Panel

appointed by Governor Brian Kemp



Having now taken Senior Judge status, the Honorable John M. Ott served as the Chief Judge for the Alcovy Judicial Circuit Superior Court since 2004. Prior to his judicial appointment in 1990, he was elected District Attorney of the Alcovy Judicial Circuit in 1985 and served for five years. Ott first joined the office as an assistant district attorney after graduating from law school in 1981 and was quickly promoted to chief assistant district attorney the following year. He received a B.A. in English from the University of Georgia in 1976. Then, after obtaining his teaching certificate in English, Ott spent one year as a teacher in the Bibb County Public School System before

completing a J.D. at Mercer University, Walter F. George School of Law in 1981. He was an appointed representative of the Superior Court judges on the State Council for the Interstate Adult Offender Supervision and the County and Municipal Probation Advisory Council. Ott was also chair of the Personnel Committee for the Council of Superior Court Judges (chair) and served as an administrative judge for the Tenth Judicial District of Georgia and on the Executive Council of Superior Court Judges and the Judicial Council of Georgia. He served on the Walton County Little League Board and was a Little League coach and a Newton County Recreation basketball and football coach. Ott was born in Macon, Georgia, one of seven children. His father, Bill Ott, was editor of the Macon Telegraph newspaper. The family eventually relocated to Ohio after his father transferred to run the Akron Beacon Journal Newspaper. During their time there, Ott graduated from Woodridge High School in Peninsula, Ohio.

Steve Scheer

Commissioner, Investigative Panel

appointed by Speaker of the House Jon Burns



Steven E. Scheer has practiced law in his hometown of Savannah, Georgia for over forty years. Mr. Scheer focuses on litigation, local government law, municipal law, plaintiff and defense civil litigation, personal injury law, wrongful death, criminal law, product liability, automobile and trucking accidents. and previously served as the. Mr. Scheer has an AV rating, is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers and is a Georgia Super Lawyer.

Mr. Scheer currently serves as the Municipal Court Judge of Tybee Island. He has previously served as Chairman of the State Ethics Commission, Chairman of the Jekyll Island Authority,

Special Ethics Counsel to the Georgia House of Representatives, and City Attorney of Pooler. He has served on Georgia's Judicial Nomination Commission, and on the U.S. Courts' 11th Circuit Advisory Panel. Steve is a lifetime member of the Peace Officers' Association of Georgia and has been recognized by the Georgia Sheriff's Association with their Meritorious Service Award.

COMMISSIONERS OF THE HEARING PANEL

Bobby Christine
Presiding Member, Hearing Panel
appointed by the Senate Committee on Assignments



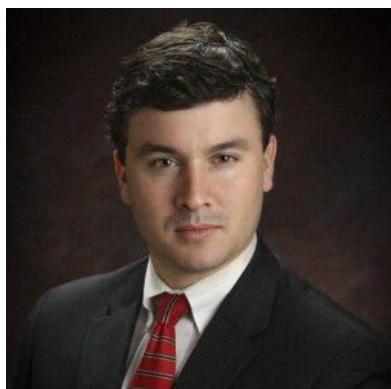
Bobby Christine serves as the first District Attorney of the Columbia Judicial Circuit. Prior to election Bobby served a term as the presidentially appointed U.S. Attorney for the Southern District of Georgia, and briefly as Acting U.S. Attorney for the Northern District. He is the only U.S. Attorney ever to lead two districts simultaneously. Immediately after law school Bobby was an Assistant District Attorney in the Augusta Judicial Circuit, followed by service as a Magistrate and Chief Magistrate for Columbia County while in private practice.

After Presidential nomination and Senate confirmation Bobby Christine assumed duties as The Judge Advocate General of the Army on 1 July 2025. An Army reservist since age 17, Bobby is a Major General in the U.S. Army National Guard. Prior to his appointment as the Judge Advocate General, he served at the Pentagon as Advisor to The Judge Advocate General and Assistant to the Director of the Army National Guard, and was the senior uniformed lawyer for the Army Guard across America and its territories.

Herb Cranford

Commissioner, Hearing Panel

appointed by Governor Brian Kemp



John Herbert “Herb” Cranford Jr. is the District Attorney for the Coweta Judicial Circuit, comprised of Carroll, Coweta, Heard, Meriwether and Troup Counties. Herb was born and raised in Coweta County and is a third-generation prosecutor—his father and grandfather both having previously served as Solicitor General of Coweta County. After graduating from Newnan High School, he obtained a Bachelor of Arts in Religion from the University of Georgia in 2008 and a Juris Doctor from Mercer University’s Walter F. George School of Law in 2012. During law school, Herb worked as a judicial clerk for the Hon. W. Homer Drake, Jr. of the United States Bankruptcy Court for the Northern District of Georgia and then as an intern for the Coweta Circuit DA’s Office.

Upon graduating law school in 2012, Herb was hired as an Assistant District Attorney in the same office, working in Carroll County and Coweta County. In February 2018, Governor Nathan Deal appointed him as District Attorney to fill the remainder of his predecessor’s term. He has been elected twice in 2018 and 2020. During his career he has successfully prosecuted a variety of crimes, including rape, child molestation, and murder. He has received particular recognition for his focus on prosecuting criminal street gangs, including obtaining the first guilty verdict in a gang trial in the Coweta Judicial Circuit.

By appointment of the Supreme Court of Georgia, Herb has served on the State Bar’s Disciplinary Board since 2021. By election of his fellow Georgia District Attorneys, he currently serves as the Treasurer for the District Attorneys’ Association of Georgia and the Georgia representative to the National District Attorneys Association.

Judge Howard Z. Simms

Commissioner, Hearing Panel

appointed by Speaker of the House Jon Burns



Having now taken Senior Judge status, the Honorable Howard Z. Simms served as the Chief Judge for the Macon Judicial Circuit Superior Court. Judge Simms was elected to the bench in 2010. The Macon Judicial Circuit is comprised of Macon-Bibb, Crawford and Peach Counties. Prior to his election, Simms worked for over nine years as the District Attorney for the Macon Judicial Circuit and was an assistant district attorney for twelve years before that. During his tenure there, he prosecuted all manner of felony cases and spent time as a juvenile prosecutor before transitioning into general felonies and narcotics. Simms later became a gang and violent crimes prosecutor and served as chief of the office's appellate division for over ten years.

He received a bachelor's degree from Mercer University in 1984. Simms went on to complete a J.D. at Mercer University, Walter F. George School of Law in 1988.

He was admitted to practice in Georgia (1988), the Court of Appeals of Georgia, the Georgia Supreme Court, and the United States District Court for the Middle District of Georgia.

His memberships have included the Macon Bar Association, the State Bar of Georgia, the District Attorneys Association of Georgia (past president), and the William Augustus Bootle American Inn of Court.

In Memoriam

Stacey Jackson

Former Presiding Member, Hearing Panel

appointed by the Senate Committee on Assignments



Stacey Jackson, a distinguished former District Attorney for the Chattahoochee Circuit in Georgia, passed away in May 2024. His legacy as a dedicated public servant and skilled legal professional will continue to inspire generations to come. Born and raised in rural Harris County, Georgia, Jackson's upbringing instilled in him a strong work ethic and a deep respect for the law. Inspired by television shows like L.A. Law and Law & Order, he pursued a career in law, earning his undergraduate degree from Albany State University and his law degree from the University of Dayton.

Jackson's legal career was marked by his commitment to justice and his exceptional courtroom skills. As a prosecutor, he was known for his thorough preparation, sharp legal arguments, and unwavering dedication to protecting the community. His expertise and reputation led him to be selected as Presiding Member of the hearing committee for the newly formed Prosecuting Attorneys Qualifications Commission.

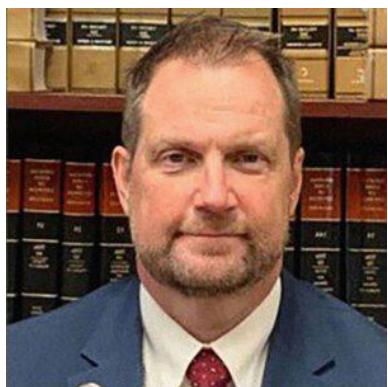
In addition to his professional accomplishments, Jackson was a beloved father and a respected member of the legal community. His passing has left a profound void—not least in the PAQC—and his memory will be cherished by all who knew him.

STAFF

We had planned to hire an additional investigator in FY2026, but due to the increasing caseload and some complaints proceeding to full investigations, we accelerated the process and hired Special Commission Investigator Nicole Magnani in June 2025. Greg Blackmon was promoted to Chief Special Commission Investigator. In December of 2025 we replaced our Executive Assistant, bringing Abigail Ramirez on board. Finally, the PAQC Investigative Panel has contracted with former Gwinnett District Attorney Danny Porter to act as Special Counsel on a part-time basis to review any matters in which the Director may have a conflict.

Ian Heap

Executive Director



Ian earned bachelor's degrees in History and Political Science from the University of Rochester before moving to Georgia, where he received his Juris Doctor from Emory University's School of Law in 1994. He then worked as a prosecutor in the Eastern Judicial Circuit (Savannah) for over 20 years. While there, Ian prosecuted countless cases including serious violent crimes, career drug dealers, narcotics conspiracies, and wiretap cases. He has tried over 100 jury trials and has argued in front of Georgia appellate courts. Ian also previously served as a Special Assistant Attorney General, an Assistant District Attorney in the Ogeechee Judicial Circuit, and the Chief Assistant District

Attorney in the Brunswick Judicial Circuit. Ian has considerable experience teaching criminal justice and political science for over 15 years as an adjunct professor at both Saint Leo University and Armstrong State University.

Ian has previously served as Legal Officer of the Multi-Jurisdictional Investigators' Association, Chairman of the St. John Academy Board of Trustees, and in several positions on the Olde Towne HOA Board. Ian has been married to his wife Meg for 27 years, and they have two sons, both currently in college. Ian is a member of Compassion Christian Church's Downtown Campus, where he serves on the Lighthouse team to "meet practical needs with dignity and compassion—providing food, clothing, and counseling to anyone in our community who needs a little light in a difficult season."

Gregory Blackmon

Chief Special Commission Investigator



Greg has over 17 years of practical knowledge in a law enforcement setting, supported by an educational background and diverse experience. Prior to his role as the Prosecuting Attorneys Qualifications Commission Investigator, his work experience in law enforcement includes being a patrol officer and detective with the Albany Police Department for five years and over 13 years as an investigator for the Dougherty County. Greg's investigation experience also includes serving as Chief Investigator for the Federal Defender's Office of the Middle District of Georgia and with the Federal Defender's Office of the Northern District of Alabama for approximately 13 years. As

Chief Investigator with the Federal Defender's Office, he was recognized as the National Investigator of the Year. Greg was also an adjunct Criminal Justice instructor for South Georgia Technical College. Greg is a graduate of Columbus State University with a master's degree in public administration, Albany State University with a bachelor's degree in criminal justice, and Darton College with an associate's degree in criminal justice. When we brought on a second Investigator, Greg was promoted to Chief Special Commission Investigator and made a supervisor.

Nicole Magnani

Special Commission Investigator



Nicole brings nearly a decade of hands-on law enforcement and investigative experience to her role as Special Commission Investigator. Her background spans patrol operations as a K9 handler, SWAT crisis negotiations, and leadership roles in recruitment, instructional design, and delivery. As a Senior Law Enforcement Instructor, Nicole has developed and delivered training across a wide range of subject areas and holds multiple advanced certifications. Her audience included frontline officers, law enforcement executives, and international police professionals, demonstrating her ability to translate complex concepts into practical, high-impact instruction. Nicole is also a

provider for the EQ-i 2.0 Emotional Intelligence Assessment. Nicole holds an associate degree in Criminal Justice and is completing her Bachelor of Science in Criminal Justice at the University of Cincinnati.

Abigail Ramirez

Executive Assistant



Abigail is an experienced Administrative and Client services professional with over seven years supporting high-volume, detail-oriented environments. Her background ranges from managing diverse caseloads, maintaining accurate digital and physical records to preparing written communication, coordinating schedules, and delivering high-quality customer service. She has worked across administrative, clinical, and client-support settings, consistently demonstrating strong organizational skills, confidentiality, professionalism, and the ability to streamlines processes while meeting the needs of both staff and clients. Her background is strengthened by her bilingual proficiency in English and Spanish.

Abigail holds a Master of Social Work from Savannah State University and a Bachelor of Social Work from Augusta University, reflecting her dedication to public service and ethical practice. Her academic foundation strengthens her commitment to integrity, accuracy, and supporting mission-driven work. She is passionate about contributing to environments that require discretion, structured documentation, and a high level of professionalism, bringing a steady, service-oriented approach to every role she fulfills.

Danny Porter

Special Counsel



O.C.G.A § 15-18-32 allows for a conflict attorney to be selected by the Investigative Panel to handle matters from which the Director has recused himself. In an abundance of caution the Investigative panel has contracted with Daniel J. "Danny" Porter to fill that role should the need arise. Danny graduated from the UGA School of Law in 1981 and began his legal career with the Gwinnett County District Attorney's Office. He was elected as Gwinnett District Attorney in 1992 and served through 2020. Danny has served as chairman of the Prosecuting Attorneys Council (PAC) and as a legislative liaison for prosecutors. While DA Danny created a Special Victims Unit and started a Survivors of Homicide support group. He also helped create an accountability court as an alternative to jail for low-level drug offenses and those who need mental health treatment and started a pre-trial diversion program for non-violent felonies.

HOW TO BRING A MATTER BEFORE THE COMMISSION

The PAQC investigates complaints. Anyone with knowledge of evidence of any basis for discipline or removal can file a complaint with the PAQC. The PAQC website is designed to guide the complainant through the process, making sure all the statutory requirements are met.

The PAQC operates pursuant to Official Code of Georgia (O.C.G.A.) § 15-18-32*, which sets out the grounds for discipline or removal, some limitations, and the requirements for a complaint.

O.C.G.A. § 15-18-32 states “In any complaint filed with the commission alleging a violation of subsection (h) of this Code section and requesting an investigation of an elected or appointed district attorney or solicitor-general, the complainant shall be required to file with the commission a sworn affidavit detailing the personal knowledge of the facts supporting the complaint, including any interest the complainant may have in the outcome of the case. The complainant may attach documents to support the complaint.”

Submitting through the website is free, and both the Complainant and the Commission will have documentation that the complaint was submitted, the date it was submitted, and what additional documentation was provided. We do understand that some people do not do well with computers, have limited access (especially those in jail or prison), or have issues requiring reasonable accommodation. Upon request we will mail out hard copy forms to fill out and return. This will limit the accountability and transparency of the process, and require postage.

The Commission is not designed to pick prosecuting attorneys and then investigate them to see if there is any reason they can be removed. The Commission is designed to respond to complaints. Individuals who have knowledge of a district attorney or solicitor general doing something prohibited, not doing something required, or being incapable of performing their duty because of a medical or psychological condition, can submit that information to the Commission in the form of a complaint. Prosecuting attorneys are required to review every individual case for which probable cause for prosecution exists and make a prosecutorial decision available under the law based on the facts and circumstances of each individual case. Accordingly, the Commission must review each complaint to determine if a basis for discipline or removal exists and then move forward based on the facts and circumstances of each case.

By statute, the complaint must include a sworn affidavit. This is a verification by the Complainant that the facts alleged in the complaint are true. This both creates a good faith basis for the Commission to investigate claims and offers some protection to non-culpable prosecuting attorneys from being investigated for fabricated allegations or rumors. Failure to include an affidavit was the principal reason most complaints submitted prior to the website going online were legally insufficient. To address this, the site will not accept a complaint without a .pdf attached in the affidavit section. There is an affidavit on the site which can be printed, taken to a notary public or other official authorized to administer oaths, sworn and signed, scanned and uploaded to the website. There are instructions on the website on how to scan a document with a smartphone using a free app. In one unique case, the PAQC investigator traveled to the Complainant to assist in notarizing the affidavit.

* See ‘References’ on last page for links to the PAQC website, Rules, O.C.G.A. § 15-18-32, etc.

GROUNDS FOR DISCIPLINE OR REMOVAL

Pursuant to O.C.G.A. § 15-18-32* the following are the statutory grounds for discipline of a district attorney or solicitor-general or for his or her removal or involuntary retirement from office:

- (1) Mental or physical incapacity interfering with the performance of his or her duties which is, or is likely to become, permanent;
- (2) Willful misconduct in office;
- (3) With respect to district attorneys, willful and persistent failure to carry out duties pursuant to Code Section 15-18-6;
- (4) With respect to solicitors-general, willful, and persistent failure to carry out duties pursuant to Code Section 15-18-66;
- (5) Conviction of a crime involving moral turpitude;
- (6) Conduct prejudicial to the administration of justice which brings the office into disrepute; or
- (7) Knowingly authorizing or permitting an assistant district attorney or assistant solicitor-general to commit any act constituting grounds for removal under paragraphs (1) through (6) of this subsection.

RESTRICTIONS ON GROUNDS OF COMPLAINT

Pursuant to O.C.G.A. § 15-18-32(i)(2) the commission may not entertain a complaint on the basis of a charging decision, plea offer, opposition to or grant of a continuance, placement of a case on a trial calendar, or recommendation regarding bond unless the affidavits and any documents attached to the complaint show it is plausible that the district attorney or solicitor-general made or knowingly authorized the decision based on:

- (A) Undue bias or prejudice against the accused or in favor of persons with interests adverse to the accused;
- (B) An undisclosed financial interest in the outcome of the prosecution;
- (C) An undisclosed conflict of interest;
- (D) Factors that are completely unrelated to the duties of prosecution; or
- (E) A stated policy, written or otherwise, which demonstrates that the district attorney or solicitor-general categorically refuses to prosecute any offense or offenses of which he or she is required by law to prosecute.

* See 'References' on last page for links to the PAQC Rules, O.C.G.A. § 15-18-32, etc.

POTENTIAL SANCTIONS

The following sanctions may be imposed upon a prosecutor who has committed such misconduct:

- (1) Private admonition by the Investigative Panel with the consent of the Prosecuting Attorney, provided that a private admonition may be used in subsequent proceedings as evidence of prior misconduct solely upon the issue of the sanction to be imposed, pursuant to Rule 4.1 D (1).*
- (2) Deferred discipline agreement;
- (3) Public reprimand by the Hearing Panel;
- (4) Censure by the Hearing Panel;
- (5) Imposition by the Hearing Panel of limitations on the performance of prosecutorial duties;
- (6) Suspension by the Hearing Panel, with such conditions and restrictions as deemed appropriate;
- (7) Removal or involuntary retirement from office by the Hearing Panel, which shall include a disqualification from being appointed or elected to the office of district attorney of any judicial circuit or to the office of solicitor-general of any county of this state for a period of ten years from the date of such removal or involuntary retirement;
- (8) Other appropriate disciplinary action.

OVERLAP WITH OTHER ENTITIES

Prior to the PAQC's establishment many other entities existed to address functions and conduct which covered elected district attorneys and solicitors general as subsets. For example, any other individual can be investigated by law enforcement, charged, and convicted for violating the criminal law, and former Paulding County District Attorney Donald Richard "Dick" Donovan and former Chattahoochee Judicial Circuit DA Mark Jones were investigated by law enforcement, criminally charged, and convicted by guilty plea for conduct committed while in office. Any attorneys in trial conduct is subject to review by appellate courts when an appeal is filed, including the prosecutor who takes direct part in the proceedings. Certain public officers are subject to the jurisdiction of the State Ethics Commission regarding raising, spending, and reporting campaign contributions, and again, elected district attorneys and solicitors general are a subset of that group. Other primary enforcement remedies exist within the enabling legislation for certain statutorily created rights, such as the Georgia Open Records law (Inspection of Public Records (§§ 50-18-70 — 50-18-78) and O.C.G.A. 17-17-1 et seq. (commonly referred to as

* See 'References' on last page for links to the PAQC Rules, O.C.G.A. § 15-18-32, etc.

“Marsy’s Law,” but formally known as the “Crime Victim’s Bill of Rights). In those cases, the PAQC is not designed to be an alternative method of enforcement.

The PAQC was not designed to replace the Georgia appellate courts in reviewing trial conduct, deciding facts, determining what evidence was and was not admissible. As already mentioned earlier, if an appellate court has examined the record and found no error, it is extremely difficult to demonstrate those actions are misconduct or conduct prejudicial to the administration of justice which brings the office into disrepute. A court’s finding of prosecutorial misconduct or vindictive prosecution, on the other hand, is evidence (of whatever magnitude) for the PAQC to consider.

The PAQC is not a law enforcement agency, and as pointed out elsewhere in this report, has no investigative powers. Any jurisdiction within Georgia has multiple law enforcement agencies (local, state, and federal) with jurisdiction, investigative powers, expertise, and personnel to conduct criminal investigations. PAQC Rule 3.1(D) deals with prosecutors who are themselves charged with criminal offenses and explains how the primary jurisdiction changes depending upon circumstances.

- (1)“Upon indictment of a district attorney or solicitor-general of a matter before either panel, the commission shall suspend its investigation or hearing pending the outcome of the procedure provided for in OCGA 45-5-6.” OCGA 15-18-32(i)(3).
- (2) When a district attorney or solicitor-general has been arrested, indicted, or accused of a criminal charge, which is not subject to the provisions of OCGA 45-5-6 (in other words, not an “indictment for a felony by a grand jury of this state or by the United States, which felony indictment relates to the performance or activities of the office of any public official”), regarding a matter before either panel, the Commission may proceed with its investigation or hearing.

The existence of these primary jurisdiction entities does not remove the need for the PAQC, as they do not directly address how a violation (of whatever magnitude) affects a prosecutor’s ability to continue to carry out their duties. Neither the existence of another potential legal remedy, nor the disposition of an action based on the same set of facts in another forum is a bar to action by a disciplinary commission, as *Inquiry Concerning Judge Coomer*, 315 Ga. 841, 859-860 (2023) dealt with campaign finance violations and cited a CFC consent order as proof of a violation of the Code of Judicial Conduct. The PAQC may, however, defer to a separate entity that has already dealt with a specific matter for either their findings, the sufficiency of their remedy, or both, or may refer a matter to another entity. There is nothing preventing the PAQC from initiating an original investigation into conduct at trial, campaign fundraising, commission of a crime, or any other area, but in taking into account expertise, allocation of resources, and deference to those with original jurisdiction, it is likely the PAQC will do so only if there is a situationally unique reason to do so.

COMPLAINT TRENDS

While each complaint is unique and deserves individual analysis, trends have emerged.

- Parents and grandparents with sons or grandsons in prison wanting to relitigate trial and appellate issues.
- Victims who feel left out of the process, some who don't understand the process, and others who allege violations of Marsy's Law.
- Defendants who want to stop their current prosecutions.
- Law Enforcement who claim to have been unfairly placed on a Giglio list.
- Victims complaining about the amount of time it takes to process cases.
- Defendants and their families complaining about waiting in jail too long before trial.
- Citizens or journalists reporting Open Records Requests (ORR) not being processed in a timely manner.
- Increase in complaints and other mail coming from jail and prison.

COMMON REASONS FOR DISMISSALS

While each complaint is unique and deserves individual analysis, trends have emerged in reasons complaints are dismissed.

- The complaint alleges misconduct by an assistant district attorney or assistant solicitor general and cannot be attributed to the Solicitor General or District Attorney. See 'Two Most Unpopular Restrictions' in next section (Page 18).
- The complaint alleges misconduct in years past. See 'Two Most Unpopular Restrictions' in the next section (Page 19).
- The complaint is against someone the PAQC has no jurisdiction over, such a municipal prosecutor, investigator, defense attorney, judge, or police officer.
- The complaint alleges case-specific misconduct which the courts have already reviewed and upheld. If an appellate court has examined the record and found no harmful error, it is extremely difficult to demonstrate those actions are misconduct or conduct prejudicial to the administration of justice which brings the office into disrepute.
- The complaint alleges case-specific exercise or discretion but has no allegation of facts revealing undue bias or prejudice, undisclosed financial interest, undisclosed conflict of interest, unrelated factors, or a stated policy categorically refusing to prosecute any offense of which they are required by law to prosecute. Per O.C.G.A. § 15-18-32 (i)(2)* the prosecutor is free to exercise discretion (even if their decision is disagreeable or "wrong") in case specific decisions absent certain restricted motivations. See 'Restrictions on Grounds of Complaint' (Page 14).

* See 'References' on last page for links to the PAQC Rules, O.C.G.A. § 15-18-32, etc.

TWO MOST UNPOPULAR RESTRICTIONS

The two restrictions on the PAQC's ability to administer discipline which are clearly most unpopular and misunderstood by both complainants and the general public are District Attorneys (DAs) and Solicitors General (SGs) not being directly responsible for actions of their assistants, and the PAQC not considering conduct prior to April 2024 (both restrictions have exceptions).

Actions of Assistants: One of the two restrictions which cause the majority of disagreement and anger is that the PAQC can only address the conduct of assistant district attorneys (ADAs) and assistant solicitors general (ASGs) in certain circumstances. Many complaints are against DAs or SGs based on actions of assistants. The PAQC has jurisdiction only over elected or appointed DAs and SGs, but not over their assistants. The DA or SG may be liable for the conduct of an assistant, and subject to discipline if the DA/SG were to knowingly authorize or permit an assistant to commit any act constituting grounds (if done by the DA/SG themself) for removal, but there must be evidence of "knowingly." The Georgia Code of Conduct of Prosecuting Attorneys* expands on this in Cannon 3, Rule 3.1 "Negligence will not constitute a violation"

Many complainants and other members of the public believe this is contrary to other Constitutional, statutory, and appellate authority. Their arguments can best be summed up by a block quote from McLaughlin v. Payne, 295 Ga. 609 (2014):

"The elected district attorney is not merely any prosecuting attorney. He is a constitutional officer, and there is only one such officer in each judicial circuit. Ga. Const. of 1983, Art. VI, Sec. VIII, Par. I (a). Under our State Constitution, "[i]t shall be the duty of the district attorney to represent the state in all criminal cases in the superior court of such district attorney's circuit . . ." Id. at Par. I (d). The elected district attorney appoints the assistant district attorneys, OCGA § 15-18-14, the assistant district attorneys serve only at his pleasure, and their authority is derived from him. OCGA § 15-18-19 (b). In a Georgia criminal prosecution, the whole proceeding, from the time the case is laid before the [district attorney] until the rendition of the verdict, is under the direction, supervision, and control of that officer, subject to such restriction as the law imposes. Counsel employed to assist in the prosecution of criminal cases can perform no duties as such except those agreeable to and under the direction of the [district attorney]. Jackson v. State, 156 Ga. 842, 850 (1923). This Court has recognized that "a Georgia district attorney is of counsel in all criminal cases or matters pending in his circuit. This includes the investigatory stages of matters preparatory to the seeking of an indictment as well as the pendency of the case." King v. State, 246 Ga. 386, 389 (1980)."

There are two reasons why this argument is unpersuasive. The first is that the PAQC is a statutory creation which can only exercise enumerated powers. The power to administer discipline enumerated in this instance is limited to only when the conduct is knowingly authorized and permitted. The second is that in Georgia, when two statutes appear to be in contradiction the "specific statute will prevail over a general statute, absent any indication of a contrary legislative intent." Griffin v. State, 374 Ga. App. 138, 141 (2024). While the authority in McLaughlin v. Payne speaks of general responsibility, O.C.G.A. § 15-18-32 speaks of

* See 'References' on last page for links to the Code of Conduct, PAQC Rules, O.C.G.A. § 15-18-32, etc.

responsibility in a very specific circumstance. The fact that the argument is unpersuasive does not change the fact that this is a major source of dissatisfaction for complainants and other members of the public.

Date of Conduct: The other restriction which is a cause of disagreement and anger is the commission shall not receive complaint submissions regarding misconduct in office that occurred prior to May 5, 2023 (now April 1, 2024), unless such alleged misconduct is related to a continuous pattern of conduct that continues beyond that date. This restriction and the date of May 5, 2023, are statutory, per O.C.G.A. § 15-18-32(n).* again, the PAQC can only exercise power enumerated in the statute creating it. The very actions that led Democrats in the House to introduce HB 1214 in 2020 and the Republicans to introduce SB 92 in 2023 are statutorily barred from PACQ consideration, as are parents claims of prior misconduct leading to allegedly wrongful convictions seven to ten years ago and the resulting lengthy imprisonment. The fact that they are statutorily barred does not seem to diminish the frustration of complainants and other members of the public. On March 25, 2024 the PAQC Commissioners issued a press release explaining the replacement of the May 5, 2023 date with April 1, 2024.

“On March 13, 2024, Governor Brian Kemp signed Senate Bill 332 into law, which removed from O.C.G.A. § 15-18-32 the requirement that the Prosecuting Attorneys Qualifications Commission’s standards of conduct and rules “be effective only upon review and adoption by the Supreme Court.” O.C.G.A. § 15-18-32 also requires that the code of conduct and rules “comport with due process,” which means that any conduct occurring before the adoption of the rules and code shall not be subject to the discipline of the Commission. The Commission has now voted to adopt a Code of Conduct and Rules which are hereby effective on April 1, 2024. A copy of the Code and Rules has been provided to all of the District Attorneys and Solicitors General in the State of Georgia.”

PUBLIC CASES

Although information about several alleged complaints has appeared in the press or social media, only three complaints have met the requirements for public disclosure. Public disclosure is made in two places, the PAQC website <https://paqcgagov/public-filings/> and the Georgia Supreme Court website <https://www.gasupreme.us/paqc-matters/>*

The PAQC received three complaints reference Washington County Solicitor General Michael Howard (SG Howard). The first, 2025DSG000050, was submitted via the PAQCGA.gov website on June 24, 2025, and was submitted on behalf of SG Howard by SG Howard’s attorney W. Matthew Wilson. This complaint stated that a sitting Judge and an attorney had publicly alleged wrongdoing by SG Howard and requested the PAQC to conduct an investigation in order to clear SG Howard of said wrongdoing. The allegations were willful misconduct in office,

* See ‘References’ on last page for links to the PAQC Rules, O.C.G.A. § 15-18-32, etc.

* See ‘References’ on last page for links to PAQC Public Filings, Georgia Supreme Court PAQC Cases, O.C.G.A. § 15-18-32, etc.

willful persistent failure to carry out the duties of a Solicitor General pursuant to Code Section 15-18-66, and conduct prejudicial to the administration of justice which brings the office into disrepute. The second complaint, 2025DSG000051, was submitted via PAQCGA.gov website on June 25, 2025, by a separate complainant. The allegations were willful persistent failure to carry out the duties of a Solicitor General pursuant to Code Section 15-18-66, and conduct prejudicial to the administration of justice which brings the office into disrepute. The third complaint, 2025DSG000064, was submitted via PAQCGA.gov website on July 14, 2025, alleging willful misconduct in office and conduct prejudicial to the administration of justice which brings the office into disrepute. 2025DSG000050, 2025DSG000051, and 2025DSG000064 contained factual allegations (in 2025DSG000050 it was SG Howard's report of others making these allegations, and there is substantial overlap with 2025DSG000051) which, if found to be true, would constitute grounds for discipline. On July 15, 2025, SG Howard submitted his resignation as Solicitor General of Washington County, effective immediately, to Governor Brian Kemp. In light of his resignation while under investigation, the PAQC Investigative Panel, by and through the Director, entered into a consent agreement with SG Howard in which he agreed to not to run for or serve as Solicitor General or District Attorney ever again, and that the disposition would be published.

STATISTICS – 2025

This report reflects data gathered between January 1, 2025, and December 21, 2025.

Table A: Complaint Summary

	Total
Complaints Filed	140
Complaints Open	48
Complaints Closed	92

Table B: Open Complaints

	Total
Screening or Preliminary Investigation Stage	44
Full Investigation	4

Note:

- *Screening refers to the initial examination of a complaint by the Director. The purpose of the Screening stage is to determine whether the Commission has jurisdiction over the matter addressed, and to evaluate whether the allegations would constitute misconduct or incapacity if every fact alleged were true and all inferences were drawn in favor of the Complainant.*

- *A preliminary investigation is the next step for a complaint which has passed screening. Investigators undertake a preliminary investigation to determine the probability the facts alleged are actually true, what evidence exists or may exist, and how they can obtain that evidence. After a preliminary investigation the Director brings the results to the Investigative Panel with a recommendation to either dismiss the complaint or to authorize a full investigation.*
- *Full Investigation refers to matters in which the Director believes there is sufficient evidence supporting the allegations, or that sufficient evidence can be obtained if a full investigation is authorized. If the Investigative Panel authorizes a full investigation the prosecuting attorney who is subject of the complaint is notified, may be requested to provide a written answer, and either side may request a meeting, on or off the record.*

Table C: Method of Closure

	Total
Dismissed After Director Review	88
Majority Vote of Investigative Panel to Dismiss After Full Investigation Authorized	1
Other Resolution	3

Notes:

- *Director Review refers to the Director's duty to dismiss the complaint, after reviewing it in its entirety, if the information would not constitute misconduct or incapacity if true, subject to reconsideration by the Investigative Panel.*
- *Other Resolution refers to a matter that is resolved by the prosecuting attorney's agreement to resign or retire, with or without the prosecuting attorney's agreement not to seek or hold office as an elected or appointed district attorney or solicitor-general in the future. The three complaints resolved in this manner are public record and can be found at <https://www.gasupreme.us/2025-paqc-cases/> and <https://paqcga.gov/public-filings/>*

Table D: Method of Submission

	Total
Online (via the PAQC website)	107
Mail	33

Note: The PAQC strives for 100% of submissions to be received through online services via the PAQC website for transparency, accountability, and efficient data management; however some complainants may not have access to the internet or require reasonable accommodation, and copies of the Complaint Submission Form may be sent via mail upon request.

Table E: Statutory Basis for Complaint

	Total
1. Mental or physical incapacity interfering with the performance of his or her duties which is, or is likely to become, permanent	3
2. Willful misconduct in office	103
3. With respect to district attorneys, willful and persistent failure to carry out duties pursuant to Code Section 15-18-6	85
4. With respect to solicitors-general, willful, and persistent failure to carry out duties pursuant to Code Section 15-18-6	22
5. Conviction of a crime involving moral turpitude	8
6. Conduct prejudicial to the administration of justice which brings the office into disrepute	100
7. Knowingly authorizing or permitting an assistant district attorney or assistant solicitor-general to commit any act constituting grounds for removal under (1) or (6)	45
8. Not Applicable	8

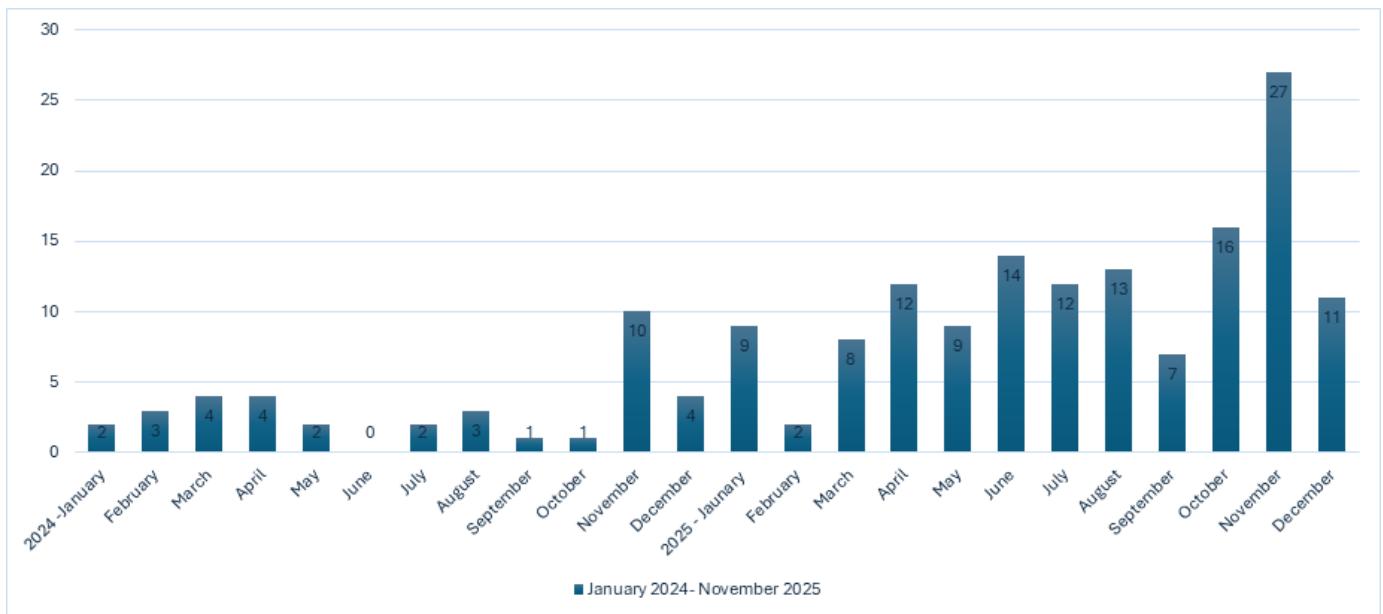
Note: Some complainants selected more than one basis.

Table F: Subject of Complaint

	Total
District Attorney	61
District Attorney + 1 (or more) Other Individual(s)	26
Solicitor-General	12
Solicitor-General + 1 (or more) Other Individual(s)	3
Individual(s) Other Than a District Attorney or Solicitor-General	38

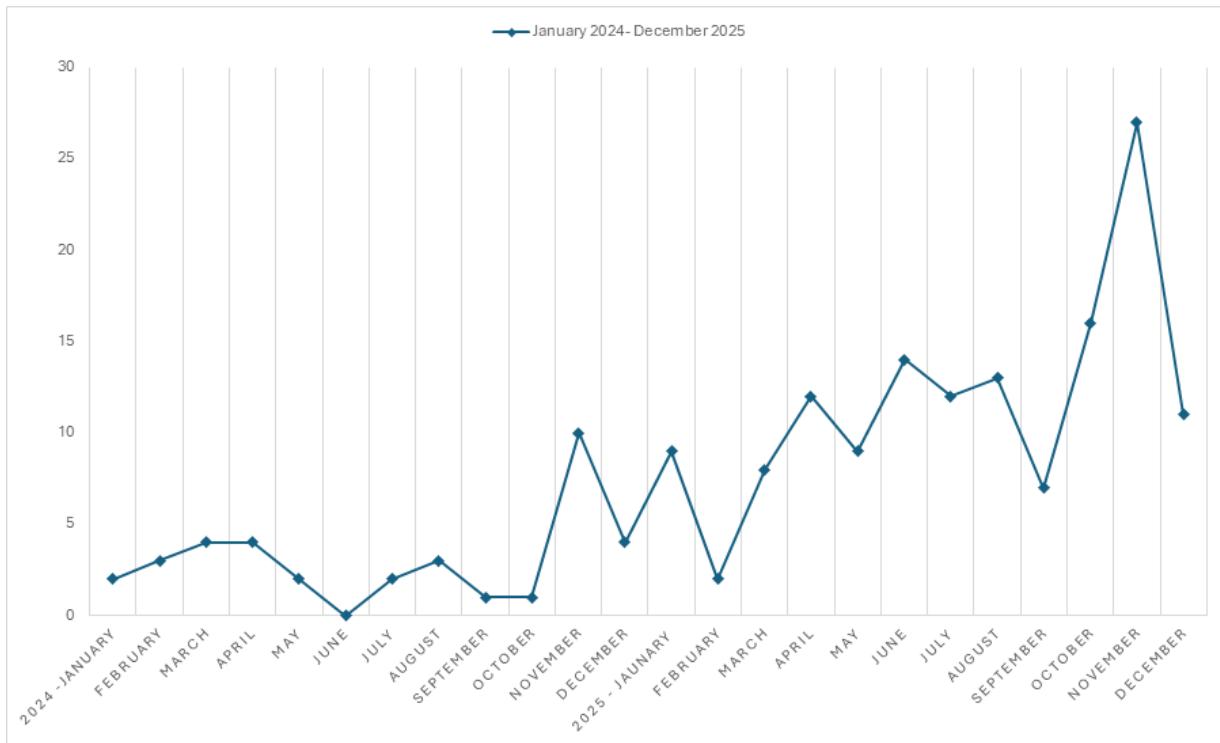
Note: Other Individuals may include Assistant District Attorneys, Victim Witness Assistance Program employees, other staff members, and those not employed by a District Attorney's or Solicitor-General's Office, including judges, defense attorneys, and law enforcement.

Table G: Number of Submissions by Month



2024 Annual Total: 36

2025 Annual Total: 140

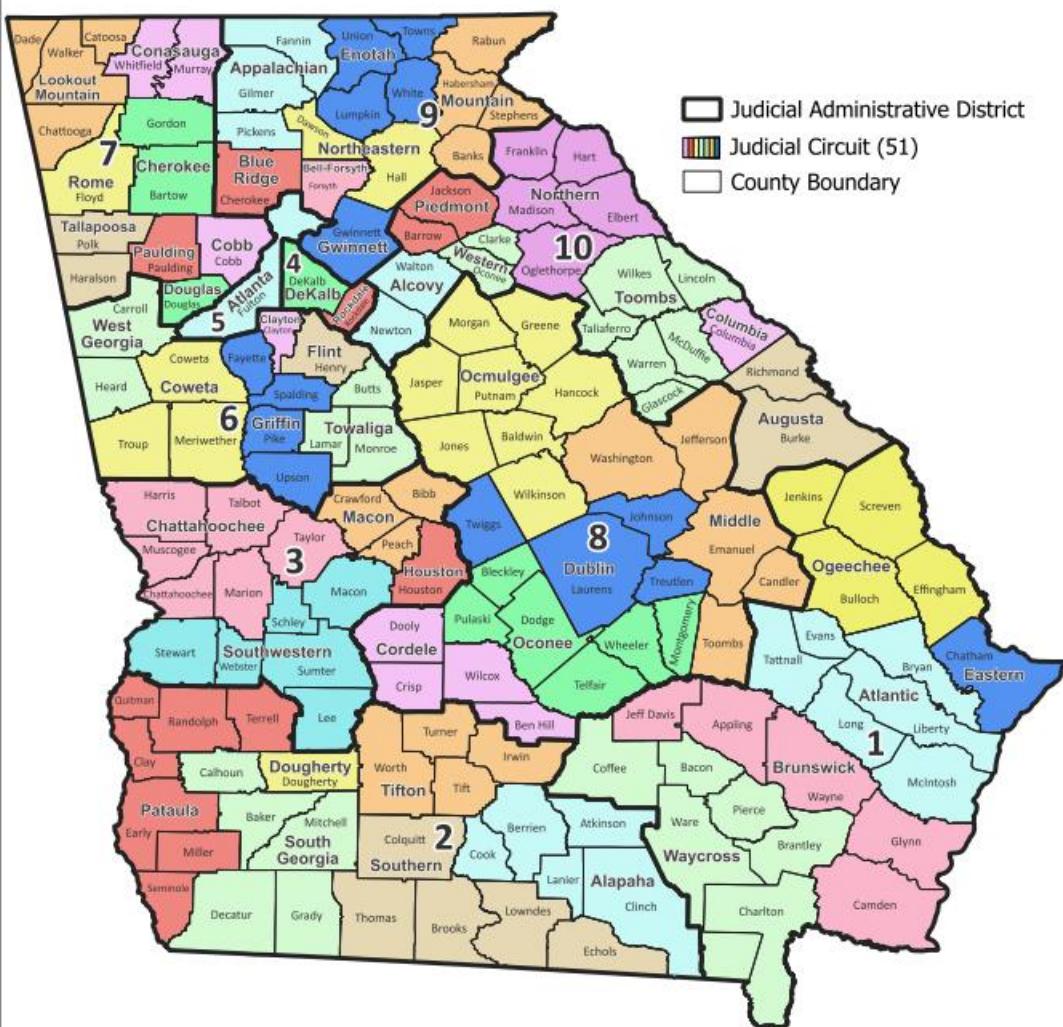


Overall percentage increase in cases from 2024 to 2025 is approximately 288.9%

Table H: Complaints Reference

Jurisdictions	Individual Jurisdictions with At Least One Complaint
Judicial Circuits (Total of 50)	27
Specific Counties (Total of 159)	16

Georgia Judicial Boundaries



The Administrative Office of the Courts • Cynthia H. Clanton, Director
January 2025

Table I: Commissioner Meetings

	Total
Investigative Panel – Regularly Scheduled	7
Investigative Panel – Specially Called	5
Hearing Panel	0

Table J: Citizen Contacts

	Total
Contacts (phone, email, letters)	80

Note: Citizen contacts are general inquiries received by various methods (phone, email, letters) that may or may not result in the submission of a complaint.

STATISTICS- 2024 REVISIONS

Table A: Revised Complaint Summary

	2023	2024
Complaints Filed	7	36
Complaints Dismissed After Director Review	7	24 (revised from 23)
Complaints Pending Review by Director	0	12
Complaints Warranting Preliminary Investigation	0	14 (revised from 10)

Explanation for Revisions: After a thorough review of the 2024 statistical data, two errors were discovered in Table A.

Table B: Revised Reasons for Complaint Dismissal after Director Review

	2023	2024
Complaints Submitted Before Allowance Date 4/1/24	7	8
Complaints Not Including Affidavit	7	22
Complaints Do Not Meet Statutory Requirements for Type of Complaint Submitted (1-7 in Table D)	2	24 (revised from 6)

Explanation for Revisions: After a thorough review of the 2024 statistical data, an error was discovered in Table B. Table B reflected that 6 complaints did not meet statutory requirements for type of complaint submitted. The revised total is 24 (this number is consistent with the number of complaints dismissed after Director review – see Table A: Complaint Summary, Complaints dismissed after Director review).

UPDATE ON ISSUES FACED BY THE NEW COMMISSION

In the 2024 Annual Report, we listed our three most significant logistical hurdles as the Commission's hybrid executive-judicial nature, its attachment to the Prosecuting Attorneys' Council (PAC), and starting after the beginning of the fiscal year. None of these issues proved to be insurmountable.

Attachment to the PAC:

In the FY2026 budget, the General Assembly moved the PAQC from the PAC to the AOC. This move removed the appearance of conflict of interest in public perception, as well as relieving some individuals from having to explain why they could or could not do something. The move also saved PAQC money. The PAC assessed a 10% (\$112,500.00) charge to handle the administrative support for the PAQC. This was lowered to 5% in March of 2025, reducing the actual amount paid for FY2025 to \$93,752.00. Had the PAQC remained attached to PAC, the FY2026 assessment would have been \$56,250.00

AOC had us ready to go on July 1, 2025. AOC had all our contracts moved over, issued new Capitol ID/proximity cards, created purchase orders, issued a purchase card, and initiated direct deposit almost immediately. AOC has emphasized the importance of both IT and physical security. They offered to conduct an audit of Speros, our private IT company, and we accepted. Finally, the Commission needed to employ an outside entity for conflict cases. AOC handled that with just the right balance of separation and oversight. The PAQC would like to take this opportunity to publicly thank Director Cynthia Clanton, Chief Financial Officer Peterson David, Chief Budget Officer Andrew Zoll, Human Resources Manager Jacqueline Booker, Chief Technology Officer Ben Luke, and all the rest of their fantastic crew for their dedication, expertise, and support.

Starting From Scratch, Office Space:

The office vacancy rate in Savannah was 1.5% in 2024,⁸ a stark contrast to several other cities in Georgia. Other cities in Georgia range upward from 20%. Our own search proved fruitless. We did not possess the necessary skills to locate a suitable space, negotiate an acceptable rate, ensure that all issues were addressed, and comply with all laws and rules applicable to leasing as a state entity. The State Properties Commission graciously agreed to assist, and the context of SPC involvement is significant. The PAQC is not an executive branch entity, and SPC was under no obligation to add us to their already heavy workload. The SPC spent approximately nine months conducting four market surveys, preparing three letters of intent, and ultimately completing the process by securing a great, permanent office space well-suited to our needs.

CONFIDENTIALITY

Confidentiality protects the complainant and witnesses from possible recriminations while a claim is being investigated.

Confidentiality is, unfortunately, becoming an increasingly significant issue, as evidenced by the rise in PAQC complaints and investigations being discussed in public. The law states that these matters are to be kept confidential in the early stages and only made public if and when they result in formal charges. Several complainants have chosen to publicize their complaints. Even if the complainant is not concerned with their own (or other witness's) protection, publicizing the filing of a complaint is not advisable for several reasons, which are listed below. It is, however, illegal for the PAQC to publicly reveal any actions by or communications from the PAQC, and thus by the complainant or anyone else, as "adding a cutout" does not make the illegal legal.

As to the filing of a complaint:

No one can keep a complainant from publicly stating they have filed a complaint. There are several reasons a complainant should not do it.

- Publicizing a complaint violates the spirit of the law and the foundational intentions;
- Publicizing a complaint is fundamentally unfair to a non-culpable subject;
- Publicizing a complaint could lead a culpable subject to begin concealing evidence;
- Publicizing a complaint potentially places the prosecutor in the position of publicly responding, leading to the matter being 'tried in the press' with all that entails;
- The PAQC cannot control how third parties, either publicly or personally, may react to the publicizing of a complaint;
- Publicizing a complaint fosters an adversarial relationship between the PAQC and the complainant, rather than a fact-finding one;
- Publicizing a complaint hampers the ability of the PAQC to conduct the investigation;
- Sources of information are more likely to cooperate if they know confidentiality has been kept in the past and will be kept in the future;
- As the PAQC does not have subpoena power or the ability to apply for search warrants, our investigators rely on voluntary encounters. Flagging them as part of a specific investigation can hinder this;
- Identifying that the PAQC is working on a particular matter could potentially place our investigators in personal danger. Consider the hypothetical of an allegation that a methamphetamine addicted domestic abuser is bribing a prosecutor to show favor in some manner. Would publicizing that PAQC has begun a preliminary investigation into this make it more safe or less safe for the investigator to travel to that area, interview potential witnesses, and gather documents and photographs?

As to the confidentiality as to the underlying facts:

Some have accused the PAQC of covering up the misdeeds of prosecutors by silencing the complainants with confidentiality. Anyone is free to express their dissatisfaction with and/or allegations about a prosecutor in public, to the press, or on social media. Several complainants have widely publicized their dissatisfaction with a prosecutor prior to filing a complaint, and have filed the complaint because this publication has not achieved their desired results. It is the existence of the complaint and the work of the PAQC that is confidential, not the facts

underlying the complaint. A complainant does not have to take down their “Justice for My Child” website when they file a complaint with the PAQC. The problem begins when they publish on that site that they have provided a list of potential witnesses to the PAQC, who will be contacted shortly.

The PAQC does not “represent” complainants in an action against a prosecutor. The PAQC investigates complaints to maintain the integrity of the profession. Publicizing a complaint will not stop the PAQC from investigating. Publicizing a complaint will severely erode our trust in the complainants themselves and will indicate that we should be cautious in disclosing any further information to them or communicating with them, unless statutorily required. It also makes it more difficult for the PAQC to investigate the complaint, which is what the Complainant has alleged they want done.

RECOMMENDATIONS

PUBLIC AWARENESS

The general public should be made aware of the PAQC’s operational status, what is and is not within the PAQC’s jurisdiction, and how to contact the PAQC. Public awareness could be significantly increased by publishing the website on both government and non-government legal association websites. This has remained a complex process.

AMENDING THE RULES OF THE PAQC

The mandate for this report (see page 1) includes an explanation of any recommendations for changes in procedure or in the Georgia Code of Conduct for Prosecuting Attorneys Georgia. After more than a year of real-world experience and with the possibility that pending legislation will change the statutes governing the PAQC, it is recommended that the PAQC Rules be amended. As the outcome of both the 2026 legislative session and of the pending lawsuit over the initial adoption of our rules are both unknown and potentially influential on the amendments, particular amendments are purely speculative at this time. The Code of Conduct contains a reference to the PAQC as the Prosecuting Attorneys Oversight Commission, a holdover from HB 1214 introduced in 2020 (see Legislation Pre 2020 below), which should be updated.

STAFFING

The steadily increasing number of complaints made it necessary to hire a second investigator in 2025. The number of complaints since then has continued to increase. It is likely, but not guaranteed, that additional staff will be required in the near future. The PAQC is not asking for a budget increase. Having returned approximately one fourth of the FY25 appropriations and being on track to return a significant portion of the FY26 appropriations, the PAQC could have already simply added more staff to reach the limit of our appropriations. Instead we have chosen to limit personnel to actual existing requirements, which continue to change. Number of complaints alone does not correlate directly to investigator workload. Some complaints are screened out

before an investigator sees them. For example, if a complaint comes in against defense attorney or for conduct in 2017 the complaint will not increase the investigator's workload. Other complaints may require a preliminary investigation to determine if the facts alleged may be true but easily obtained documents such as transcripts could settle that question quickly. Other preliminary investigations may require multiple interviews in locations across the state and reviews of voluminous printed or digital material, and a single one of these complaints may require the investigative effort of several of the more quickly resolved ones. Complaints for which the Investigative Panel authorizes full investigations require considerably more hours. As the public gets a better understanding of the jurisdiction of the PAQC it is likely that the ratio of complaints requiring preliminary investigation to ones easily screened out will increase. More importantly, many cases are screened out as the conduct was prior to the March 2024 cutoff date, but as time progresses it is likely that newer complaints will involve newer conduct, and will fall within the PAQC's date jurisdiction. The PAQC will presumably need to increase staff if these trends prove out. We will also have to analyze workload trends to determine whether it would be better to add an investigator or an attorney.

LEGISLATION PRE 2026

HB 1214 was introduced in 2020 to create the District Attorneys Oversight Commission but failed to become law.

SB 92 was signed into law in 2023 creating the PAQC (and amending other related statutes).

SB 332 was signed into law in 2024, removing the requirement that the Georgia Supreme Court review and approve the PAQC's rules before they could go into effect, clearing the way for the PAQC to start work.

After beginning work in 2024, the PAQC collaborated with legislators to address specific issues which had become apparent, resulting in the proposal of two pieces of legislation in 2025, SB 218 and SB 216, and a change in the FY2026 Appropriations Bill.

FY2026 Appropriations Bill: The first, and most straightforward success was having the PAQC moved from the PAC to the AOC in the Appropriations Bill. As outlined previously, this settled conflict of interest arguments and saved a considerable amount of state funds. The PAQC is extremely grateful to both the House and Senate Appropriations Committees for the move, as well as for continuing our current appropriation level.

SB 218: Most of the concerns of the PAQC were addressed in SB 218, which is referred to as the "main bill." SB 218 was introduced in 2025, authored by Senator Randy Robertson, sponsored by Senators Brian Strickland, Steve Gooch, Larry Walker, III, Timothy Bearden, and John F. Kennedy, and in the House by Representative Joseph Gullett.

As originally proposed SB 218* addressed the following:

* See 'References' on last page for links to SB 218, SB 216, PAQC Rules, O.C.G.A. § 15-18-32, etc.

- Moved the PAQC funding and administrative support from the PAC to the AOC,
- Authorized the PAQC to issue subpoenas
- Clarified the appeals process
- Amended confidentiality provisions, allowing more notice to both complainants and prosecuting attorneys,
- Revised the date before which specific complaints of misconduct
- Provided for the executive director designation,
- Provided for special commission investigators with limited authority to arrest and to apply for search warrants,
- Exempted investigators, Director, and Commissioners from firearm restrictions,
- Allowed Commissioners who are State employees being reimbursed for travel to choose between either their home organization or PAQC,
- Clarified an existing misidentification of judges in the current statute

SB 218 was amended in the Senate then passed to the House, where it was amended again, and then back to the Senate. Unfortunately no version was sent to the Governor at the close of session in 2025. Fortunately SB 218 remains viable. It currently sits in “agree/disagree” posture in the Senate. Whether the Senate agrees with the House version, or if additional changes are made before there is an agreement, the PAQC hopes some version becomes law in 2026.

SB 216: The second stand-alone piece of legislation introduced in 2025 concerning the PAQC was SB216, a two-year fiscal bill sent for study between sessions and pending in the Senate Committee on Retirement.

As a recruitment mechanism for the PAQC, SB216 would move the Director position from ERS (employees Retirement System) into JRS (Judicial Retirement System). Although SB 216 certainly benefits the current director the focus of the bill is to ensure the next director possesses certain qualifications. The ideal candidate for this position is a former elected District Attorney or Solicitor General, not an Assistant DA or Assistant SG. The Director should have the perspective and experience of having been in the position under investigation for the external aspects of the job and someone who possesses experience in both office management and making policy decisions for the internal aspects.

The Director position has been open twice so far. None of those candidates are applying, and frankly few others are. If advertised (and recruited for) in the future without this change, there is no reason to believe the applicant pool would be significantly different than four or five applicants, mostly current ADAs. If this were a JRS position an elected prosecutor who has served one or two terms and needs more years in JRS to vest would consider applying for this position, as would an elected prosecutor who had less than 24 years in JRS and could add creditable service. As to the fiscal impact of SB 216, the study is complete and states “[t]his legislation should not have any fiscal impact on the Georgia Judicial Retirement System (JRS),” and “this bill would not result in an increase in the anticipated employer contribution rate for the ERS.”

LEGISLATION PENDING IN 2026

As noted previously, SB 218 and SB 216 are still pending in the senate at the start of the 2026 legislative session.* SB 218 was amended in both the Senate and House, and is currently in the posture of agree/disagree, so the Senate may vote on it as is, or it may be subject to further amendment and reconciliation.

The Georgia Senate Special Committee on Investigations subpoenaed Prosecuting Attorneys Qualifications Commission Executive Director Ian Heap to testify at the October 3, 2025, meeting. Several times during the testimony, Chairman Bill Cowser requested Heap submit additional information to him in writing for inclusion in the record and to take into account in drafting a final report of the committee. Chairman Cowser requested any recommended changes in the law concerning the qualifications commission, our underlying statutes that designate what is acceptable behavior by prosecutors or not, and any other recommended changes. The full response is available at PAQCGA.gov. The Executive Summary follows:

“No additional bases are recommended. The bases for discipline or removal of prosecuting attorneys are sufficient. The issue is not that O.C.G.A. § 15-18-32 fails to cover conduct, the issue is that the PAQC has limited ability to investigate and prove the conduct. There is no comprehensive remedy for the confidentiality issues, but changes to the statute already existing in SB 218 will relieve some concerns. The PAQC desperately needs investigative authority, and if SB 218 were stripped down to solely providing subpoena authority, it would still go a long way towards getting the PAQC operating effectively. Although physical security is a legitimate concern, those issues are controversial, and the PAQC is not willing to sacrifice the opportunity to get subpoena authority by insisting on any legislative support for our security.

There are currently additional changes to the existing law in SB 218 that are far less important than the above, but address current concerns with O.C.G.A. § 15-18-32. Those are removing a contradiction in the appeals process, clarifying travel reimbursement for commissioners who are state employees, correcting a misidentification, clarifying date jurisdiction, and harmonizing the Director/Executive Director job title. Finally, SB 216 moves the Director/Executive Director from ERS to JRS.”

The written supplement to testimony went on to address the pending legislation in detail, and excerpts and summaries will address the PAQC’s stance on how pending legislation can improve the PAQC and help fulfil the PAQC’s stated mission.

* See ‘References’ on last page for links to video of the October 3, 2025, meeting, the complete written supplement, SB 218, SB 216, PAQC Rules, O.C.G.A. § 15-18-32, etc.

Clarifying Bases for Discipline:

After careful consideration, the PAQC believes the bases for discipline or removal of prosecuting attorneys are sufficient. The issue is not that O.C.G.A. § 15-18-32 fails to cover conduct, the issue is that the PAQC has limited ability to investigate and prove the conduct. The PAQC is sometimes compared to the Judicial Qualifications Commission (JQC), and while there are many parallels there are significant differences. The most obvious difference is that the JQC does have subpoena authority. Another significant difference is that Judges generally personally preside in court on the record and issue rulings, orders, and opinions individually and on the record. District attorneys and solicitors general often have assistants handling cases in court, advocates handling victims and witnesses, and staff handling other aspects of the office. O.C.G.A. § 15-18-32 states that a district attorney or solicitor general is subject to discipline for the actions of an assistant district attorney or solicitor general only for “knowingly authorizing or permitting an assistant district attorney or assistant solicitor-general to commit any act constituting grounds for removal under paragraphs (1) through (6) of this subsection.” Negligence will not constitute a violation per the Code of Conduct of Prosecuting Attorneys, Cannon 3, Rule 3.1. Absent subpoenas, depositions, and/or search warrants, this “knowingly authorizing or permitting” could only be proven by voluntary whistleblowers who not only come forward on their own but remain committed throughout the process. The PAQC simply requires more (or any) investigative authority.

PRIMARY ISSUE- INVESTIGATIVE AUTHORITY

With great power comes great responsibility. The inverse is not always so. Although responsible for conducting investigations, the PAQC has no power to conduct these investigations beyond that of the average citizen.

Subpoena Authority:

SB 218 current version Lines 123-149 provide authority to issue subpoenas for witnesses and documents. Without subpoena authority, the PAQC has no ability to gather evidence beyond what any citizen can gather and the PAQC cannot compel witnesses to appear for hearings. Furthermore, the accused prosecutor should have the right to compel witnesses for their defense in a contested hearing. Lack of subpoena authority both hampers the PAQC proving a case and hampers the accused prosecuting attorney from presenting a defense. Lack of subpoena authority is unfair to both sides. Subpoena authority remains in the current version of SB 218, which has passed the House and could be passed as is by the Senate and sent to the Governor. The authorization of subpoena authority is clearly the most important provision in any legislation for the PAQC and would be the recommendation of the PAQC if SB 218 needed to be stripped down to a single issue, as was the removal of the Supreme Court rules review in 2024.

Search Warrant Authority:

The initial version of SB 218 as introduced (Lines 138-152) included the ability to apply for search warrants for medical and banking records held by third parties, requiring a showing of probable cause to a superior court judge. The authority was to apply for warrants, not to issue warrants ourselves. The provision was drafted as being the least intrusive method to satisfy a compelling government need, narrowly tailored to only certain records and only from third parties. The authority to apply for search warrants was removed in the Senate, having been characterized as the PAQC wanting to serve search warrants on either the DA/SG themselves, or

on their offices/homes. As this was removed prior to SB 218 passing the Senate, and as the PAQC has lost the battle of perception, it is understandable if this provision is not included in a final version of SB 218. However, even with subpoena authority there will be no way absent patient's consent to get medical records, severely limiting any investigation into incapacity.

Deposition Authority:

On November 13, 2025, Senate Special Committee on Investigations meeting Ethics Commission Executive Secretary David Emadi testified that although his Commission has subpoena authority, that is insufficient to build the cases he needs to prove, especially when investigating collusion and coordination. Emadi suggested, and the Special Committee on Investigations seemed receptive to empowering the Ethics commission to place witnesses under oath for depositions prior to their probable cause administrative hearing. Deposition authority would be useful to the PAQC, especially in cases where the issue is whether the elected prosecutor knowingly authorized or permitted an assistant prosecutor to commit an act which would be a basis for discipline if committed by the elected prosecutor themselves.

THE FATAL ISSUE - PHYSICAL SECURITY

SB 218 had two sections that addressed physical security, an exemption from firearm restrictions and limited power of arrest for our investigators. Objections to these provisions stalled the legislation, resulted in amendments, and ultimately resulted in SB 218 not making it all the way through in 2025. Fortunately, SB 218 is still alive in the 2026 session. The physical security of the PAQC employees, commissioners, and witnesses at their places of business and at public hearings or meetings has been a serious concern, especially given the current political climate. Unfortunately the concern had gone beyond speculative. The PAQC welcomes any assistance in this area, but it has proven controversial, and we are not willing to sacrifice the opportunity to get subpoena authority by insisting on any legislative support for our security.

Exemption from Firearm Carry Restrictions:

The trigger of objections to SB 218 in the House was "firearms in the courtroom." The Senate had passed a version which added the investigators, commissioners, and director, current and retired, from the firearms exemptions of O.C.G.A. §16-11-130. The House Judiciary Non-Civil Committee amended this section to include all attorneys. The PAQC never intended to include all attorneys in the exemption. Numerous Sheriffs contacted their Representatives with strong objections to having all defense attorneys and civil attorneys able to carry firearms in county courtrooms. The House Rules Committee removed the entire section, then passed it back to the Senate. The PAQC defers to wisdom of the legislators whether to leave it out, return to the original version, or insert a pared down version (only investigators, or "except jails and courthouses"), whatever it takes to get a version with subpoena authority passed. We are not willing to sacrifice the opportunity to get subpoena authority by insisting on any legislative support for our security.

Limited Arrest Power:

SB 218 as pending in the Senate contains the authority for PAQC investigators who are POST certified to have limited power of arrest, only for crimes against the persons or property of PAQC commissioners, staff, witnesses, or other attendees at PAQC hearings, meetings, or

offices. We now understand the Sheriffs are opposed to any arrest power, no matter how carefully limited, so although versions of SB 218 which include it have passed both the House and Senate the PAQC is ready to ask that provision be removed from the final bill. Again, that is ultimately up to the legislators, not the PAQC, but we are not willing to sacrifice the opportunity to get subpoena authority by insisting on any legislative support for our security, or the security of those attending our meetings or hearings.

CONFIDENTIALITY CONCERNS

The most alarming threat to confidentiality is Complainants publicizing the fact they have filed a complaint and sometimes the actions and communications of the PAQC resulting from the complaint. A full analysis can be found at <https://paqcg.a.gov/confidentiality-notice/> but in essence the matter is intended to be confidential, but only the Investigative Panel and staff are under any authority. There is no legal bar to the complainant publicizing the information. There is no easy fix. Other entities have attempted to use contempt proceedings, often with limited success. The main difficulty with contempt in this context is that the PAQC is not operating under the authority of or in conjunction with any specific court. A secondary concern is the PAQC has no law enforcement or criminal prosecution authority, so a model such as Rule 6(e) of the Federal Rules of Criminal Procedure is unworkable. Consequently SB 218 contains provisions to improve confidentiality, but not to perfect it.

Harmonization:

The PAQC rules state that the Director shall notify the Complainant of a final disposition within 10 days. The O.C.G.A. § 15-18-32 currently states that all matters shall be confidential unless and until formal charges are filed, or a consent is filed in the Supreme Court. One or more complainants have publicized their dismissal notices. The PAQC is placed in the position of giving to the complainant what cannot be publicized with the knowledge that a percentage will be publicized. The current version of SB 218 harmonize the law, the rules, and reality, allowing disclosure if "A complaint is dismissed at any stage; provided, however, that such disclosure shall be limited to disclosing the reason for such dismissal to the complainant."

Informing the Accused:

District Attorneys and Solicitors General have expressed a strong interest in knowing about complaints filed against them. In the event a full investigation is authorized by the Investigative Panel, the prosecuting attorney does receive full notification. If formal charges are filed, the matter becomes public. For cases dismissed without a full investigation, the current version of SB 218 allow for the prosecutor, but not the public, to receive notice of the dismissed complaint, allowing disclosure if "A complaint is dismissed prior to an authorization of formal investigation; provided, however, that such disclosure shall be limited to disclosing the statutory basis for such complaint to the individual who was the subject of the complaint; and, provided, further, that such disclosure shall not include the complainant's identity or the specifics of the allegation."

SOMEWHAT CONTRAVERSIAL PROVISIONS:

Appeals Process and Venue

The current appeals process is contradictory, and our original proposed language was changed several times. The PAQC defers to the legislature on the current added language, but it does conflict with the existing language, so we are asking that lines 79 and 80 be removed from the final bill. Appeals should be to the Superior Court of either the county the prosecuting attorney resides in or Fulton County, but not both or either.

Date of Conduct Considered:

SB 218 as introduced set the date at the date the Commissioners adopted the PAQC Rules (April 1, 2024). This was changed via friendly amendment back to 2023, and is now back to April 1, 2024, in the current version of SB 218. As explained previously in this report our commissioners have voted to not consider conduct that predates their adoption of our rules. This is a bit controversial, as the legislators seem to want the PAQC to have greater date jurisdiction, but the Commissioners are not going to exercise any jurisdiction they consider to be violative of due process (compare *ex post facto*).

APPARENTLY NON-CONTRAVERSIAL PROVISIONS

Commissioner reimbursement language (lines 29-44) clarifies Commissioners who are State employees can be reimbursed for travel expenses either by PAQC or by their office, but not both. Line 48 cleans up a misidentification currently existing in O.C.G.A. §15-18-32, replacing Judge with district attorney or solicitor general. Lines 87-89 (q) is now redundant, as the FY 2026 appropriations bill has already moved the PAQC to the AOC for appropriations allocation and administrative support. Lines 90-91 (r) addresses that the Commissioners advertised for and hired an executive director, but the O.C.G.A. §15-18-32 names a director.

The PAQC looks forward to working with this Committee to see if there is a viable version of SB 218 that grants subpoena authority, then see what the full Senate says about rewriting and, and then what the Representatives have to say about what the Senators settle on.

BUDGET

The PAQC was established in 2023, with a fiscal year 2024 appropriation of \$1,125,000.00. The PAQC itself did not receive or spend any of that money, and most was retained by or returned to the general fund, as explained in the 2024 Annual report.

The FY2025 appropriation was \$1,125,000.00, and the PAQC returned \$295,566.00 to the general fund. This return was based on the PAQC not existing at the beginning of the fiscal year, resulting in salary savings during recruitment and hiring, rent savings while searching for office space, and lower operating costs associated with building a caseload.

The FY2026 appropriation is \$1,125,000.00. The PAQC has budgeted that amount, submitted that budget to the AOC for administration and to other entities for oversight, and is currently on track to return a significant amount of the appropriation unspent in the amended budget process.

The requested FY 2027 appropriation is \$1,125,000.00. Although the PAQC under spent in FY 2025 and FY 2026, we respectfully request that our FY 2027 appropriations remain constant to allow this probable but admittedly speculative increase in personnel should the increasing caseload support an increase in staff. The steadily increasing number of complaints made it necessary to hire a second investigator in 2025. The number of complaints since then has continued to increase. It is likely, but not guaranteed, that additional staff will be required in the near future. The PAQC is not asking for a budget increase, but would not like to become victims of “use it or lose it,” at least not until things stabilize.

BUDGET TOTALS

FY 2026		FY 2027	
750317	Personnel	799442	Personnel
30932	Travel	23950	Travel
5474	Equipment	2530	Equipment
0	Automobiles	0	Automobiles
2500	Catered Meals	2000	Catered Meals
1500	Uniforms	1500	Uniforms
1280	Equipment Rental	3180	Equipment Rental
8400	General Supplies	9900	General Supplies
36987	Contracts	43347	Contracts
120000	Professional Services	92000	Professional Services
10500	Repairs and Maintenance	11500	Repairs and Maintenance
60720	Dues and Fees	42809	Dues and Fees
3046	Other Purchased Services	0	Other Purchased Services
2500	Furniture and Fixtures	1800	Furniture and Fixtures
9360	Books and Periodicals	9568	Books and Periodicals
4300	Printing and Publications	4300	Printing and Publications
73807	Building and Land Rental	74709	Building and Land Rental

REFERENCES

PAQC Website https://paqcg.a.gov/		PAQC Public Filings – Georgia Supreme Court website https://www.gasupreme.us/2025-paqc-cases/	
O.C.G.A. § 15-18-32 https://paqcg.a.gov/wp-content/uploads/2025/09/15-18-32-current-through-2025.pdf		SB 218 (current version, as introduced, intermediate versions) https://www.legis.ga.gov/legislation/70540	
PAQC Rules https://paqcg.a.gov/wp-content/uploads/2024/10/PAQC-RULES-March-2024.pdf		SB 216 https://www.legis.ga.gov/legislation/70557	
Code of Conduct of Prosecuting Attorneys of Georgia https://paqcg.a.gov/wp-content/uploads/2025/09/Code-of-Conduct.pdf		Senate Special Committee on Investigation – PAQC Supplement https://paqcg.a.gov/wp-content/uploads/2025/12/SSCI-PAQC-Supplemental.pdf	
PAQC Public Filings – PDF https://paqcg.a.gov/wp-content/uploads/2025/09/in-re-Howard-Report-of-Disposition.pdf		Senate Special Committee on Investigation – PAQC Testimony October 3, 2025 https://vimeo.com/showcase/9603707?video=1121592477	

