

**DEKALB COUNTY BOARD OF ETHICS**

c/o Clerk of the Governing Authority  
Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030



BNA

**COMPLAINT**

The Board of Ethics is authorized to receive and hear complaints of alleged violations of the matters set forth in Section 22A of the DeKalb County Code of Ordinances, known as the Code of Ethics. Persons alleging a violation of the Code of Ethics should complete the following information, sign, and deliver in person, or by U.S. Mail, or by overnight delivery service to the Clerk at the above address. Complaints received by the Clerk at least ten (10) days prior to a scheduled meeting will be considered at that meeting.

1. Name of the individual filing the complaint:

Name: Thomas Mitchell Owens  
Address: 2677 Beacon Drive  
Atlanta, Georgia 30360  
Daytime phone number: (404) 984-7005  
Evening phone number: ( ) \_\_\_\_\_  
E-mail address: DMZ7071@yahoo.com

2. Identify the member of the governing authority against whom the complaint is being filed:

Name: Commissioner Elaine Boyer and Bob Hundsten  
Position/Department/Board: 5<sup>th</sup> District Commissioner: Executive Assistant

3. Identify the section of the Code of Ethics you allege is being violated. State with specificity the acts or omissions you allege constitute the violation. (Attach additional pages as necessary)

See Memorandum: Ethics Complaint Against  
Commissioner Elaine Boyer and Bob Hundsten  
(20 Pages)

**I hereby request that the Board of Ethics consider this complaint. I certify that the above information is true and correct to the best of my knowledge and belief.**

Signature: Thomas Mitchell Owens

Date: April 2, 2014

Received by: Barbara D. Lind Clerk

Date: April 3, 2014

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## MEMORANDUM

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**TO:** DEKALB COUNTY BOARD OF ETHICS  
**FROM:** THOMAS MITCHELL OWENS  
**SUBJECT:** ETHICS COMPLAINT AGAINST COMMISSIONER ELAINE BOYER AND BOB LUNDSTEN  
**DATE:** 4/2/2014  
**CC:** RESTORE DEKALB, JOEL EDWARDS, VIOLA DAVIS, JOE NEWTON AND ALL APPROPRIATE PARTIES

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ETHICS COMPLAINT AGAINST COMMISSIONER ELAINE BOYER AND BOB LUNDSTEN

I, **Thomas Mitchell Owens**, submit this ethics complaint against **Commissioner Elaine Boyer** (District 1) for the following violations:

- (1) Violation of the Code of Ethics
- (2) Violation of Oath of Office
- (3) Violation of the public's trust
- (4) Violation of the law (alleged)

I also submit this ethics complaint against Commissioner Elaine Boyer's top aide, **Bob Lundsten**, for violations of the DeKalb County government's Code of Ethics.

The conduct prohibited by the DeKalb County Code of Ethics that Commissioner Elaine Boyer and Bob Lundsten violated include:

- Directly or indirectly request, receive, or agree to receive anything of value which may influence or be perceived to influence, the member's official actions.
- Use his/her position to secure unwarranted privileges for himself or herself;

- Engage in any activity or transaction that is prohibited by a law that is applicable to him/her by virtue of being a member of the governing authority;
- Etc. (Any other violations that the Ethics Board may find)

I have asked for the support of Restore DeKalb which includes Joel Edwards and Viola Davis in this complaint to ensure there is transparency, ethics, and accountability. We have joined as a coalition to hold elected officials accountable for violating the public's trust.

I will use the following documentation and video as evidence:

**1. The AJC article, "DeKalb official spent county funds on herself", by Johnny Edwards (March 22, 2014) - Mr. Edwards did an excellent article in the AJC which provided the following evidence to demonstrate Commissioner Elaine Boyer violated the code of ethics:**

- Elaine Boyer personal card purchases
- Elaine Boyer card holder agreement
- Elaine Boyer P-card travel agreement
- Audit of District 1 p-card use

**2. Commissioner Elaine Boyer used her p-card or purchasing cards for personal use which is prohibited to include:**

- Boyer spent \$800 of taxpayer money on two flights to Phoenix, one for her daughter and one for herself.
- Boyer purchased \$1,000 in airline tickets for one of her daughters and two people she identified as young men and personal friends.
- Boyer used the card to pay thousands of dollars in advance costs for a trip to two Colorado ski resorts in December.
- Boyer spent \$12,047 in personal charges. However on March 13, Boyer repaid an additional \$4,083 for purchases made this year, and

others. These charges have no relation to county business and are not authorized for county business.

- Meals Charged on DeKalb's card by Elaine Boyer and top aide and chief of staff, Bob Lundsten, spent more than \$11,000 for restaurant meals at taxpayers' expense. (See article attachment by the AJC titled, "Meals charged on DeKalb's card by Elaine Boyer and top aide"). <http://www.myajc.com/news/boyer-card-meals/>
- Etc. (Please refer to other additional media reports)

**3. Elaine Boyer and Bob Lundsten have a pattern of misuse of the P-card;**

**4. Elaine Boyer and Bob Lundsten used taxpayer money as a bank for bridge loans;**

**5. Boyer did not repay 11 purchases totaling more than \$2,600 until the AJC filed an open records request for the receipts. Lundsten cannot substantiate his purchases as appropriate for county business;**

**6. Boyer and Lundsten failed to account for the manner in which she used the p-card or provide receipts for thousands of dollars in purchases which appear to have no legitimate DeKalb County business use.**

**7. Crossroads Newspaper Article, "Boyer uses county card for \$12,000 in personal expenses", by Ken Watts (March 28, 2014)**

**8. Commissioner apologizes for using county card for personal charges by Jodie Fleischer (March 25, 2014) (Video). Lundsten has shown no remorse and has failed to show any justification for his conduct;**

**9. DeKalb County Commissioner's credit card use questioned by Devin Fehely of Channel 11 Atlanta (Video);**

**10. County leaders calling for change after commissioner found spending county money on herself by Erica Byfield (Video);**

**"Red Flag": Commissioner Elaine Boyer deliberately and willfully misused her p-card dating back to June 1, 2011 evidenced by:**

1. Elaine Boyer was formally notified about her misuse of the p-card in a document from Internal Audit & Licensing dated November 15, 2011. She was notified by Cornelia Louis, the Acting Deputy Director of Finance and the document was sent to Kelvin Walton, Richard Stogner, Joel Gottlieb, and Dale Dague. Boyer's Office of BOC District 1 did not comply with DeKalb County P-Card policies and procedures.
2. The Internal Audit & Licensing document noted deficiencies that include a) Out of 50 transactions, 12 receipts were available, b) The transaction logs (logs) were not approved by card holders Manager or Director, c) During the audit period, 60% of all transactions were for food related purchases.
3. Cornelia Louis gave three recommendation in the November 15th document to include all P-Card transactions should be limited to business-related goods and services, and efforts should be made to reduce the frequent use of the P-Card at restaurants. This was also mentioned in the last P-Card audit report, dated April 2, 2010. Since Boyer and Lundsten signed the P-Card Agreement, they both deliberately and willfully violated the terms of the agreement.
4. Boyer and Lundsten conspired to carry out this pattern of improper and/or alleged illegal conduct with full knowledge of the agreement. Elaine Boyer has misled the public once again on this issue of P-Card by implying she did not know about the misuse.

As a coalition, we call for an action plan to hold elected officials accountable and ensure their aides uphold the law. I, along with my other parties, demand elected officials uphold the law to include:

- Request a 5-10 year audit (2003-2013) of Commissioner Elaine Boyer's p-card use to evaluate if this was truly a mistake or a pattern of misuse which substantiates a violation of the law. If the evidence show a pattern of abuse, we demand Commissioner Elaine Boyer and others be held accountable to the fullest extent of the law;

- Require Boyer and Lundsten repay all monies for inappropriate charges on the p-card and/or charges reimbursed by the county.
- Request the p-card use of every County Commissioner and their aides to evaluate if these actions are a systematic problem that extend to more than one or two commissioners (please include the Interim CEO Lee May and his aide as they represented Commission District 5);
- Request the information be forwarded to the District Attorney for prosecution if the Board of Ethic determines a violation or violations of the law;
- Request the policy for p-card use be revised to include the Commissioners and all Board of Commissioners' staff;
- **Remove Elaine Boyer and Bob Lundsten from their employment with DeKalb County and bar them from ever working for DeKalb County in the future.**

I, Thomas Mitchell Owens, submit this ethics complaint with the support of Restore DeKalb to hold Commissioner Elaine Boyer, and her top aide, Bob Lundsten, accountable.

Sincerely,



Thomas Mitchell Owens

Taxpayer and Voter in Commission District I

Confidential



## Internal Audit & Licensing

Cornelia Louis  
Acting Deputy Director of Finance

Chief Executive Officer

W. Burrell Ellis, Jr.

Board of Commissioners

District 1  
Elaine Boyer

District 2  
Jeff Rader

District 3  
Larry Johnson

District 4  
Sharon Barnes Sutton

District 5  
Lee May

District 6  
Kathie Gannon

District 7  
Stan Watson

DATE: November 15, 2011

TO: Kelvin Walton, Director of Purchasing & Contracting

FROM: Acting Deputy Director of Finance, Internal Audit & Licensing

SUBJECT: Purchasing Card (P-Card) Audit

RE: Office of Board of Commissioner (BOC) – District 1

### General Information

On November 15<sup>th</sup>, 2011 Internal Audit (IA) conducted a P-Card compliance audit of the Office of BOC – District 1. Internal Audit reviewed P-Card transactions for the period December 1, 2010 through May 31, 2011.

### Purpose and Scope

The purpose of this audit was to determine if the Office of BOC- District 1 complied with DeKalb County P-Card policies and procedures.

We reviewed cardholder transactions, signoff reports, purchase comments and invoices to determine that:

- (1) The P-Card Administrator maintained the transaction log on a monthly basis.
- (2) The cardholder attached applicable receipts to the monthly transaction log.
- (3) Transactions were appropriate for the department's business.
- (4) Individual transactions did not exceed the amount specified by County P-Card policies and procedures (\$1,000 maximum per individual purchase).
- (5) Total monthly transactions did not exceed amount specified by the County P-Card policies and procedures (\$2,000 maximum per month).
- (6) Cardholders were not using the P-Card for non-business related goods and services.
- (7) The transactions were approved. (Manager and/or Department Head)

### Opinion

In our opinion, Office of BOC-District 1 did not comply with DeKalb County P-Card policies and procedures.

### Deficiencies

- 1) Out of 50 transactions, 12 receipts were available.
- 2) The Transaction Logs (Logs) were not approved by cardholders Manager or Director.
- 3) During the audit period, 60 % of all transactions were for food related purchases.

**Recommendations**

- 1) All P-Card transactions should have supporting documentation. Adequate documentation ensures that expenditures incurred are in compliance with the P-Card policy.
- 2) To ensure management's review of compliance with the P-Card policy, completed Logs are to be reviewed and approved by the Cardholder's Manager or Director. Cardholders should not approve their Logs. Approvers should be higher-level employees than the Cardholder employee; this allows the approver to challenge transactions when the business purpose is not readily apparent.
- 3) All P-Card transactions should be limited to business-related goods and services, and efforts should be made to reduce the frequent use of the P-Card at restaurants. This was also mentioned in our last P-Card audit report, dated April 2, 2010.

**Comment**

We reviewed the corresponding general ledger accounts for each transaction. Several operating supply related expenditures were charged to "other miscellaneous charges." These transactions could be misclassified. The following general ledger account may be more appropriate for the transaction type.

Object Code	Object Code Name
531101	Operating Supplies

Please feel free to contact me if you have any questions or concerns relating to this audit report.

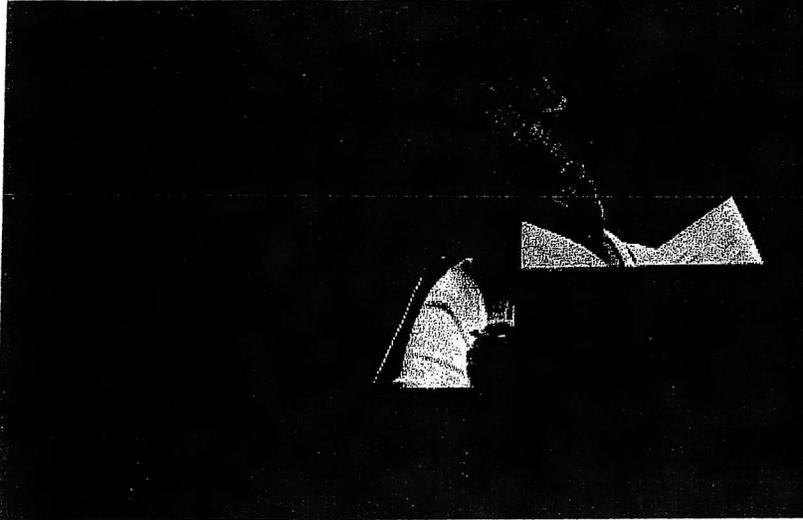


Cornelia Louis

CL/AW

cc: Richard Stogner, Chief Operating Officer / Executive Assistant  
Joel Gottlieb, Chief Financial Officer  
Commissioner Elaine Boyer, District 1  
Dale Dague, Purchasing Card Administrator

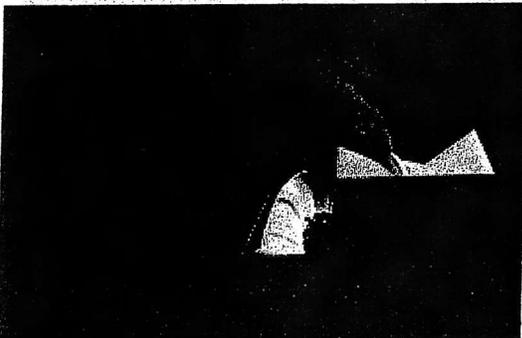
BY JOHNNY EDWARDS - THE ATLANTA JOURNAL-CONSTITUTION



June 12, 2012-Decatur-“The commission is the only authority to prioritize capital projects and spending,” said Commissioner Elaine Boyer, who introduced the resolution. The DeKalb County Commission on Tuesday demanded that the county halt all work being done to clear land for a softball derby track and ordered the chief executive to prepare a financial report on all money spent so far on the project. VING WONG / VWONG@AJC.COM.

DeKalb County Commissioner Elaine Boyer, a crusader for cutting government spending, has rung up thousands of dollars in personal purchases on her county Visa card.

The purchases include airline tickets bought during times the commissioner and her husband were having financial problems, an investigation by The Atlanta Journal-Constitution found.

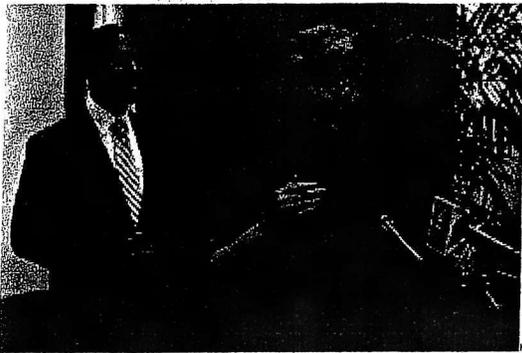


June 12, 2012-Decatur-“The commission is the only authority to prioritize capital projects and spending,” said Commissioner Elaine Boyer, who introduced the ... [Read More](#)

She reimbursed the county for many of the expenses within days, weeks or months. Some said that is tantamount to using taxpayer money as a bank for bridge loans.

She didn't repay 11 purchases totaling more than \$2,600 until the AJC filed an open records request for the receipts — more than a year after the county paid some of those expenses. She simultaneously turned in a separate payment for another \$1,440 in airline and rental car expenses that she put on her card since New Year's Eve.

And she might have more to repay. She conceded that DeKalb County has been paying hundreds of dollars a month in bills covering her two cellphones, which she uses for both personal and county business.



KENT D. JOHNSON / AJC

AUGUST 22, 2013 DECATUR Commissioner Elaine Boyer speaks during a press conference held by Interim DeKalb CEO Lee May (left) and ... [Read More](#)

No one with the county government has been monitoring her spending because, under DeKalb's current structure, commissioners run their offices autonomously. They can run up thousands of dollars on their Visa cards and answer to no one but themselves.

Their "P-cards," or purchasing cards, function like debit cards, drawing money directly out of a county account.

Boyer, a Republican who is the commission's longest serving member, could not provide receipts for more than 70 transactions that the AJC questioned in spot checks of her Visa purchases in 2012 and 2013. She says she lost them.

- [Elaine Boyer personal card purchases](#)

- [Boyer cardholder agreement](#)

- [Pcard travel agreement](#)

- [Audit of District 1 pcard use](#)

She denies using the county to float her own travel costs, attributing her pattern of personal charges to sloppy record keeping and turnover among staffers who help her keep up with her own spending. She said she could not explain why she has repeatedly pulled out her county Visa card to pay for flight tickets, rental car charges and a ski resort stay, all of which had nothing to do with county business.

"I don't have a reason," Boyer said. "I've never had any intent of doing anything (wrong). I have been totally honest and trying to be transparent in returning the funds.

"I will advocate a stronger policy," she said, "and I won't let it happen again."

- [Boyer bankruptcy filings](#)

But legal experts say using a government expense card for personal purchases could be a crime.

"It doesn't look good, but it that way," Byung J. Pak, a former federal prosecutor and a white-collar criminal defense attorney, said. "At the very least, it's a breach of fiduciary duty by an elected official. At worst, it could be criminal."

County records show Boyer signed an [agreement](#) that stipulated the cards could not be used for personal purchases and that such misuse could result in civil action or criminal prosecution.

Her signature is also on an [agreement](#) to maintain a file of all receipts.

"I don't believe that I actually read it," the commissioner said. "But when my assistants hand me stuff ... Unfortunately, there's a few things like that that happen."

A Dacula city councilman was charged with theft by taking earlier this month for allegedly running up thousands of dollars in personal charges on his city credit card. Criminal law experts said repeated reimbursements would make a criminal case more complicated, with the question ultimately boiling down to whether the public official intentionally took public money for personal use.

Told of the AJC's findings, DeKalb County District Attorney Robert James said he needs to see documents before deciding whether to investigate.

"I wouldn't call it an investigation," James said, "but it's something that I definitely need to look at."

#### Pattern of misuse

Boyer's Visa card misuse has been going on for years, made possible by DeKalb's lack of oversight over elected officials' spending. The AJC examined about two years' worth of records and found that at least six times she or her husband have repaid the county for expenses put on her county card. In other instances, she paid for multiple airline tickets at the same time.

But none of that raised red flags because the only person monitoring Boyer's spending is Boyer.

Elected officials function as their own department heads, and each department oversees its own receipt files and ensures charges are legitimate, according to spokesman Burke Brennan. The county has a purchasing card policy that forbids personal usage, and records show Boyer signed a statement agreeing to abide by that policy.

But Brennan said the policy doesn't apply to commissioners, only employees who fall under the chief executive officer. Boyer said she will now seek to change that.

"There is no process or procedures that I violated," she said. "And no one pointed it out to me. I would be happy to change my ways, and I appreciate you bringing this to my attention."

But someone brought problems to her attention years ago — an internal auditor. Commissioners had their own P-card usage examined by the DeKalb Finance Department in 2010 and in 2011.

Boyer's office was one of three cited for being out of compliance with county policy. Her 2011 deficiencies including having only 12 receipts out of 50 transactions.

"Adequate documentation ensures that expenditures incurred are in compliance with the P-Card policy," the audit states.

Boyer said she tried to do better after that audit, but also said of receipts, "I'm sorry, I just don't keep them."

She said her card habits have nothing to do with personal financial issues reflected in federal court records, which show she and her husband have each filed twice for bankruptcy in the past three years. However, they did not complete the filings and their bankruptcy petitions were dismissed each time.

The commissioner said there has been no bankruptcy and she wasn't turning in her P-card for luxuries she couldn't afford.

"You are trying to create a picture that I am not going to agree to," she said. "You are trying to spin it that I had intent. I had no intent."

"I will confess to sloppy procedures," she said. "I will confess that we don't have a uniform policy for P-card use, and I would be more than happy to comply and promote one."

A bankruptcy attorney said the Boyers appear to have been using the bankruptcy filings as a legal tactic to stall foreclosure on their home near Stone Mountain.

Scott Riddle, who wasn't involved in the cases but examined public records for the AJC, pointed to the commissioner's Sept. 3, 2012, filing. Foreclosure day was Sept. 4.

"The original petition was a 'skeletal petition,' which means it was the bare minimum paperwork to start a (bankruptcy) case," Riddle wrote in an email.

Skeletal petitions often are used to halt the foreclosure process, buying more time for the owners. Then the bankruptcy cases are dropped, as happened with the Boyers.

#### **Up, up and away**

Despite any financial challenges, Boyer and her family members continued to fly, with help from DeKalb County.

In the summer of 2012, Boyer spent \$800 of taxpayer money on two flights to Phoenix, one for her and one for her daughter. She said she went there on behalf of DeKalb firefighters to look into problems with Draeger Safety air packs, which both Phoenix and DeKalb firefighters claimed were malfunctioning.

Boyer said she didn't want to travel alone. But she didn't reimburse the \$400 for her daughter's flight until earlier this month, after the AJC requested the receipts.

Later that year, she returned to Phoenix for what she described as a vacation. She charged the county \$513 for a rental car, but didn't pay that back either until the AJC began asking questions.

Even though in 2011 she questioned why commissioners spent money traveling to a National Association of Counties conference in Washington, D.C., in 2013 Boyer attended a NACO conference in Fort Worth, Texas. She used her P-card to pay for \$730 in airline tickets that she said were for her husband and two daughters. She repaid the county two and a half months later.

She later used the card to pay thousands of dollars in advance costs for a trip to two Colorado ski resorts in December.

In September, she purchased \$1,000 in airline tickets for one of her daughters and two people she identified as young men and personal friends. She then spent \$1,400 on a condominium booking in October. And she spent more than \$1,300 in Denver at Dollar Rent A Car.

She reimbursed the county for those charges in December.

But she racked up another \$735 in rental car charges that month that she hadn't paid back until the AJC asked questions. She said she had been in a car accident and needed to drive while her car was being repaired.

In two March 13 memos to the county, Boyer listed personal purchases and enclosed checks that her husband signed. Another check from her husband, turned in with another March 13 memo, paid back purchases ranging from Dec. 31 to Feb. 3, beyond the time frame covered by the newspaper's inquiry.

#### **Still more questions**

The newspaper also questioned why Boyer has been using her P-card to pay T-Mobile phone bills, including a \$303 bill in May, a \$248 bill in September and a \$488 bill in November.

The commissioner said she doesn't know why the bills are so high and that they pay for two phones that she uses. Public officials often have two phones, one for themselves that they pay for, and one for official business that their government provides.

But Boyer said she does not have a personal cellphone, so she will consider paying back the county.

"It's hard to interact between personal and business, because we get calls all day long about everything," she said.

As for why so many restaurant purchases were on her and her top aide's P-cards — an average of two meals a week in 2012 and nearly three a week in 2013 — Boyer said all were for meals with constituents. "We're either having coffee or we're talking to constituents. We spend a lot of time out in the field," she said Thursday.

The 2011 audit had cited the number of food purchases as a deficiency. "All P-Card transactions should be limited to business-related goods and services, and efforts should be made to reduce the frequent use of the P-Card at restaurants," the auditor wrote. "This was also mentioned in our last P-Card audit report, dated April 2, 2010."

Boyer, 57, was first elected in 1992 to represent District 1, which includes Brookhaven, Dunwoody, Tucker and Smoke Rise, where she lives.

Linda Smith, chairwoman of the DeKalb County Republican Party, said she would be surprised if Boyer misused public funds. "It would not seem in fitting with who she is, how she governs and what she believes in, both publicly and privately," she said.

Viola Davis, who leads the DeKalb Unhappy Taxpayer and Voter group, called Boyer's Visa card use disappointing.

"There should be some integrity, some ethics, transparency there," Davis said. "And we trust them that they're going to do that, and over and over again we keep seeing them violate that trust."

It started with missing records.

The Atlanta Journal-Constitution has spent months scrutinizing elected officials' discretionary spending, and reporter Johnny Edwards found that DeKalb County Commissioner Elaine Boyer wasn't maintaining transaction logs of her county Visa card usage. County policy mandates cardholders keep the logs, and most DeKalb commissioners keep up with them even though they say they don't fall under the policy.

Boyer instead produced spreadsheets of her Visa usage, and Edwards noted several high-dollar charges that she reimbursed months later. The commissioner's chief of staff explained many of the expenses. But when Edwards requested receipts and back-up documentation for those and other purchases, Boyer's office responded that it could not locate them.

The AJC began drilling into those charges, deciphering such entries as \$1,400 charged to SummitCove.com in October. That turned out to be a ski resort booking for a trip that included her daughter and two friends.

Edwards also checked federal records and found that Boyer and her husband had initiated bankruptcy filings multiple times in recent years but didn't proceed with the cases. Other public records showed that the couple's home was heading to foreclosure.

When Edwards pressed for receipts on dozens more expenses, such as plane tickets, rental cars, meals and phone bills, Boyer could only produce two. Then, on March 13, Boyer sent the county lists of other purchases she needed to repay and provided checks for more than \$4,000.

Boyer told the AJC last week that she may need to repay more, including T-Mobile bills that have funded two cell phones for her.

#### **About Elaine Boyer**

- She is the longest-serving member of the DeKalb County Board of Commissioners, first elected in 1992.
- Her base pay is \$38,375, but with her longevity supplement for being a "certified commissioner," she made \$41,764 in 2013, according to that year's annual budget.
- Her campaigns have stressed tax relief, and she has drawn support from social conservatives such as officers of Georgia Right to Life, Christian Coalition and Eagle Forum.
- She has long touted her record as a fiscal conservative, voting against tax increases and criticizing other county officials for spending. Says her website: "While politics in the county may change, Boyer has remained true to her ideals and continued to crusade for the basic tenets of conservatism: limiting the tax burden, reducing the size of government, fighting for constituents, and keeping families safe."
- She had a \$742.76 garnishment for 2004 federal incomes taxes. This was satisfied in 2009. She had said the debt stemmed from a business disagreement between her husband and a former business partner.
- Also in 2004, the state ethics commission sought information from Boyer in an investigation into her fund-raising activities. Boyer later agreed to pay \$800 for not properly documenting contributions and expenditures. An allegation that she made loan repayments to herself for above the amount due was dismissed, as was an allegation that she accepted excess contributions, according to state records.
- In 2004, Boyer filed a complaint with Decatur police accusing former CEO Vernon Jones of intentionally bumping her shoulder as they passed each other. Jones denied the accusation but publicly apologized for using inappropriate language. No criminal charges resulted.
- In 2011, Boyer questioned travel by now-suspended CEO Burrell Ellis and five commissioners. At the time, the county was trying to cut \$33.6 million from its budget. Boyer said travel needed to be one of the first things cut from every department budget. "We have a limited budget as commissioners," she said, "and I prefer to spend mine for other stuff in my district that directly helps my constituents."
- In 2011, when DeKalb approved a 26 percent tax hike, Boyer criticized Ellis: "We are all cutting our budgets, yet the county has refused to embrace layoffs or significant budget reductions." In 2012, Boyer was critical of county spending, calling for 5 percent budget cuts in every department.
- In 2012, Boyer and commissioners' Chief of Staff Morris Williams asked companies that do work for the county to help defray the costs of feeding commissioners during meetings. CH2M Hill, Jacobs Engineering Group and Brown & Caldwell spent at least \$500 per working lunch for commissioners' meals, records showed. Boyer said she saw no problem with it because "it's an open process, all seven commissioners are always present and staff are running in and out."

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# Prohibited Conduct

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Board of Ethics

Clerk of the Governing Authority

Clark Harrison Building

330 W. Ponca de Leon Avenue

Decatur, GA 30030

[Email Us](#)

## Conduct Prohibited by the DeKalb County Code of Ethics

The law which created the Board of Ethics, and as amended, specifically sets out certain conduct which is prohibited by those members who are subject to the jurisdiction of the Code of Ethics. Those members shall **not**:

- Give a reasonable basis for the impression that the member may be improperly influenced in the performance of his/her official duties;
- Directly or indirectly request, receive, or agree to receive any thing of value which may influence or be perceived to influence, the member's official actions;
- Disclose or use confidential information acquired as a result of the member's position for private gain;
- Appear on behalf of himself or another concerning any contract or transaction which may be the subject of an official action of DeKalb County;
- Use his/her position to secure unwarranted privileges for himself or others;
- Render service to any private business which is adverse to or incompatible with the proper discharge of his/her official duties;
- Acquire an interest in any contract or transaction at a time when the member may have reason to believe that such an interest will be affected by his/her official actions or actions of the governing authority;
- Engage in any activity or transaction that is prohibited by a law that is applicable to him/her by virtue of being a member of the governing authority;
- Enter into a contract with DeKalb County on behalf of himself or another involving services or property in which that member has an interest. This prohibition applies while that person is a member of the governing authority, and for twelve months thereafter.

From: [REDACTED] >

To: [REDACTED]

Subject: pcard prosecution

Date: Mon, Mar 31, 2014 11:31 pm

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FWIW, I have no idea where exactly the Lewis/Pope case is in the court docket but I found an article about a similar case online. People do get convicted for misusing a government credit card.

*Tuesday, September 8, 2009*

*Former Perimeter College Student Life Director Pleads Guilty In P-Card Case*

*Patrice Wright, a former Student Life Director at the Clarkston campus of Perimeter College, pled guilty this morning in DeKalb Superior Court over her misuse of her state-issued purchasing card (P-card). Wright entered a guilty plea to ten counts of theft by taking, and she was sentenced by Judge Robert Castellani to ten years intensive probation and 160 hours of community service. In addition, restitution in the amount of \$3,463 was ordered to be repaid to the state.*

*Part of Wright's duties at Perimeter required her to make certain work-related purchases, including the purchase of gift cards for use by the school. On January 22, 2007, Wright used her P-card to purchase four mall gift certificates with a face value of \$500 each which she used to make payments on her car loan. On February 7, 2007, Wright purchased several gift cards with a face value of \$340, one of which she appropriated for her own use to reserve a hotel room in Hawaii. In addition, the state investigation discovered that Wright had used her P-card to make personal purchases while on a trip to Disney in September 2006 and while on a trip to Las Vegas in over the New Years holiday in 2006-2007. The total amount of Wright's thefts totaled \$3,463.25.*

*The case was prosecuted by Assistant Attorney General Laura Pfister, and the case was investigated jointly by the State Audit Department and the Georgia Bureau of Investigation.*

From: [REDACTED]

To: [REDACTED]

Subject: Meals charged on DeKalb's card by Elaine Boyer and Bob Lundsten

Date: Tue, Apr 1, 2014 11:04 am

## Meals charged on DeKalb's card by Elaine Boyer and top aide

DeKalb County Commissioner Elaine Boyer and her top aide apparently have their favorite restaurants, as evidenced by purchases with their county Visa cards.

Spending records show that in 2012 and 2013, Boyer and her chief of staff, Bob Lundsten, spent more than \$11,000 for restaurant meals at taxpayers' expense. Together, they averaged about two restaurant purchases a week in 2012 and nearly three a week in 2013. Boyer told the AJC that all the expenses were for meetings with constituents. "We're either having coffee or we're talking to constituents," she said. "We spend a lot of time out in the field."

Based on the records, the commissioner appears to favor Matthews Cafeteria in Tucker. She used the county Visa card there about three dozen times in the two years. With Lundsten, it's Big Tex in Decatur, a short walk away from the county building, where he made 60 Visa card purchases. On this spreadsheet, **Boyer's restaurant expenses are in red. Lundsten's are in BLACK.**

Read the AJC's full investigation of how this DeKalb official spent county funds on herself.

<http://www.myajc.com/news/boyer-card-meals/>

Purchase date	Restuarant	Amount	Reimbursed
1/4/2012	Matthews Cafeteria	\$33.60	
1/10/2012	Big Tex	\$83.20	
1/11/2012	Big Tex	\$28.64	
1/18/2012	Aramark Agnes Scott	\$34.00	
1/18/2012	Matthews Cafeteria	\$21.94	
1/23/2012	Taco Mac	\$46.92	
2/1/2012	Old Hickory	\$24.70	
2/1/2012	Fuji Ya Lucky Key	\$27.66	
2/1/2012	Old Hickory	\$24.70	
2/7/2012	Los Bravos	\$67.33	
2/8/2012	Home Grown	\$36.32	
2/9/2012	#24 Brio perimeter	\$193.50	
2/10/2012	Marlow's	\$111.30	
2/12/2012	Cracker Barrel Athens	\$28.90	3/29/2012
2/13/2012	The Local No. 7	\$83.73	
2/13/2012	Downwind Restaurant	\$9.60	
2/16/2012	Matthews Cafeteria	\$38.36	
2/16/2012	Jimmy John's	\$94.04	
2/18/2012	Old Hickory	\$29.98	
2/20/2012	Taco Mac	\$49.87	

2/22/2012	Our Way Café	\$30.05
2/23/2012	Big Tex	\$57.94
3/1/2012	Fox Bros	\$32.40
3/5/2012	Alon's	\$11.76
3/8/2012	Alon's	\$37.63
3/8/2012	Our Way	\$25.05
3/14/2012	Comer Pizza	\$19.26
3/17/2012	Big Tex	\$29.19
3/21/2012	Big Tex	\$19.19
3/22/2012	Farm Burger	\$24.08
3/22/2012	Big Tex	\$33.36
3/28/2012	Ted's Montana Grill	\$65.97
3/29/2012	Pastries A Go-Go	\$20.67
3/30/2012	Matthews Cafeteria	\$33.60
4/5/2012	Big Tex	\$44.48
4/6/2012	Matthews Cafeteria	\$32.37
4/10/2012	Big Tex	\$60.98
4/12/2012	Seasons 52	79.66
4/16/2012	Big Tex	\$24.36
4/20/2012	Mad Italian	\$34.38
4/24/2012	The Local No. 7	\$77.84
4/29/2012	Huey's on the River	\$38.62
4/30/2012	Huey's on the River	\$33.08
5/3/2012	Ted's Montana Grill, Decatur	\$46.44
5/11/2012	Old Hickory	\$13.88
5/14/2012	Big Tex	\$49.74
5/15/2012	Petite Auberge	\$66.50
5/18/2012	Big Tex	\$41.87
5/20/2012	Shorty's	\$97.06
5/24/2012	Matthews Cafeteria	\$36.86
5/24/2012	Matthews Cafeteria	\$24.72
5/28/2012	Taco Mac	\$25.79
5/30/2012	Matthews Cafeteria	\$28.36
5/31/2012	Big Tex	\$57.22
6/4/2012	Sprig	\$39.14
6/4/2012	Big Tex	\$59.87
6/6/2012	McKendricks Steakhouse	\$182.90
6/8/2012	Our Way Café	\$11.59
6/8/2012	Matthews Café	\$36.01
6/15/2012	Big Tex	\$26.52
6/18/2012	Alons	\$9.37
6/19/2012	O'Brians Tavern	\$13.66
6/22/2012	Big Tex	\$41.57
6/25/2012	Taco Mac	\$26.64
7/6/2012	Taco Mac	\$35.80
7/13/2012	Matthews Cafeteria	\$29.52
7/17/2012	Peters	\$72.67
7/18/2012	Big Tex	\$31.78
7/23/2012	Taco Mac	\$23.16
7/25/2012	Matthews Cafeteria	\$14.45
7/26/2012	Matthews Cafeteria	\$12.47
7/30/2012	Big Tex	\$31.78
8/7/2012	Big Tex	\$79.01

8/10/2012	Big Tex	\$26.52
8/17/2012	Big Tex	\$15.93
8/20/2012	Grecian Gyro Tucker	\$25.46
9/4/2012	Twin's Billiards & Tap	\$13.18
9/6/2012	Matthews Cafeteria	\$22.26
9/8/2012	Goldberg's Bagel Co & Deli	\$46.93
9/8/2012	Goldberg's Bagel Co & Deli	\$108.86
9/10/2012	Big Tex	\$46.11
9/11/2012	Panera	\$7.40
9/18/2012	Petite Auberge	\$106.72
9/24/2012	O'Brians Tavern	\$44.63
9/26/2012	Big Tex	\$28.67
10/4/2012	Taco Mac	\$13.11
10/9/2012	Big Tex	\$50.93
10/11/2012	Marlow's	\$96.02
10/13/2012	Baci by Café at Pharr	\$37.57
10/17/2012	Jimmy John's	\$189.15
10/26/2012	Big Tex	\$54.64
10/27/2012	Gillys	\$18.46
10/31/2012	Big Tex	\$51.97
11/2/2012	Mad Italian	\$47.67
11/9/2012	A Piece of Cake	\$135.95
11/9/2012	Panera	\$39.19
11/9/2012	Matthews Cafeteria	\$34.03
11/15/2012	Big Tex	\$26.36
11/16/2012	Marlow's	\$42.04
12/4/2012	Gyro Teriyaki	\$43.72
12/4/2012	Pig N Chik	\$28.70
12/4/2012	Chick-Fil-A	\$11.19
12/11/2012	Big Tex	\$25.74
12/11/2012	Matthews Cafeteria	\$37.53
12/14/2012	Big Tex	\$34.73
12/19/2012	Sweet Melissa's	\$53.44
1/5/2013	Big Tex	\$9.23
1/9/2013	Taco Mac	\$19.41
1/17/2013	China Garden II	\$33.96
1/17/2013	Ted's Montana Grill-Decatur	\$22.76
1/23/2013	Matthews Cafeteria	\$36.97
1/23/2013	Big Tex	\$69.25
1/23/2013	Eurest Dining	\$40.88
1/24/2013	Twisted Taco	\$75.40
1/28/2013	Chick-Fil-A	\$15.89
1/29/2013	The Local No. 7	\$55.69
1/29/2013	Taco Mac	\$31.26
1/31/2013	Ted's Montana Grill-Decatur	\$98.34
2/1/2013	Grecian Gyro Tucker	\$26.97
2/2/2013	Big Tex	\$30.24
2/7/2013	Big Tex	\$52.83
2/8/2013	Ted's Montana Grill-Decatur	\$63.50
2/11/2013	Downwind Restaurant	\$19.50
2/13/2013	Twisted Taco	-\$34.70
2/18/2013	Matthews Cafeteria	\$29.43

(unclear why this charge was dropped)

2/20/2013	Big Tex	\$64.14	
2/20/2013	Ted's Montana Grill-Decatur	\$93.51	
2/25/2013	Matthews Cafeteria	\$35.10	
2/25/2013	Pastries A Go Go	\$47.20	
2/26/2013	Grecian Gyro Tucker	\$28.58	
2/27/2013	Blue Ribbon Grill	\$86.90	
3/2/2013	Big Tex	\$34.18	
3/4/2013	Panera Bread	\$14.97	
3/4/2013	Taco Mac	\$33.04	
3/5/2013	Matthews Cafeteria	\$40.97	
3/11/2013	Mellow Mushroom	\$20.07	
3/12/2013	Grecian Gyro Tucker	\$29.66	
3/14/2013	Big Tex	\$40.10	
3/20/2013	Big Tex	\$16.36	
3/21/2013	Downwind Restaurant	\$26.00	
3/23/2013	Fortune Cookie	\$67.82	
3/25/2013	The Local No. 7	\$51.88	
3/25/2013	Big Tex	\$62.06	
3/26/2013	Matthews Cafeteria	\$25.73	
3/27/2013	Starbucks	\$100.00	
3/27/2013	Goldbergs Bagel & Deli	\$30.15	
4/5/2013	Downwind Restaurant	\$25.50	4/1/2013
4/8/2013	Grecian Gyro Tucker	\$22.22	
4/12/2013	Matthews Cafeteria	\$32.85	
4/12/2013	Taco Mac	\$37.17	
4/15/2013	Downwind Restaurant	\$51.50	
4/16/2013	Taco Mac	\$39.74	
4/17/2013	Petite Auberge	\$43.79	
4/22/2013	Matthews Cafeteria	\$15.01	
4/23/2013	Café Alsace	\$52.45	
4/26/2013	Big Tex	\$18.94	
4/27/2013	Huey's on the River	\$43.31	
5/8/2013	Big Tex	\$33.21	
5/10/2013	Big Tex	\$31.15	
5/10/2013	O'Brians Tavern	\$32.71	
5/21/2013	The Local No. 7	\$22.71	
5/22/2013	Goldbergs Bagel & Deli	\$31.79	
5/22/2013	Old Hickory House	\$25.93	
5/23/2013	Marlow's	\$35.83	
5/23/2013	The Getaway Restaurant	\$7.87	
5/27/2013	Los Rancheros Restaurant	\$35.37	
5/30/2013	Big Tex	\$18.94	
5/31/2013	Matthews Cafeteria	\$19.58	
6/5/2013	Grecian Gyro Tucker	\$41.98	
6/8/2013	Goldbergs Bagel & Deli	\$18.60	
6/10/2013	Capital Grille	\$281.94	
6/12/2013	The Marlay House	\$28.84	
6/12/2013	Matthews Cafeteria	\$43.15	
6/14/2013	Matthews Cafeteria	\$16.48	
6/18/2013	Big Tex	\$16.25	
6/21/2013	Big Tex	\$32.70	
6/24/2013	Matthews Cafeteria	\$53.29	
6/25/2013	Café Alsace	\$51.87	

7/3/2013	Big Tex	\$13.87	
7/6/2013	Downwind Restaurant	\$29.00	
7/9/2013	Matthews Cafeteria	\$24.93	
7/12/2013	Big Tex	\$17.93	
7/15/2013	Ted's Montana Grill-Decatur	\$52.49	
7/16/2013	Matthews Cafeteria	\$27.88	
7/16/2013	Petite Auberge	\$27.94	
7/16/2013	San Francisco Coffee	\$11.61	
7/20/2013	Glorias Restaurant	\$78.15	
7/22/2013	Dickey's BBQ Pit-GATE	\$44.59	
7/24/2013	Villa Christina	\$76.41	
7/25/2013	Pig N Chik	\$47.60	
7/26/2013	Big Tex	\$17.93	
7/27/2013	A Piece of Cake	\$37.99	
7/30/2013	Ted's Montana Grill-Decatur	\$118.60	
8/1/2013	Matthews Cafeteria	\$34.57	
8/2/2013	Mellow Mushroom	\$25.67	
8/7/2013	Pastries A Go Go	\$20.80	
8/7/2013	Ted's Montana Grill-Decatur	\$24.11	
8/13/2013	Big Tex	\$32.77	
8/14/2013	Main Moon	\$22.53	
8/14/2013	SQ Kent's Country Cookie	\$12.00	
8/16/2013	Mellow Mushroom	\$29.22	
8/20/2013	Ted's Montana Grill-Decatur	\$23.40	
8/23/2013	Pastries A Go Go	\$23.14	
8/26/2013	The Greater Good Barbeque	\$39.38	
8/28/2013	Downwind Restaurant	\$54.50	
8/29/2013	Matthews Cafeteria	\$26.65	
8/31/2013	Mellow Mushroom	\$50.53	\$8 paid back on 9/23/2013
9/2/2013	Pig N Chik	\$33.25	
9/4/2013	IHOP	\$12.45	
9/9/2013	Big Tex	\$30.68	
9/10/2013	Blue Ribbon Grill	\$11.62	
9/11/2013	Zaxby's	\$14.53	
9/11/2013	Bat and Ball Pub	\$40.08	
9/13/2013	Matthews Cafeteria	\$28.03	
9/13/2013	Big Tex	\$31.70	
9/13/2013	Pig N Chik	\$458.93	
9/13/2013	Big Tex	\$17.41	
9/14/2013	Big Tex	\$67.21	
9/18/2013	Big Tex	\$17.93	
9/20/2013	Bones Restaurant	\$107.37	
9/21/2013	Downwind Restaurant	\$32.00	
9/27/2013	Pastries A Go Go	\$22.15	
9/27/2013	Dunkin	\$49.82	
9/27/2013	Jimmy Johns	\$340.00	
9/30/2013	Farm Burger	\$51.60	
10/1/2013	Café Alsace	\$56.10	
10/4/2013	Pastries A Go Go	\$28.57	
10/4/2013	Big Tex	\$81.18	
10/7/2013	Mellow Mushroom	\$27.28	
10/8/2013	Big Tex	\$28.91	
10/9/2013	Community Q BBQ	\$22.00	

10/10/2013	Big Tex	\$20.74
10/17/2013	Big Tex	\$31.70
10/18/2013	Pastries A Go Go	\$31.89
10/23/2013	Mellow Mushroom	\$12.17
10/25/2013	Galla's Pizza	\$22.75
10/28/2013	Matthews Cafeteria	\$32.87
10/31/2013	Big Tex	\$29.11
11/7/2013	Matthews Cafeteria	\$42.88
11/10/2013	Mellow Mushroom	\$21.49
11/11/2013	Farm Burger	\$25.40
11/15/2013	Matthews Cafeteria	\$22.44
11/19/2013	Ted's Montana Grill-Decatur	\$63.05
11/20/2013	Jason's Deli	\$25.27
11/22/2013	Mad Italian	\$38.80
11/27/2013	Big Tex	\$19.33
11/27/2013	Mellow Mushroom	\$24.83
12/2/2013	Matthews Cafeteria	\$38.22
12/5/2013	Matthews Cafeteria	\$12.57
12/5/2013	Big Tex	\$43.05
12/8/2013	River Street Sweets	\$104.23
12/9/2013	Old Hickory House	\$27.03
12/16/2013	Big Tex	\$33.53
12/19/2013	Hudson Grille Brookhaven	\$24.52
12/20/2013	Ted's Montana Grill-Decatur	\$39.16
12/21/2013	Old Hickory House	\$24.17
12/26/2013	Galla's Pizza	\$22.25
12/27/2013	Big Tex	\$49.62