

Brinson Askew Berry

BRINSON, ASKEW, BERRY, SEIGLER, RICHARDSON & DAVIS, LLP

Attorneys at Law

July 17, 2015

I. Stewart Duggan
706.295.0567
isduggan@brinson-askew.com

David Archer, Esq.
ARCHER & LOVELL
Post Office Box 1024
Cartersville, GA 30120-1024

Re: Floyd County Schools - Ethics Investigation

Dear Mr. Archer:

Following our recent telephone conversation, this letter confirms that King Askew and I serve as general counsel for the Floyd County School District. This letter serves to confirm that the School District wishes to engage you and your law firm for purposes of conducting an ethics investigation relative to certain persons employed by or affiliated with Floyd County Schools. We appreciate your willingness to conduct and complete an investigation and corresponding report.

The School District is agreeable to your hourly rate of \$300.00. The PSC has asked us to complete this investigation by August 25, 2015. With this letter I am providing you with the following records:

- (1) June 29, 2015 letter from Julie J. Oinonen, attorney for Mr. Greg McCary;
- (2) Ethics policies, as adopted by the Floyd County School District;
- (3) Ethical standards promulgated by the Professional Standards Commission (PSC);
- (4) Greg McCary's PSC and Ethic's Complaints, submitted to PSC on or about June 29, 2015;
- (5) Letters from PSC requesting Floyd County Schools to conduct an investigation.

* * *

Mr. McCary, through his attorney, Mrs. Julie J. Oinonen, filed PSC Complaints against Dr. Jeff McDaniel, Superintendent; Knox Wilson, Human Resources Director, and Craig Ellison, Director of Maintenance & Technology. (See enclosed).

In addition, Mr. McCary filed an ethics complaint against Board of Education Member, George Bevels. Mr. Bevels does not hold a PSC certificate; therefore, Mr. Bevels is subject only to the ethics policies/requirements set forth in the policies adopted by the Floyd County Board of Education. (See enclosed).

David Archer, Esq.
July 17, 2015
Page 2 of 2

Scope of Investigation:

Floyd County School District requests that your office conduct an investigation to determine whether any facts or evidence supports Mr. McCary's ethics complaints filed with the PSC against Dr. Jeff McDaniel, Mr. Knox Wilson, and Mr. Craig Ellison, where Mr. McCary alleges violations of PSC's Ethical Standards 4, 5, 6, and/or 10.

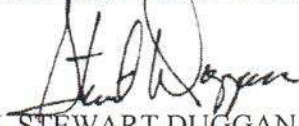
In addition, the School District requests your office to conduct an investigation to determine whether any facts or evidence supports Mr. McCary's allegations that Board Member George Bevels violated any ethical obligations, per the ethical policies adopted by the Board of Education.

You will be provided with complete and unfettered access to any document, record, or witness/employee of Floyd County Schools you deem necessary and relevant to completing your investigation. You may also interview any other persons, including any member of law enforcement, that you deem appropriate and relevant. We ask that you prepare a written report outlining your findings and conclusions.

Please let me know if we may provide any help or assistance in making records or witnesses available.

Yours very truly,

BRINSON ASKEW BERRY



I. STEWART DUGGAN

ISD:gac
Enclosures
cc: C. King Askew, Esq.

ARCHER & LOVELL, P.C.
ATTORNEYS AT LAW
336 S. TENNESSEE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

DAVID G. ARCHER
E. KEITH LOVELL

(770) 386-1116
FAX (770) 382-7484

To: I. Stewart Duggan, Esquire
King Askew, Esquire
Brinson, Askew & Berry
Attorneys for Floyd County School District
P.O. Box 5007
Rome, GA 30162-5007

From: David G. Archer
Archer & Lovell, P.C.
Attorneys at Law
P.O. Box 1024
Cartersville, GA 30120

INVESTIGATIVE REPORT

I. **INITIAL CONTACT, ENGAGEMENT AND INVESTIGATION SCHEDULE**

On July 9, 2015 I was contacted by Stewart Duggan and King Askew, Attorneys for Floyd County School District concerning a request to conduct an investigation for the School District into an ethics complaint filed by former employee Greg McCary with the Georgia Professional Standards Commission ("PSC") against Superintendent Dr. Jeff McDaniel, Human Resources Director Knox Wilson and Director of Maintenance and Technology Craig Ellison for alleged violations of PSC Standards. Mr. McCary's complaint was also filed against George Bevels, Floyd County Board of Education Chairman, for alleged violations of O.C.G.A. §20-2-63, Prohibited conflict of interests of board members.

After Mr. McCary's complaint was filed with the PSC, on June 29, 2015, the PSC remanded it to the Floyd County Board of Education by letters dated July 9, 2015, with a request

to investigate the complaints and respond to the PSC by August 25, 2015, as to the results of the investigation.

I received a letter dated July 17, 2015, from Attorney Stewart Duggan formally requesting that I conduct the investigation and complete it by August 25, 2015. After reviewing Mr. McCary's complaint, I determined that it was not possible for me to conduct and complete the investigation on or before August 25, 2015.

At the request of Attorney Duggan, I sent a letter dated July 20, 2015 to the PSC requesting an extension until September 30, 2015, to complete the investigation, in part because a family vacation scheduled from July 29, 2015 until August 7, 2015; and, in part because of the numerous interviews to be conducted into the numerous allegations stated in the complaint. The PSC responded by email dated July 21, 2015, approving the requested extension to complete the investigation, report and respond to the PSC by September 30, 2015.

Upon returning from vacation on Friday, August 7, 2015, I met with Attorney King Askew and Robin Borders, Executive Assistant, on Monday, August 10, and scheduled interviews to begin on Tuesday, August 11, 2015.

II. SCOPE OF INVESTIGATION

The engagement letter from Attorney Duggan dated July 17, 2015, in relevant part states the Scope of Investigation as follows:

"Floyd County School District requested that our office conduct an investigation to determine whether any facts or evidence supports Mr. McCary's ethics complaints filed with the PSC against Dr. Jeff McDaniel, Mr. Knox Wilson, and Mr. Craig Ellison, where Mr. McCary alleges violations of PSC's Ethical Standards 4, 5, 6 and/or 10.

In addition, the School district requests your office to conduct an investigation to determine whether any facts or evidence supports Mr. McCary's allegations that Board Member George Bevels violated any ethical obligations, per the ethical policies adopted by the Board of Education."

III. PERSONS INTERVIEWED:

1. George Bevels, Chairman, Floyd County Board of Education;
2. Dr. Jeff McDaniel, Superintendent, Floyd County School System;
3. Craig Ellison, Director of Maintenance and Technology;
4. Knox Wilson, Human Resources Director;
5. William Tant, Grounds crew, retired;
6. Rodney Dubois, Control Specialist;
7. Mike Huckaby, Grounds crew;
8. Doyle Jackson, Food service technician, retired;
9. Dr. Bob Puckett, Assistant Superintendent, retired;
10. Danny Langford, custodian, maintenance department;
11. April Childers, Deputy Superintendent;
12. Jamie Howell, Technology department;
13. King Askew, School Board Attorney;
14. Danny Tucker, Tucker Tree Service, LLC;
15. Jim Chittom, owner of Roman Chemical Corporation;
16. Ben Garrett, CEO, RA-LIN and Associates, Inc.;
17. Robert Morris, Johnson Controls, Inc., Project Manager;
18. Jeff Jones, Floyd County Police Department Investigator

Note:

Greg McCary's attorney, Julie J. Oinonen, would not agree to allow me to personally interview and question him about the allegations stated in his complaint. However, she did agree that Mr. McCary would respond in writing to written questions that I could send to her. I sent written questions to Attorney Oinonen on August 21, 2015, and received a written response from Attorney Oinonen on September 3, 2015.

IV. INTERVIEWS REQUESTED OF PERSONS WHOM REFUSED THROUGH THEIR ATTORNEYS TO BE INTERVIEWED

1. Sam Sprewell, former Assistant Superintendent, retired. His Attorney, Billy Sparks, advised me that he would not allow me to interview Mr. Sprewell;
2. Derry Richardson, former Maintenance Department Director, resigned. His Attorney, Bobby Lee Cook, advised me that Mr. Richardson declined to be interviewed.

Note:

An interview was requested with Steve Cordele, Moriah Services, Inc., through his attorney, Chris Twyman. Mr. Twyman did not initially object to an interview, but failed to respond to several attempts by me to schedule such an interview.

V. EXHIBITS ATTACHED

EXHIBIT A – Engagement letter dated July 17, 2015, with attachments

pp1-2 – Engagement letter dated July 17, 2015, with attachments

p3 – Letter dated June 29, 2015 from Attorney Julie J. Oinonen by email to Floyd County Board of Education transmitting ethics complaint of Greg McCary;

pp4-6 – Floyd County Board of Education Code of Ethics Policy (applicable to Board Members);

pp7-10 – Floyd County Board of Education Conflict of Interest Policy (applicable to Board Members);

pp11-16 PSC Code of Ethics For Educators, Section 505-601 (applicable to McDaniel, Ellison and Wilson);

pp7-24 – Ethics Complaint filed by Greg McCary dated June 29, 2015, filed with PSC and Floyd County Board of Education;

p25 – Letter from PSC to Floyd County Board of Education Chairman dated July 9, 2015, remanding complaint against Knox Wilson for investigation;

p26 – Letter from PSC to Floyd County Board of Education Chairman dated July 9, 2015, remanding complaint against Dr. Jeffery D. McDaniel for investigation.

Note: The remand letter for Craig Ellison was omitted.

EXHIBIT B – p1 – Computer printout of invoices for services of Tucker Tree Service to Floyd County School System showing dates of invoices and amounts of payment; and, handwritten notes of Dr. McDaniel showing dates of personal checks for services performed by Tucker Tree Service at Dr. McDaniel's residence;

p2 – Copy of cancelled check from Jeffery McDaniel to Danny Tucker dated January 9, 2014, for \$200.00;

p3 – Copy of cancelled check from Jeffery McDaniel to Danny Tucker dated January 10, 2015, for \$175.00

EXHIBIT C – pp1-2 – Emails dated January 28, 2014 from Craig Ellison to Kippi Ellison (wife) concerning trip to Chicago to visit the vendor;

pp3-5 – Email dated May 12, 2014 from vendor to Craig Ellison and others with attached itinerary and agenda for Chicago trip to visit vendor.

EXHIBIT D – Copy of building addition plans prepared by Rodney Dubois at request of Derry Richardson and George Bevels.

VI. PSC STANDARDS APPLICABLE TO DR. JEFF McDANIEL, CRAIG ELLISON AND KNOX WILSON

As stated in the engagement letter dated July 17, 2015 (Exhibit A, p2), I am requested “to determine whether any facts or evidence supports Mr. McCary’s ethics complaint filed with the PSC against Dr. Jeff McDaniel, Mr. Knox Wilson, and Mr. Craig Ellison, where Mr. McCary alleges violations of PSC’s Ethical Standards 4, 5, 6 and/or 10.

The relevant portions of those PSC Ethical Standards state as follows:

“Standard 4: Honesty – An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but it is not limited to falsifying, misrepresenting or omitting:

...

(2) information submitted to federal state, local school districts and other governmental agencies;

...

(5) information submitted in the course of an official inquiry/investigation....” (Exhibit A, p 13).

“Standard 5: Public Funds and Property – An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy and responsibility. Unethical conduct includes, but is not limited to:

...

(5) using school or school district property without the approval of the local board of education/governing board or authorized designee.” (Exhibit A, p13).

“Standard 6: Remunerative Conduct – An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors and additional compensation. Unethical conduct includes, but is not limited to:

...

(2) accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;

....” (Exhibit A, p13)

“Standard 10 – Professional conduct – An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Unethical conduct includes but is not limited to any conduct that impairs and/or diminishes the certificate holder’s ability to function professionally in his or her employment position or behavior or conduct that is detrimental to the health, welfare, discipline or morals of students.” (Exhibit A, p14).

VII. GREG McCARY’S ALLEGATIONS AGAINST KNOX WILSON

(1) ALLEGATION OF KNOX WILSON ACCEPTING BRAVES TICKETS FROM VENDOR IN VIOLATION OF PSC STANDARDS

Greg McCary’s complaint alleges: “I was told that contractors and vendors (such as RA-LIN and Associates) gave high level administrators gifts and other perks. For example, I was told that Knox Wilson received Braves tickets this spring 2015 from RA-LIN.” (Exhibit A, p 21)

Mr. McCary’s attorney refused to allow me to interview him, but agreed to respond in writing to written questions. As to Knox Wilson, Mr. McCary’s written response states: “I was

also told that Knox Wilson received Atlanta Braves tickets from a contractor that come through Sam Sprewell at Mr. Wilson's request."

Although requested to do so, Mr. McCary did not respond with the source of his allegation.

Sam Sprewell's resignation as Assistant Superintendent was accepted by the Floyd County Board of Education on April 9, 2015, subsequent to the initiation of the criminal investigation into misappropriation and theft of school funds that began the first week in April, 2015. Mr. Sprewell's Attorney, Billy Sparks, declined to allow me to interview Mr. Sprewell.

Mr. McCary's allegation that Knox Wilson accepted Braves tickets from RA-LIN and Associates, a school vendor, is based upon hearsay, without a source, and does not constitute probative evidence. Furthermore, it is not believable that Mr. Wilson requested, nor accepted, such tickets from Mr. Sprewell in the spring of 2015, with the beginning of the criminal investigation during the first week of April, 2015.

Mr. Ben Garrett, CEO of RA-LIN and Associates told me that he does not know, has never heard of Knox Wilson, and that he does not believe anyone from his company gave Mr. Wilson Braves tickets.

However, Knox Wilson told me that Sam Sprewell offered him two Braves tickets more than two and one half (2 ½) years ago, while he was employed by the Floyd County School System as the Student Services Coordinator. He was promoted to Human Resources Director two and one half (2 ½) years ago; and Mr. Wilson stated that Mr. Sprewell offered and gave him the two Braves tickets before that promotion. Mr. Wilson stated that he thought that they were just two Braves tickets that Mr. Sprewell had acquired himself; and, Mr. Sprewell did not tell him otherwise.

Mr. Wilson had no authority to deal with, or to make purchases from school vendors. He has never met anyone from RA-LIN and Associates.

Mr. Wilson told me that he and his son used two tickets to attend a Braves game and sat in the outfield about three (3) years ago. The value of those tickets was about \$10.00 to \$20.00 each.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT KNOX WILSON VIOLATED ANY OF THE PSC STANDARDS AS ALLEGED BY MR. McCARY IN HIS COMPLAINT AS TO THIS ALLEGATION.

(2) ALLEGATION OF AUTHORIZING SURVEILLANCE CAMERA IN SCHOOL IN VIOLATION OF PSC STANDARDS

Mr. McCary's complaint states: "Floyd County School District had me regularly install surveillance cameras to spy on employees" (Exhibit A, p21)

Although this allegation does not specifically refer to Knox Wilson, Mr. McCary's written responses to my written questions does so, and states in relevant part: "Keith Brownlaw and myself, at the request of Knox Wilson, installed a camera above the time clock computer at Armuchee High School and caught the second shift custodians clocking each other in and out." (underling in original)

Neither Georgia nor federal law prohibits the installation of surveillance cameras in public places, which a public school is.

Surveillance cameras are permitted to be used in public places where there is "no reasonable expectation of privacy." (See O.C.G.A. §16-11-62(2)(B)).

Georgia courts have defined an invasion of privacy as (1) a physical intrusion (2) into an area where the plaintiff has a reasonable expectation of privacy. See Cox Communications, Inc. v. Lowe, 173 Ga. App. 812, 328 SE2d 384 (1985)

Mr. McCary's written responses to my written questions provided several other examples of surveillance cameras recording school employees committing misconduct, but do not refer to Mr. Wilson being involved.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT KNOX WILSON VIOLATED ANY OF THE PSC STANDARDS BY AUTHORIZING THE INSTALLATION OF A SURVEILLANCE CAMERA AT THE SCHOOL.

(3) ALLEGATION THAT "HIGH LEVEL ADMINISTRATORS" ATTENDED "FANCY DINNERS" SPONSORED BY VENDORS, INCLUDING FISH FRIES, SKEET SHOOTS AND OTHER ACTIVITIES IN VIOLATION OF PSC STANDARDS

Although Mr. McCary's complaint does not specifically refer to Knox Wilson, his written response to my written questions does so. His written responses state in relevant part: "There were dinners that would be hosted in the back of the shop and the vendors provided food and drink. This was common knowledge and over time every administrator attended. This included Dr. McDaniel, Craig Ellison, Knox Wilson and April Childers."

For several years there have been luncheons for Thanksgiving and Christmas given in the maintenance department shop. The maintenance department employees did the food preparation and cooking for these events, which were attended by a large number of school system employees and retirees, including school administrators, teachers, spouses and other school system support staff. The events were not catered and several attendees brought covered dishes

that they had prepared and brought from their homes. Last year, April Childers prepared and brought a dessert to the luncheon.

If any of the food was provided by vendors, it was not known by the attendees with the possible exception of some of the employees of the maintenance department, whom were doing the cooking. There were no vendors' signs, nor advertising for any vendors. It was the common belief that the maintenance department provided the food for such events.

As to the allegations relating to skeet shoots paid for by vendors, Mr. McCary's complaint does not refer to Knox Wilson, but his written responses to my written questions does so. The written responses state in reference to the skeet shoots in relevant part that:

"...that Knox Wilson had attended some in the past."

Mr. Wilson stated that he attended two skeet shoots, that he stayed about one and one half (1 ½) hours each time. He stated that he ate hot dogs and hamburgers and shot clay skeets; and, there was no charge, but that he does not know whether vendors paid for anything.

Mr. Wilson had no relationship with any of the vendors and never had anything to do with purchasing from them, as HR Director. He has no knowledge about whom owned the skeet machines, trailers or grills.

There are no allegations, facts, nor evidence that Knox Wilson accepted any gifts from any vendors as alleged in Mr. McCary's complaint.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT KNOX WILSON VIOLATED ANY OF THE PSC STANDARDS AS ALLEGED BY MR. McCARY AS TO THIS ALLEGATION.

VIII. GREG McCARY'S ALLEGATIONS AGAINST CRAIG ELLISON

(1) ALLEGATION THAT CRAIG ELLISON WENT ON A TRIP TO CHICAGO PAID FOR BY A SCHOOL SYSTEM VENDOR, IN VIOLATION OF PSC STANDARDS

On April 28, 2014, Craig Ellison sent his wife an email advising her that Sam Sprewell, the former Assistant Superintendent had asked him to go to Chicago to visit one of the vendors involved in construction of the new Coosa High School building. Attached to the email was the schedule for the trip to be on May 20 and 21, 2014.

In May, 2014, Craig Ellison was the IT Director for the school system. The vendor, Richardson and Associates, had already been awarded the contract for the audio system to be installed in the new high school building. Mr. Ellison had nothing to do with Richardson and Associates having been selected as the vendor for the new audio system. Richardson and Associates' audio systems were installed in several existing Floyd County school buildings, but the proposed audio system for the proposed new Coosa High School was a newly designed system that had never been installed in an existing Floyd County school building.

The purpose of Mr. Ellison going with Sam Sprewell and Maintenance Department Director Derry Richardson was for Mr. Ellison to act as the technical liaison with the vendor's audio system design engineers.

As a result of the trip, the plans for the proposed construction of the high school were modified to accommodate the vendor's newly designed audio system; and, the school system saved several thousand dollars in construction costs.

Mr. Ellison received no personal benefit and the Chicago trip cost the school system nothing. It was a business trip from which the school system financially benefitted.

As to Mr. McCary's allegation that "they were wined and dined at very high-end gourmet restaurants", Mr. Ellison told me that they ate dinner at the Weber Grills Restaurant; and, that he had barbeque and slaw.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT CRAIG ELLISON VIOLATED ANY OF THE PSC STANDARDS BY GOING ON A BUSINESS TRIP PAID FOR BY A VENDOR, WHICH RESULTED IN BENEFITS TO THE SCHOOL SYSTEM AND NO PERSONAL BENEFIT TO MR. ELLISON.

(2) ALLEGATION THAT CRAIG ELLISON ATTENDED SKEET SHOOTS PAID FOR BY VENDORS; AND, GAVE FALSE TESTIMONY TO POLICE WITH REGARDS THERETO, IN VIOLATION OF PSC STANDARDS

Although Mr. McCary's complaint alleges that the skeet shoots were "regularly" held, he states that he only attended one of those events in the fall of 2014, in his written answers to my written questions. (Exhibit A, p20)

In his complaint, Mr. McCary stated: "I am not certain where the funding came for this activity." (Exhibit A, p20); but in his written responses to my written questions, he asserted: "Vendors would bring in food well in advance."

Mr. Ellison stated that he attended two of these skeet shoots, that he has no knowledge of whether vendors paid for anything, and that there were no signs or advertising of vendors at the events. Further, as IT Director, Mr. Ellison had no relationship with any of the vendors and had nothing to do with purchases from any of the vendors. He told me that he has no knowledge of whom owns the skeet shooting machines, trailers and grills. He did tell me that one of the skeet

machine trailers had a Chatooga County tag, that the other one had no tag; and, that former Maintenance Department Director Derry Richardson resides in Chatooga County.

Mr. McCary's complaint alleges that: "The reason why these regular skeet shooting incidents are relevant is that after the criminal investigation ensued, the school administration denied having knowledge about these skeet shooting machines. However, this would be false testimony since high level administrators such as Craig Ellison and multiple contractor vendors would use these machines for their skeet shooting parties and they were stored at all times within the maintenance department in plain view." (Exhibit A, p21)

And in his written responses to my written questions, Mr. McCary stated: "I was told by Derry Richardson that Craig (in an affidavit to the police) that (sic) he denied having knowledge about the skeet shoots or food being provided by vendors."

Craig Ellison stated that he told the police the same thing that he told me, that he knew about and attended two of the skeet shoots, but that he had no knowledge of whom paid for the hot dogs and hamburgers, nor of whom owned the skeet shooting machines and trailers that were stored in the school system maintenance shop. Mr. Ellison also told me that he had never given an affidavit to the police.

School Board Attorney King Askew was present when Mr. Ellison was interviewed by the police, and told me that Craig Ellison had told the police the same thing that he had told me about knowledge of matters relating to the skeet shoots; and lack of knowledge as to ownership of equipment; and, that Mr. Ellison had not given an affidavit to the police.

Mr. Ellison and Attorney Askew, both, denied that Mr. Ellison had given any false testimony to the police concerning matters relating to the skeet shoots.

Furthermore, Floyd County Police Department Investigator Jeff Jones told me that Craig Ellison had not given him an affidavit; and, that Mr. Ellison had been truthful and had given no false testimony during the criminal investigation by the Floyd County Police Department. In fact, Investigator Jones told me that as to his interview with Craig Ellison: "I have complete confidence that he was truthful and honest."

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT CRAIG ELLISON VIOLATED ANY OF THE PSC STANDARDS BY ATTENDING SKEET SHOOT WITHOUT KNOWLEDGE OF VENDORS PAYMENTS THEREFOR; AND, THERE ARE NO FACTS OR EVIDENCE THAT MR. ELLISON GAVE FALSE TESTIMONY TO POLICE.

IX. ALLEGATIONS AGAINST DR. JEFF McDANIEL

(1) ALLEGATION THAT DR. McDANIEL HAD SCHOOL VENDORS DO WORK AT HIS PERSONAL RESIDENCE AND INTERFERED WITH VENDORS' SCHOOL WORK SCHEDULE, IN VIOLATION OF PSC STANDARDS

Mr. McCary's complaint states in relevant part: "I have been informed that there have been contractors and vendors that have performed personal services for Dr. McDaniel at his personal residence While Dr. McDaniel may have paid this contractor vendor personally, he pulled him out of a job working for Floyd County School System to do it." (Exhibit A, p20)

Although Mr. McCary's complaint cites "contractors and vendors" that performed such work at Dr. McDaniel's personal residence, he only states a single school vendor/contractor that performed such work, ie, Danny Tucker, Tucker Tree Service.

Dr. McDaniel told me that he asked former Maintenance Department Director Derry Richardson for a recommendation for someone to hang a golfing net between two trees in his backyard. Mr. Richardson recommended Danny Tucker of Tucker Tree Service, whom had done work for the school system. Mr. Tucker telephoned Dr. McDaniel and arranged that he would hang the golf net. On Thursday, late afternoon, January 9, 2014, Mr. Tucker brought his bucket truck to Dr. McDaniel's residence and hung the golf net between two trees in the backyard. Dr. McDaniel stated that Mr. Tucker finished hanging the net between 5:00 and 6:00 p.m. Dr. McDaniel wrote Mr. Tucker a personal check dated January 9, 2014, for \$200.00, a copy of which is attached. (Exhibit B, p2)

In April or May, 2014, the golf net came loose and Dr. McDaniel called and asked Mr. Tucker to come to his residence and repair it. Dr. McDaniel stated that Mr. Tucker came on a Sunday afternoon and repaired that net; and, that it took him about 30 to 45 minutes; and, that he paid Mr. Tucker \$100.00 in cash.

In January, 2015, the golf net came loose again and Dr. McDaniel asked Mr. Tucker to repair it again. Dr. McDaniel stated that Mr. Tucker came to his residence on January 10, 2015, a Saturday, to repair the net again; and, Dr. McDaniel wrote him a personal check dated January 10, 2015, in the amount of \$175.00, a copy of which is attached. (Exhibit B, p3)

Dr. McDaniel denies ever asking Mr. Tucker, or anyone also, to pull off a job for the school system or to re-arrange his schedule to do work on his personal residence.

A computer printout showing invoice dates and amounts of school system related work performed by Tucker Tree Service for the school system shows that there was no such work being performed during the same months and years that Mr. Tucker did work for Dr. McDaniel at his personal residence. (Exhibit B, p1)

Indeed, Danny Tucker told me that he had not been pulled off a school system job to do work at Dr. McDaniel's personal residence. When I told him of Mr. McCary's allegations otherwise Mr. Tucker told me that they were: "False allegations."

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT DR. JEFF McDANIEL VIOLATED ANY OF THE PSC STANDARDS BY HIRING A SCHOOL VENDOR TO PERFORM WORK AT HIS PERSONAL RESIDENCE FOR WHICH DR. McDANIEL PERSONALLY PAID THE VENDOR; AND, THERE ARE NO FACTS OR EVIDENCE THAT DR. McDANIEL INTERFERED WITH THE VENDOR'S SCHOOL WORK SCHEDULE.

(2) ALLEGATIONS THAT DR. McDANIEL ACCEPTED GIFTS/BENEFITS FROM VENDORS IN VIOLATION OF PSC STANDARDS

In Mr. McCary's complaint he alleges generally that "high level administrators have received multiple gifts, perks and benefits from contractors and vendors"; and, "that they have gone on many social excursions with one another where I believe public funds were improperly used or where contractors and vendors paid high level administrators certain gifts in violation of Standard 6." (Exhibit A, p20)

Mr. McCary's complaint further states: "I have been told that Floyd County School District high-level administrators have regularly gone on high-end golfing trips paid by Johnson Controls"; and, "I was told that Contractors and Vendors (such as RA-LIN and Associates) gave high level administrators gifts and other perks" (Exhibit A, p21)

In response to my written questions, Mr. McCary's written response states: "I was told by my supervisor that Dr. McDaniel was treated to golf trips to Coosa Country Club paid for by

Jim Chittom owner of Roman Chemicals and the foursome included Dan Langford, head custodian of the county office and Sam Sprewell. I was also told that Dr. McDaniel was treated to golf at Barnsley Gardens in Adairsville, which is a very expensive course, ie, it would be discussed in my department. It was common knowledge that Johnson Controls regularly handed out free golf tickets to administrators. Everyone knows – one (sic) one occasion they handed me golf tickets.”

Dr. McDaniel told me that he never attended any of the skeet shoots, has never attended a fish fry paid for by a school vendor or contractor, has never been on a social trip or golfing trip paid for by a vendor, and that he has never been given, nor accepted Braves tickets paid for by a vendor. There are no facts or evidence that Dr. McDaniel did any of those things.

Dr. McDaniel did attend the Thanksgiving and Christmas luncheons along with teachers, employees and families, retirees, etc. but has no knowledge of any school vendor providing food therefor.

As to the “golfing trip” alleged at Coosa Country Club (which is in Rome, Georgia) with school system head custodian Dan Langford, former Assistant Superintendent Sam Sprewell; and, allegedly paid for by Jim Chittom, owner of Roman Chemical, Dr. McDaniel denies that it ever happened.

Dr. McDaniel told me that he only played golf at Coosa Country Club one time about five (5) years ago, before he became Superintendent; and, that he does not know, and has never played golf with Jim Chittom of Roman Chemical.

Further, Dan Langford, the school system head custodian, alleged to have played in the foursome with Dr. McDaniel at Coosa Country Club, told me that he had never played golf with Dr. McDaniel at Coosa Country Club.

And Jim Chittom of Roman Chemicals told me that he had never paid for Dr. McDaniel to play golf at Coosa Country Club, or anywhere else; and, that he had never even played golf with Dr. McDaniel.

As previously stated, former Assistant Superintendent Sam Sprewell, through his Attorney, declined my request to interview him.

As to the response that "Dr. McDaniel was treated to golf at Barnsley Gardens in Adairsville, which is a very expensive course, ie. It would be discussed in our department. It was common knowledge that Johnson Controls regularly handed out free golf tickets to administrators." Dr. McDaniel denies that he has ever played golf for free paid for by Johnson Controls; and, denies that he has ever received "free golf tickets" from Johnson Controls. Dr. McDaniel further stated that he does not even know anyone employed by Johnson Controls; and, that he has never accepted golfing trips or any other form of personal benefits or gifts from Johnson Controls, or any other school vendor or contractor. There are no probative facts or evidence otherwise.

Robert Morris, Johnson Controls, Project Manager for the construction of the new Coosa High School, told me that he had never met Dr. McDaniel. Mr. Morris also told me that Johnson Controls had never paid for Dr. McDaniel to go on any social or golfing trips; and, never paid for Dr. McDaniel to play golf at Barnsley Gardens Resort, or any other golf course.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT DR. JEFF McDANIEL HAS ACCEPTED ANY GIFTS OR BENEFITS FROM SCHOOL VENDORS OR CONTRACTORS IN VIOLATION OF PSC STANDARDS.

(3) ALLEGATIONS THAT DR. McDANIEL MADE IMPROPER ADVANCES ON SUBORDINATE FEMALE EMPLOYEES; AND, THAT THERE IS AN IMPROPER RELATIONSHIP CURRENTLY WITH HIS SUBORDINATE IN VIOLATION OF PSC STANDARDS

Mr. McCary alleged in his complaint as follows: “I have been told that the Superintendent made improper advances on subordinate female employees. I have been told there is an improper relationship currently with the Superintendent McDaniel and his subordinate.” (Exhibit A, p21)

In his written responses to my written questions, Mr. McCary stated: “I was told by a female employee of the school district about inappropriate comments that he made that made them feel uncomfortable or were ‘creepy’ to them and included ‘tight body hugs’. I was told that this was not just done to her but other females. I am not willing to disclose what female employee told me this. It was also believed amongst many staff that Dr. McDaniel was having an affair with April Childers who I am told went from paraprofessional to Deputy Superintendent in a short period of time” (underlining added)

Dr. McDaniel denies this allegation, as does Deputy Superintendent April Childers. Mr. McCary has refused to identify his source, which is based upon hearsay, of which he apparently has no personal knowledge.

Mr. McCary’s allegation that April Childers “went from paraprofessional to Deputy Superintendent in a short period of time” is incorrect. Ms. Childers has never been a parapro. She started her teaching career teaching high school math; and, has been employed by the school system for twenty-two (22) years. She has a Bachelors Degree from Shorter University, Masters Degree from University of Alabama and Doctorate in Education from Argosy University.

The Floyd County Board of Education has an adopted policy prohibiting any form of discrimination, harassment and/or inappropriate sexual behavior by its employees.

The policy states in relevant part: "Failure by a teacher, immediate supervisor, Principal, and/or Superintendent to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for appropriate disciplinary action up to and including termination of employment

...

Employees who believe they have been a victim of an act of harassment/discrimination or who have observed incidents involving students or other employees that they believe to be an act of harassment/discrimination shall, as soon as practicable, report it. Reports of harassment/discrimination shall be made directly to the Superintendent or to the District Harassment/Discrimination Coordinator. Reports of harassment/discrimination involving the Superintendent shall be made to the chairperson of the Board of Education." (underlining added)

According to both Floyd County Board of Education Chairperson George Bevels and HR Director Knox Wilson, who serves as the District Harassment/Discrimination Coordinator, there has never been a complaint and/or report filed against Superintendent McDaniel, except the complaint of Mr. McCary under investigations.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT DR. JEFF McDANIEL MADE IMPROPER ADVANCES ON SUBORDINATE FEMALE EMPLOYEES, NOR THAT THERE IS AN IMPROPER RELATIONSHIP WITH HIS SUBORDINATE IN VIOLATION OF PSC STANDARDS.

(4) ALLEGATIONS THAT DR. McDANIEL PROVIDED FALSE INFORMATION TO POLICE DURING THE CRIMINAL INVESTIGATION INTO THEFTS BY SCHOOL SYSTEM EMPLOYEES, IN VIOLATION OF PSC STANDARDS

Mr. McCary's complaint alleges in relevant part: "Dr. McDaniel falsely accused me of wrongdoing, stating that I had improperly kept county owned equipment at my house. This was a lie" (Exhibit A, pp22)

Mr. McCary further alleges that Dr. McDaniel forced him "to resign or threatened with termination wrongfully." (Exhibit A, p22)

During the latter part of 2014 an audit of the school maintenance department operations and the installation of a new computer software program in early 2015, led to the discovery of suspicious invoices for purchases made by several maintenance department employees.

The suspicious purchases and invoices were reported to the Floyd County Police Department and a criminal investigation began in early April, 2015.

When questioned about the suspicious purchases and invoices, several school system employees working in the maintenance department submitted their resignations rather than being terminated, including Greg McCary.

The Board of Education members voted to accept the resignations of Mr. McCary and the other employees on April 9, 2015, in an open public meeting.

Dr. McDaniel denies providing the police investigators any false information about Mr. McCary and/or any other school employees. The criminal investigation is ongoing; and, since it is an open criminal investigation, I am unable to access the information in the investigative files.

However, Mr. McCary's allegations are based upon hearsay and do not constitute probative facts or evidence to establish that Dr. McDaniel provided false information to the police.

CONCLUSION

THERE ARE NO PROBATIVE FACTS OR EVIDENCE THAT DR. JEFF McDANIEL PROVIDED FALSE INFORMATION TO POLICE DURING THE CRIMINAL INVESTIGATION INTO THEFTS BY SEVERAL SCHOOL SYSTEM EMPLOYEES IN VIOLATION OF PSC STANDARDS.

X. ALLEGATIONS AGAINST GEORGE BEVELS, CHAIRMAN OF THE FLOYD COUNTY BOARD OF EDUCATION

(1) ALLEGATIONS THAT GEORGE BEVELS REPEATEDLY MISUSED PUBLIC FUNDS AND PROPERTY, IN VIOLATION OF O.C.G.A. §20-2-63 AND BOARD POLICIES

As a School Board Member, George Bevels is not subject to the PSC Standards, but rather is subject to O.C.G.A. §20-2-63, Prohibited conflict of interests of board members; the Floyd County Board of Education Conflict of Interest Policy (which has identical language as O.C.G.A. §20-2-63); and, the Floyd County Board of Education Code of Ethics Policy, which are attached hereto. (Exhibit A, pp4-10; pp22-24)

The relevant portions of these School Board policies are as follows:

(a) CONFLICT OF INTEREST POLICY "The members of the Floyd County Board of Education shall adhere to these Conflict of Interest provisions as set forth pursuant to Georgia law.

CONFLICT OF INTERESTS:

(1) No Board member shall attempt to use his or her official position to secure unwarranted privileges, advantages, employment for himself or herself” (Exhibit A, p7 (identical to language of O.C.G.A. §20-2-63, Exhibit A, p23)

(b) CODE OF ETHICS POLICY

“The Floyd County Board of Education desires to operate in the most ethical and conscientious manner possible and to that end the board adopts this Code of Ethics and each member of the board agrees that he or she will:

...

Domain VIII: Financial Governance

1. Refrain from using the position of board member for personal or partisan gain for to benefit any person or entity over the interest (sic) the school system.

....” (Exhibit A, pp4-5)

Mr. McCary’s complaint states in relevant part: “I make this complaint against Local Board of Education member George Bevels for repeatedly misusing public funds and property.” (Exhibit A, p19)

There are two allegations made by Mr. McCary against Mr. Bevels as examples of such alleged misuse.

The first such example alleged is that in the Fall of 2014, Mr. Bevels requested school system employee Rodney Dubois to prepare a blueprint on school system equipment for an addition to Mr. Bevels’ church. (Exhibit A, p19)

In his written responses to my written questions, Mr. McCary corrected this allegation from the preparation of a blueprint for a church addition, to the preparation of a blueprint for an addition on to Mr. Bevels' personal residence.

Mr. Bevels admitted to me that Rodney Dubois had prepared the blueprint on the school system's equipment during school work hours. Mr. Bevels stated that during a conversation with Maintenance Department Director Derry Richardson, he had mentioned that he needed a design blueprint in order to obtain a building permit to construct a 20' x 24' sun room on the back of his home. He stated that Mr. Richardson said that he had a cad program, that it could draw up the plans, and that Rodney Dubois could do it. Then Mr. Richardson and Mr. Bevels went to Mr. Dubois' office; and, Mr. Richardson asked Mr. Dubois to draw up the plans.

Mr. Dubois told me that Mr. Richardson and Mr. Bevels came to his office and that Mr. Richardson asked him to prepare the plans, which he did during school system work hours. The plans that Mr. Dubois prepared are attached hereto. (Exhibit D, pp1-2) Mr. Dubois told me that the preparation of the plans took him about two hours.

The second example cited by Mr. McCary's complaint was that Mr. Bevels was a member of a hunting club; and, that some of the members of the hunting club had used school system tractors and bobcats at the hunting club to clear the privately owned land; and, that "In 2011 they blew up an engine in the tractor and I believe it was repaired in the bus shop." (Exhibit A, p19)

Further, in his written responses to my written questions as to the alleged use of county owned equipment, Mr. McCary wrote: "For many years it was a known fact that men from the maintenance department and bus shop workers were in an official or unofficial hunting club. It was a known fact that county owned equipment was used to clear the land."

The written responses further alleged: "I believe that Mike Huckaby who has a CDL license moved the tractor back and forth from the shop to the hunting land. I observed with my own eyes saw (sic) him leave with the tractor a couple of times late on a Friday afternoon just prior to opening day of hunting season."

Mr. McCary's complaint alleges that other members of the hunting club included "Doyle Jackson, retired food service tech, William Tant, retired grounds crew, Mike Huckaby, current grounds crew" (Exhibit A, p17)

George Bevels denies being a member of the hunting club; and, stated that he is not a person that hunts; and, that he has never been to or upon the property where the club members hunt. Mr. Bevels said he has no knowledge concerning the allegations that school system equipment was used to clear land.

Doyle Jackson, now retired, told me that George Bevels is not and has never been a member of the hunting club, that Mr. Bevels had never hunted with the group, and that Mr. Bevels had never been upon the property. Mr. Jackson is the caretaker of and lives upon the property that the group rents for hunting.

Mr. Jackson stated that there actually is no hunting club, that it is just a group of five (5) friends whom get together and hunt; and, that the group has a limit of five (5) persons by mutual agreement. Unless one of the group dies, no one else may be added to the group, which has only happened once. Mr. Jackson denies that school system equipment, tractors or bobcats had ever been used to clear the land, nor for any other purpose upon the property.

William Tant, retired from the grounds crew, told me that George Bevels has never been a member of the hunting group; that "George Bevels has never set foot on that property." Mr.

Tant denied that school system equipment, tractors or bobcats had ever been used by the group upon the hunting property. He also stated that the hunting group had a limit of five (5) persons.

Mike Huckaby, a grounds crew employee scheduled to retire during September, 2015, told me that George Bevels had never been a member of the hunting group; and, that he had never been upon the hunting property. Mr. Huckaby denied any school system equipment, tractors, or bobcats had ever been used on the hunting property.

As to Mr. McCary's written statement that he had seen Mr. Huckaby leave the school system shop on Friday afternoons with a tractor during hunting season, Mr. Huckaby stated that when he has often been scheduled to work on Saturday and/or Sunday, he would leave with the tractor on Friday afternoon so that he could go directly to a work site on the weekend without having to go back to the shop to get the tractor. He again stated that he never has taken a tractor owned by the school system to the hunting property. Mr. Huckaby also told me that during his thirty-four (34) years as a school system employee, he has never blown up a motor in a tractor.

There are no facts or evidence that George Bevels was ever a member of the hunting group. Nor are there any facts or evidence that school system equipment, tractors or bobcats were used by the hunting group to clear the hunting property.

CONCLUSION

(A) GEORGE BEVELS HAS BEEN A MEMBER OF THE FLOYD COUNTY BOARD OF EDUCATION FOR TWENTY SEVEN (27) YEARS AND CURRENTLY SERVES AS ITS CHAIRMAN, THERE ARE NO PROBATIVE FACTS OR EVIDENCE TO ESTABLISH THAT MR. BEVELS HAS REPEATEDLY MISUSED PUBLIC FUNDS AND PROPERTY IN VIOLATION OF O.C.G.A. §20-2-63, NOR ANY OTHER ADOPTED POLICY OF THE FLOYD COUNTY BOARD OF EDUCATION.

(B) THERE ARE ADMITTED FACTS AND EVIDENCE THAT ON ONE OCCASION IN THE FALL OF 2014, GEORGE BEVELS PERSONALLY ACCEPTED A BLUEPRINT/PLAN PREPARED BY A SCHOOL SYSTEM EMPLOYEE, ON SCHOOL SYSTEM EQUIPMENT, DURING WORK HOURS, WHICH TOOK ABOUT TWO HOURS TO PREPARE, IN VIOLATION OF THE BOARD CODE OF ETHICS, WHICH STATES THAT A BOARD MEMBER WILL: "REFRAIN FROM USING THE POSITION OF BOARD MEMBER FOR PERSONAL OR PARTISAN GAIN...."

Respectfully submitted this 28th day of September, 2015

Archer & Lovell, P.C.

A handwritten signature in black ink, appearing to read "David G. Archer", written over a horizontal line.

David G. Archer
Attorney at Law

David Archer, Esq.
July 17, 2015
Page 2 of 2

Scope of Investigation:

Floyd County School District requests that your office conduct an investigation to determine whether any facts or evidence supports Mr. McCary's ethics complaints filed with the PSC against Dr. Jeff McDaniel, Mr. Knox Wilson, and Mr. Craig Ellison, where Mr. McCary alleges violations of PSC's Ethical Standards 4, 5, 6, and/or 10.

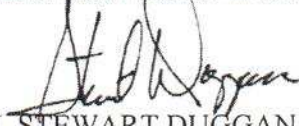
In addition, the School District requests your office to conduct an investigation to determine whether any facts or evidence supports Mr. McCary's allegations that Board Member George Bevels violated any ethical obligations, per the ethical policies adopted by the Board of Education.

You will be provided with complete and unfettered access to any document, record, or witness/employee of Floyd County Schools you deem necessary and relevant to completing your investigation. You may also interview any other persons, including any member of law enforcement, that you deem appropriate and relevant. We ask that you prepare a written report outlining your findings and conclusions.

Please let me know if we may provide any help or assistance in making records or witnesses available.

Yours very truly,

BRINSON ASKEW BERRY



I. STEWART DUGGAN

ISD:gac
Enclosures
cc: C. King Askew, Esq.

WILLIAMS OINONEN LLC

THE GRANT BUILDING, SUITE 200
44 BROAD STREET, NW
ATLANTA, GA 30303
HTTP://WWW.GOODGEORGIALAWYER.COM
TEL.: (404) 654-0288
FAX: (404) 592-6225

June 29, 2015

Sent Via Email to: gbevels@floydboe.net, chiphood@floydboe.net, dcox@floydboe.net,
jshell@floydboe.net, tonydaniel@floydboe.net

Re: Ethics Complaint Served Against Local Board of Education Chair George Bevels,
Superintendent Jeff McDaniel, Mr. Knox Wilson, and Mr. Craig Ellison.

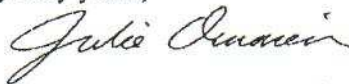
Dear Floyd County Local Board of Education:

Our law firm writes behalf of our client, Mr. Greg McCary. Attached you will find an ethics complaint filed by our client against the Superintendent, other members of his administration, and Board Chairman Mr. Bevels.

We urge you to investigate and address these matters concerning the Superintendent, employees of the Floyd County Board of Education, and the Local Board member.

Importantly, Mr. McCary has filed a Georgia State Bar Ethics Grievance against your attorney Mr. Stewart Duggan who is in possession of the grievance Mr. McCary filed against him. Consequently, it is our position that his law firm is disqualified and conflicted on representing the Board concerning the matters brought by Mr. McCary. As such, I address this letter to you directly.

Very truly yours,



JULIE J. OINONEN

**Policy
Board Code of Ethics****Descriptor Code: BH****CODE OF ETHICS POLICY**

The Floyd County Board of Education desires to operate in the most ethical and conscientious manner possible and to that end the board adopts this Code of Ethics and each member of the board agrees that he or she will:

Domain I: Governance Structure

1. Recognize that the authority of the board rests only with the board as a whole and not with individual board members and act accordingly.
2. Support the delegation of authority for the day-to-day administration of the school system to the local superintendent and act accordingly.
3. Honor the chain of command and refer problems or complaints consistent with the chain of command.
4. Recognize that the local superintendent should serve as secretary, ex-officio to the board and should be present at all meetings of the board except when his or her contract, salary or performance is under consideration.
5. Not undermine the authority of the local superintendent or intrude into responsibilities that properly belong to the local superintendent or school administration, including such functions as hiring, transferring or dismissing employees.
6. Use reasonable efforts to keep the local superintendent informed of concerns or specific recommendations that any member of the board may bring to the board.

Domain II: Strategic Planning

1. Reflect through actions that his or her first and foremost concern is for the educational welfare of children attending schools within the school system.
2. Participate in all planning activities to develop the vision and goals of the board and the school system.
3. Work with the board and the local superintendent to ensure prudent and accountable uses of the resources of the school system.
4. Render all decisions based on available facts and his or her independent judgment and refuse to surrender his or her judgment to individuals or special interest groups.
5. Uphold and enforce all applicable laws, all rules and regulations of the State Board of Education and the board and all court orders pertaining to the school system.

Domain III: Board and Community Relations

1. Seek regular and systemic communications among the board and students, staff and the community.
2. Communicate to the board and the local superintendent expressions of public reaction to

board policies and school programs.

Domain IV: Policy Development

1. Work with other board members to establish effective policies for the school system.
2. Make decisions on policy matters only after full discussion at publicly held board meetings.
3. Periodically review and evaluate the effectiveness of policies on school system programs and performance.

Domain V: Board Meetings

1. Attend and participate in regularly scheduled and called board meetings.
2. Be informed and prepared to discuss issues to be considered on board agenda.
3. Work with other board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at board meetings.
4. Vote for a closed executive session of the board only when applicable law or board policy requires consideration of a matter in executive session.
5. Maintain the confidentiality of all discussions and other matters pertaining to the board and the school system, during executive session of the board.
6. Make decisions in accordance with the interests of the school system as a whole and not any particular segment thereof.
7. Express opinions before votes are cast, but after the board vote, abide by and support all majority decisions of the board.

Domain VI: Personnel

1. Consider the employment of personnel only after receiving and considering the recommendation of the local superintendent.
2. Support the employment of persons best qualified to serve as employees of the school system and insist on regular and impartial evaluations of school system staff.
3. Comply with all applicable law, rules and regulations and all board policies regarding employment of family members.

Domain VII: Financial Governance

1. Refrain from using the position of board member for personal or partisan gain or to benefit any person or entity over the interest the school system.

Conduct as Board Member

1. Devote sufficient time, thought and study to the performance of the duties and responsibilities of a member of the board.
2. Become informed about current educational issues by individual study and through participation in programs providing needed education and training.

3. Communicate in a respectful professional manner with and about fellow board members.
4. Take no private action that will compromise the board or school system administration.
5. Participate in all training programs developed for board members by the board or the State Board of Education.
6. File annually with the local superintendent and with the State Board of Education a written statement certifying that he or she is in compliance with this Code of Ethics.

Conflicts of Interest

1. Announce potential conflicts of interest before board action is taken.
2. Comply with the conflicts of interest policy of the board, all applicable laws and Appendix B of the Standards document.

Upon a motion supported by a two-thirds (2/3) vote, the board may choose to conduct a hearing concerning a possible violation of this Code of Ethics by a member of the board. The board member accused of violating this Code of Ethics will have thirty (30) days notice prior to a hearing on the matter. The accused board member may bring witnesses on his or her behalf to the hearing, and the board may elect to call witnesses to inquire into the matter. If found by a vote of two-thirds of all the members of the board that the accused board member has violated this Code of Ethics, the board shall determine an appropriate sanction. A board member subject to sanction may, within thirty (30) days of such sanction vote, appeal such decision to the State Board of Education. A record of the decision of the board to sanction a board member for a violation of this Code of Ethics shall be placed in the permanent minutes of the board.

Floyd County Schools

Date Adopted: 7/8/2003
Last Revised: 1/25/2011

State Reference

Description

O.C.G.A. 20-02-0049	<u>Standards for local board of education members</u>
O.C.G.A. 20-02-0051	<u>Election of county board members; persons ineligible to serve</u>
O.C.G.A. 20-02-0063	<u>Prohibit certain conflicts of interest of board members</u>
O.C.G.A. 20-02-0072	<u>Code of ethics for local board of education members</u>
O.C.G.A. 20-02-0073	<u>Removal of board members under certain circumstances</u>
Rule 160-4-9-.06	<u>Charter Authorizers, Financing, Management, and Governance Training</u>
Rule 160-5-1-.36	<u>Local School Board Governance</u>

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Policy
Board Member Conflict of Interest

Descriptor Code: BHA

FLOYD COUNTY BOARD OF EDUCATION
CONFLICT OF INTEREST POLICY

The members of the Floyd County Board of Education shall adhere to these Conflict of Interest provisions as set forth pursuant to Georgia law.

Conflict of Interests:

1. No Board member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, employment for himself or herself, any of his or her immediate family members, any business organization with which he or she is associated, or others.
2. No Board member shall act in his or her official capacity in any matter in which he or she, any of his or her immediate family members, or any business organization in which he or she is associated, has a material financial interest, if such interest would reasonably be expected to impair his or her objectivity or independence of judgment. Compliance with Code Section 20-2-505 shall not constitute a violation of this paragraph.
3. No Board member shall solicit or accept or knowingly allow any of his or her immediate family members or any business organization in which he or she is associated to solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that board member in the discharge of his or her official duties. This paragraph shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office if the local board of education member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local board of education member in the discharge of his or her official duties. For purposes of this paragraph, a gift, favor, loan, contribution, service, promise, or other thing of value shall not include the items contained in subparagraphs (a)(2)(a) through (a)(2)(j) of Code Section 16-10-2.
4. No Board member shall use, or knowingly allow to be used, his or her official position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her official position for the purpose of securing financial gain for himself or herself, any of his or her immediate family members, or any business organization with which he or she is associated.
5. No Board member or any of his or her immediate family members or any business organization in which he or she has an interest shall represent any person or party other than the local board of education or local school system in connection with any cause, proceeding, application, or other matter pending before the local school system in which he or she serves or in any proceeding involving the local school system in which he or she serves.
6. No Board member shall be prohibited from making an inquiry for information on behalf

of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local board of education member or any of his or her immediate family members or any business organization with which he or she is associated in return therefor.

7. No Board member shall be deemed in conflict with these provisions if, by reason of his or her participation in any matter required to be voted upon by the local board of education, no material or monetary gain accrues to him or her or any of his or her immediate family members as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.

8. No Board member or any immediate family member of such Board member may be an officer of any organization that sells or leases goods or services to that local school system, except as provided in Code Section 20-2-505 and excluding nonprofit membership organizations.

9. No Board member or any of his or her immediate family members, or any business organization with which he or she is associated shall sell to any county board any supplies or equipment used, consumed, or necessary in the operation of any public school in this state unless there are fewer than three sources for such supplies or equipment within the county; provided, however, that any purchase pursuant to this subsection for supplies or equipment that is equal to or greater than \$10,000.00 shall be approved by a majority of the members of the board in an open public meeting. Any member violating this shall be guilty of a misdemeanor.

10. No local board may do business with a bank or financial institution where a Board member or any of his or her immediate family members is an employee, stockholder, director or officer when such member owns 30% or more in that institution.

11. No Board member or any of his or her immediate family members or any business organization with which he or she is associated may have a financial interest in school buses, bus equipment or supplies, provide services for buses owned by the Board, or sell gasoline to the Board from a corporation in which the Board member is a shareholder.

12. No Board member shall accept a monetary fee or honorarium in excess of \$101.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer. Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.

Conduct As Board Member

1. No Board member shall disclose to or discuss with any information which is subject to attorney-client privilege belonging to the local board of education any person other than other Board members, the Board attorney, the local school superintendent, or persons designated by the local school superintendent for such purposes unless such privilege has been waived by a majority vote of the whole Board.

2. No Board member shall vote on the employment or promotion of any of his or her immediate family members. No immediate family member of a Board member may be employed or promoted unless a public, recorded vote is taken separately from all other personnel matters.

3. No Board member may be employed in any position in the school district in which they

serve.

4. No Board member shall hold another county office.
5. No Board member shall be employed by the State Department of Education or serve concurrently as a member of the State Board of Education.
6. No Board member shall serve on the governing body of a private elementary or secondary educational institution.

Each member of this Board understands and acknowledges that no person shall be eligible for election as a member of a local board of education unless he or she:

- (1) Has read and understands the code of ethics and the conflict of interest provisions applicable to members of local boards of education and has agreed to abide by them; and
- (2) Has agreed to annually disclose compliance with the State Board of Education's policy on training for members of local boards of education, the code of ethics of the local board of education, and the conflict of interest provisions applicable to members of local boards of education. Each person offering his or her candidacy for election as a member of a local board of education shall file an affidavit with the officer before whom such person has qualified for such election prior to or at the time of qualifying, which affidavit shall affirm that he or she meets all of the qualifications required pursuant to this subsection. This subsection shall apply only to local board of education members elected or appointed on or after July 1, 2010.

Floyd County Schools

Date Adopted: 7/8/2003
Last Revised: 1/25/2011

State Reference	Description
O.C.G.A 20-02-0058.1	<u>"Immediate family" defined; employment of family members</u>
O.C.G.A 20-02-0505	<u>School board members prohibited from selling school supplies or equipment to county board</u>
O.C.G.A 20-02-0505.1	<u>Board transacting business with bank or similar institution in which member has interest</u>
O.C.G.A 20-02-1072	<u>Financial interest in transportation services by board members/superintendent prohibited</u>
O.C.G.A 21-05-0001	<u>Ethics in Government Act - short title</u>
O.C.G.A 21-05-0011	<u>Acceptance by public officers of monetary fees or honoraria</u>
O.C.G.A 21-05-0033	<u>Disposition of contributions</u>
O.C.G.A 21-05-0034	<u>Campaign Disclosure Reports</u>
O.C.G.A 21-05-0041	<u>Maximum allowable contribution by persons or partnerships</u>
O.C.G.A 21-05-0050	<u>Filing by public officers; filing by candidates for public office; filing by elected officials and members of the General Assembly; electronic filing</u>
O.C.G.A 21-05-0070	<u>Public Officials Conduct and Lobbyist Disclosure - Definitions</u>
O.C.G.A 45-02-0002	<u>Person to hold only one county office; commissioned officer not to be deputy for another</u>
O.C.G.A. 20-02-0049	<u>Standards for local board of education members</u>

- O.C.G.A. 20-02-0051 Election of county board members; persons ineligible to serve
- O.C.G.A. 20-02-0063 Prohibit certain conflicts of interest of board members
- O.C.G.A. 20-02-0073 Removal of board members under certain circumstances
- Rule 160-4-9-.06 Charter Authorizers, Financing, Management, and Governance Training
- Rule 160-5-1-.36 Local School Board Governance

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

505-6-.01 THE CODE OF ETHICS FOR EDUCATORS

(1) Introduction. The Code of Ethics for Educators defines the professional behavior of educators in Georgia and serves as a guide to ethical conduct. The Georgia Professional Standards Commission has adopted standards that represent the conduct generally accepted by the education profession. The code defines unethical conduct justifying disciplinary sanction and provides guidance for protecting the health, safety and general welfare of students and educators, and assuring the citizens of Georgia a degree of accountability within the education profession.

(2) Definitions

(a) "Certificate" refers to any teaching, service, or leadership certificate, license, or permit issued by authority of the Georgia Professional Standards Commission.

(b) "Child endangerment" occurs when an educator disregards a substantial and/or unjustifiable risk of bodily harm to the student.

(c) "Educator" is a teacher, school or school system administrator, or other education personnel who holds a certificate issued by the Georgia Professional Standards Commission and persons who have applied for but have not yet received a certificate. For the purposes of the Code of Ethics for Educators, "educator" also refers to paraprofessionals, aides, and substitute teachers.

(d) "Student" is any individual enrolled in the state's public or private schools from preschool through grade 12 or any individual between and including the ages of 3 and 17 under the age of 18. For the purposes of the Code of Ethics and Standards of Professional Conduct for Educators, the enrollment period for a graduating student ends on August 31 of the year of graduation.

(e) "Complaint" is any written and signed statement from a local board, the state board, or one or more individual residents of this state filed with the Georgia Professional Standards Commission alleging that an educator has breached one or more of the standards in the Code of Ethics for Educators. A "complaint" will be deemed a request to investigate.

(f) "Revocation" is the invalidation of any certificate held by the educator.

(g) "Denial" is the refusal to grant initial certification to an applicant for a certificate.

(h) "Suspension" is the temporary invalidation of any certificate for a period of time specified by the Georgia Professional Standards Commission.

(i) "Reprimand" admonishes the certificate holder for his or her conduct. The reprimand cautions that further unethical conduct will lead to a more severe action.

(j) "Warning" warns the certificate holder that his or her conduct is unethical. The warning cautions that further unethical conduct will lead to a more severe action.

(k) "Monitoring" is the quarterly appraisal of the educator's conduct by the Georgia Professional Standards Commission through contact with the educator and his or her employer. As a condition of monitoring, an educator may be required to submit a criminal background check (GCIC). The Commission specifies the length of the monitoring period.

(l) "No Probable Cause" is a determination by the Georgia Professional Standards Commission that, after a preliminary investigation, either no further action need be taken or no cause exists to recommend disciplinary action.

(3) Standards

(a) **Standard 1: Legal Compliance** - An educator shall abide by federal, state, and local laws and statutes. Unethical conduct includes but is not limited to the Commission or conviction of a felony or of any crime involving moral turpitude; of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana as provided for in Chapter 13 of Title 16; or of any other sexual offense as provided for in Code Section 16-6-1 through 16-6-17, 16-6-20, 16-6-22.2, or 16-12-100; or any other laws applicable to the profession. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought; a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted; and a situation where an adjudication of guilt or sentence was otherwise withheld or not entered on the charge or the charge was otherwise disposed of in a similar manner in any jurisdiction.

(b) **Standard 2: Conduct with Students** - An educator shall always maintain a professional relationship with all students, both in and outside the classroom. Unethical conduct includes but is not limited to:

1. committing any act of child abuse, including physical and verbal abuse;
2. committing any act of cruelty to children or any act of child endangerment;
3. committing any sexual act with a student or soliciting such from a student;
4. engaging in or permitting harassment of or misconduct toward a student that would violate a state or federal law;
5. soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
6. furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student; or
7. failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision (including but not limited to at the educator's residence or any other private setting).

(c) **Standard 3: Alcohol or Drugs** - An educator shall refrain from the use of alcohol or illegal or unauthorized drugs during the course of professional practice. Unethical conduct includes but is not limited to:

1. being on school or Local Unit of Administration (LUA)/school district premises or at a school or a LUA/school district-related activity while under the influence of, possessing, using, or consuming illegal or unauthorized drugs; and
2. being on school or LUA/school district premises or at a school-related activity involving students while under the influence of, possessing, or consuming alcohol. A school-related activity includes, but is not limited to, any activity sponsored by the school or school system (booster clubs, parent-teacher organizations, or any activity designed to enhance the school curriculum i.e. Foreign Language trips, etc).

(d) **Standard 4: Honesty** - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to, falsifying, misrepresenting or omitting:

1. professional qualifications, criminal history, college or staff development credit and/or degrees, academic award, and employment history;
2. information submitted to federal, state, local school districts and other governmental agencies;
3. information regarding the evaluation of students and/or personnel;
4. reasons for absences or leaves;
5. information submitted in the course of an official inquiry/investigation; and
6. information submitted in the course of professional practice.

(e) **Standard 5: Public Funds and Property** - An educator entrusted with public funds and property shall honor that trust with a high level of honesty, accuracy, and responsibility. Unethical conduct includes but is not limited to:

1. misusing public or school-related funds;
2. failing to account for funds collected from students or parents;
3. submitting fraudulent requests or documentation for reimbursement of expenses or for pay (including fraudulent or purchased degrees, documents, or coursework);
4. co-mingling public or school-related funds with personal funds or checking accounts; and
5. using school or school district property without the approval of the local board of education/governing board or authorized designee.

(f) **Standard 6: Remunerative Conduct** - An educator shall maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation. Unethical conduct includes but is not limited to:

1. soliciting students or parents of students, or school and/or LUA/school district personnel, to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local board of education/governing board or authorized designee;
2. accepting gifts from vendors or potential vendors for personal use or gain where there may be the appearance of a conflict of interest;
3. tutoring students assigned to the educator for remuneration unless approved by the local board of education/governing board or authorized designee; and
4. coaching, instructing, promoting athletic camps, summer leagues, etc. that involves students in an educator's school system and from whom the educator receives remuneration unless approved by the local board of education/governing board or authorized designee. These types of activities must be in compliance with all rules and regulations of the Georgia High School Association.

(g) **Standard 7: Confidential Information** - An educator shall comply with state and federal laws and state school board policies relating to the confidentiality of student and personnel records, standardized test material and other information. Unethical conduct includes but is not limited to:

1. sharing of confidential information concerning student academic and disciplinary records, health and medical information, family status and/or income, and assessment/testing results unless disclosure is required or permitted by law;
2. sharing of confidential information restricted by state or federal law;
3. violation of confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, violating local school system or state directions for the use of tests or test items, etc.; and
4. violation of other confidentiality agreements required by state or local policy.

(h) **Standard 8: Abandonment of Contract** - An educator shall fulfill all of the terms and obligations detailed in the contract with the local board of education or education agency for the duration of the contract. Unethical conduct includes but is not limited to:

1. abandoning the contract for professional services without prior release from the contract by the employer, and
2. willfully refusing to perform the services required by a contract.

(i) **Standard 9: Required Reports** - An educator shall file reports of a breach of one or more of the standards in the Code of Ethics for Educators, child abuse (O.C.G.A. §19-7-5), or any other required report. Unethical conduct includes but is not limited to:

1. failure to report all requested information on documents required by the Commission when applying for or renewing any certificate with the Commission;
2. failure to make a required report of a violation of one or more standards of the Code of Ethics for educators of which they have personal knowledge as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner; and
3. failure to make a required report of any violation of state or federal law soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. These reports include but are not limited to: murder, voluntary manslaughter, aggravated assault, aggravated battery, kidnapping, any sexual offense, any sexual exploitation of a minor, any offense involving a controlled substance and any abuse of a child if an educator has reasonable cause to believe that a child has been abused.

(j) **Standard 10: Professional Conduct** - An educator shall demonstrate conduct that follows generally recognized professional standards and preserves the dignity and integrity of the education profession. Unethical conduct includes but is not limited to any conduct that impairs and/or diminishes the certificate holder's ability to function professionally in his or her employment position, or behavior or conduct that is detrimental to the health, welfare, discipline, or morals of students.

(k) **Standard 11: Testing** - An educator shall administer state-mandated assessments fairly and ethically. Unethical conduct includes but is not limited to:

1. committing any act that breaches Test Security; and
2. compromising the integrity of the assessment.

(4) Reporting

(a) Educators are required to report a breach of one or more of the Standards in the Code of Ethics for Educators as soon as possible but no later than ninety (90) days from the date the educator became aware of an alleged breach unless the law or local procedures require reporting sooner. Educators should be aware of legal requirements and local policies and procedures for reporting unethical conduct. Complaints filed with the Georgia Professional Standards Commission must be in writing and must be signed by the complainant (parent, educator, or other LUA/school district employee, etc.).

(b) The Commission notifies local and state officials of all disciplinary actions. In addition, suspensions and revocations are reported to national officials, including the NASDTEC Clearinghouse.

(5) Disciplinary Action

(a) The Georgia Professional Standards Commission is authorized to suspend, revoke, or deny certificates, to issue a reprimand or warning, or to monitor the educator's conduct and performance after an investigation is held and notice and opportunity for a hearing are provided to the certificate holder. Any of the following grounds shall be considered cause for disciplinary action against the holder of a certificate:

1. unethical conduct as outlined in The Code of Ethics for Educators, Standards 1-11 (GaPSC Rule 505-6-.01);
2. disciplinary action against a certificate in another state on grounds consistent with those specified in the Code of Ethics for Educators, Standards 1-11 (GaPSC Rule 505-6-.01);
3. order from a court of competent jurisdiction or a request from the Department of Human Resources that the certificate should be suspended or the application for certification should be denied for non-payment of child support (O.C.G.A. §19-6-28.1 and §19-11-9.3);
4. notification from the Georgia Higher Education Assistance Corporation that the educator is in default and not in satisfactory repayment status on a student loan guaranteed by the Georgia Higher Education Assistance Corporation (O.C.G.A. §20-3-295);
5. suspension or revocation of any professional license or certificate;
6. violation of any other laws and rules applicable to the profession; and
7. any other good and sufficient cause that renders an educator unfit for employment as an educator.

(b) An individual whose certificate has been revoked, denied, or suspended may not serve as a volunteer or be employed as an educator, paraprofessional, aide, substitute teacher or in any other position during the period of his or her revocation, suspension or denial for a violation of The Code of Ethics. The superintendent and the educator designated by the superintendent/Local Board of Education shall be responsible for assuring that an individual whose certificate has been revoked, denied, or

suspended is not employed or serving in any capacity in their district. Both the superintendent and the superintendent's designee must hold GaPSC certification. Should the superintendent's certificate be revoked, suspended, or denied, the Board of Education shall be responsible for assuring that the superintendent whose certificate has been revoked, suspended, or denied is not employed or serving in any capacity in their district.

Authority O.C.G.A. § 20-2-200; 20-2-981 through 20-2-984.5



Georgia Professional Standards Commission
Complaint Form

Date of Complaint* 6-29-15
Educator's Full Name* Dr. Jeff McDaniel, Knox Wilson, Craig Ellison
Educator's Address Unknown
Educator's Work Phone 706-234-1031
Educator's School System or Agency* Floyd County School District
Educator's School or Program* District Level
Educator's Employment Position* Superintendent, Director of HR, IT Director
Standard(s) of the Code of Ethics for Educators that has been breached Standard 5, 6, 4

Brief, specific description of how the educator has allegedly breached the Code of Ethics for Educators (include dates and time of alleged violations)* See attached

Attach a list of witnesses and other persons who have knowledge of the facts alleged in the complaint. Include names, addresses and telephone numbers if known. Attach pertinent documentation or evidence.

Name of Person(s) Filing the Complaint* William "Greg" Mccarty

Complainant's Signature* Will d. 10/19

Complainant's Address* PO Box 1064 Rome GA 30162

Complainant's Phone Number* 706-844-3047 Fax Number _____

Complainant's Email Address* ~~stephen.mccarty@att.net~~ Contact Attorney

*Information Required - An unsigned complaint cannot be processed.

For Information
404-654-0285

Mail to: Educator Ethics, 200 Piedmont Avenue, Suite 1702, Atlanta, GA 30334-9032

Contact Numbers: (404) 232-2700 or (800) 537-5996 FAX (404) 232-2720. Complaints MAY NOT be emailed.

PSC & ETHICS Complaint:

- I am filing a complaint with the Georgia Professional Standards Commission against Dr. Jeff McDaniel, Superintendent of Floyd County School District; Knox Wilson, Director of HR with the Professional Standards Commission; and Craig Ellison, Director of IT for violations of the PSC Standard of Ethics for Educators. I am filing this Ethics complaint against Floyd County Local Board of Education member George Bevels with the Local Board of Education and State Board of Education for violations of O.C.G.A. § 20-2-63.
- I make this complaint against Local Board of Education member George Bevels for repeatedly misusing public funds and property. For example, approximately in the Fall of 2014, Mr. Bevels was helping his church build an addition. My boss, Derry Richardson, told me that Board member George Bevels wished to obtain a building permit, so Mr. Bevels had one of Floyd County School District employees (Rodney Dubois) draft up blueprints on the school district's Autocad to design his church addition to obtain this permit. Autocad is a very expensive software so Rodney had to use the County owned computer, county owned software, during county owned time to draft these blueprints. Rodney Dubois was the employee that Mr. Bevels required to do this. I know this to be true because I observed Rodney do this work for Mr. Bevels with my own eyes and discussed the matter with him. All of us were too scared to complain or report Mr. Bevels at the time because he is a Board member and we knew it would cost us our jobs if we refused to comply with his orders. Nevertheless, I now know Mr. Bevels actions to be a violation of Georgia law O.C.G.A. § 20-2-63.
- I know that Rodney did not want to do this, complained extensively about doing this, and only did this because he felt he had no choice but to do it. He also had school district work duties and felt he had no time to do it either. Mr. Bevels had him complete this work during school district work hours. I know this because he told me this and I also observed him actually doing the work---drafting these blueprints for Mr. Bevels during school hours.
- I also know that George Bevels is a member of a hunting club in Cave Springs. Other members include Doyal Jackson/ retired food service tech, William Tant/ retired grounds crew, Mike Huckabee, current grounds crew but retiring in September of this year, and other employees of Floyd County Schools. For several years I know they have been taking Floyd County School owned equipment, tractors, and bobcats to the hunting club to clear land. In 2011 they blew up an engine in the tractor and I believe it was repaired in the bus shop.
- I am filing this complaint against Dr. Jeff McDaniel, Superintendent of Floyd County Schools; Knox Wilson, HR Director; and Craig Ellison, IT Director. I believe that they have violated Standard 6 concerning Remunerative Conduct--- "accepting gifts from vendors or potential vendors for personal use or gain where

WCM

there may be the appearance of a conflict of interest" Standard 5, concerning Public Funds and Property and Standard 4, concerning Honesty.

- I have been informed that Superintendent Dr. McDaniels has accepted the offer of trips from various contractors and vendors in addition to other gifts or benefits for himself or for his administration. I may not know every single specific, but a thorough investigation would be able to identify this information by simply putting in subpoenas or requests to these local contractors and vendors as asking them what golf tickets, trips, Braves Tickets, vacations, jackets, food/dinners/lunches, and other items of remuneration they have provided. A list of contractor vendors can be obtained through open records and these include: Mariah Custodial, Danny Tucker of Tucker Tree Service, Johnson Controls, RALIN, and Richardson and Associates.
- I have been informed that there have been contractors and vendors that have performed personal services for Dr. McDaniel at his personal residence. My former supervisor Derry Richardson who dealt solely with contractors and vendors informed me that Dr. McDaniel had one contractor hang a golfing net up for Dr. McDaniel in his home and a contractor/vendor has done other work for him at his house, for example, cutting trees in his yard.
- While Dr. McDaniel may have paid this contractor vendor personally, he pulled him out of a job working for Floyd County School System to do it. I know this to be true because I personally confirmed this with the contractor vendor, Danny Tucker. I was also on the job during school district work hours, when I was informed that Dr. McDaniel was having our office rearrange this vendor's school system work schedule to come work on Dr. McDaniel's personal home. The vendor contractor was backlogged with school district work duties that he was being paid for with public funds. I was informed that Dr. McDaniel wanted the vendor to do work for him personally at his home and because the vendor was backlogged, Dr. McDaniel called the Maintenance Department to have the contractor immediately have this assignment for Dr. McDaniels placed at the top of the list.
- I know that other high level administrators have received multiple gifts, perks, and benefits from contractors and vendors. For example, it is common practice that they have gone on many social excursions with one another where I believe public funds were improperly used or where contractors and vendors paid high level administrators certain gifts in violation of Standard 6.
- For example, Superintendent Dr. McDaniel and other high level administrators have been in attendance for fancy dinners sponsored by contractors like Johnson Controls including fish fry events and other activities. They regularly go to a Skeet shooting event where administrators and contractors/vendors hung out together. I am not certain where the funding came for this activity. This occurred on a Saturday. I was told to attend by my supervisor. There I observed Mr. Craig

wcm

Ellison (Director of IT at the time), Dr. Bob Puckett (former Asst. Superintendent), Mr. Sam Sprewell (Asst Superintendent) with contractors and vendors in attendance. For example, Mr. Sam Tucker, a contractor from Montana Construction and Mr. Chris Hayes from Moriah were there. The event was located on Dr. Puckett's property in the fall of 2014. I have photographs and video of this event that I can provide. During one of these skeet-shooting events (which I did not attend but which I watched the video for), they made a bomb which I believe was made out of ammonium nitrate and fertilizer. They placed this bomb in bales of hay and they hired a professional marksman to shoot the bomb. This is because if a bullet goes through a bomb at a certain speed it explodes. I know this to be true because the video of the bombing was widely shown throughout the school system after the event. I remember seeing T& R Electric and Moriah along with Floyd County administrators in the bomb video. The reason why these regular skeet shooting incidents are relevant is that after the criminal investigation ensued, the school administration denied having knowledge about these skeet shooting machines. However, this would be false testimony since high level administrators such as Craig Ellison and multiple contractor vendors would use these machines for their skeet shooting parties and they were stored at all times within the maintenance department in plain view.

- I was told that this coming spring 2015 as well as last 2014, Superintendent McDaniel was supposed to go on a paid vacation, paid by contractors and/or vendors. I was told that this vacation was paid either by RA Lin, Richardson, or Johnson Controls---all contractors/vendors for the district. I was informed by my supervisor that Dr. McDaniel cancelled this vacation that he was going to take with Derry Richardson paid by a contractor or vendor, possibly around the time the criminal allegations arose.
- I have been told that Floyd County School District high -level administrators have regularly gone on high-end golfing trips paid by Johnson Controls.
- I was told that Contractors and Vendors (such as RA-LIN and Associates) gave high level administrators gifts and other perks. For example, I was told that Knox Wilson received Braves Tickets this spring 2015 from RA-LIN.
- I was told that Craig Ellison went on an all paid trip to Chicago with Richardson and Associates to tour the Richardson plant who have a contract with our audio systems. He attended with Derry Richardson and there they were wine and dined at very high-end gourmet restaurants.
- I have been told that the Superintendent made improper advances on subordinate female employees. I have been told there is an improper relationship currently with the Superintendent McDaniel and his subordinate.
- Floyd County School District had me regularly install surveillance cameras to spy on employees.

wjm

- After the criminal investigation ensued, I believe the Superintendent tried to make as many scapegoats as he could to avoid blame and finger pointing at his failure of leadership. (For example, blaming Sam Sprewell instead of himself for failure of supervision.) Many innocent people ended up leaving while many unclean hands at the top remain behind.
- Dr. McDaniel falsely accused me of wrongdoing, stating that I had improperly kept county owned equipment at my house. This was a lie. All of this equipment I had with permission and needed it there to perform my work related duties as directed by my previous supervisors over the past twenty one years of working at Floyd County School District.
- I was forced to resign or threatened with termination wrongfully. I only had four items that I sometimes brought to my house when I had to, which I used for work related activities. For example, one of my job duties was being in charge of security for the school district and I was required to bring my laptop to the house because I was on-call during nights and weekends. In the event of an emergency, I needed to be able to disarm the security alarm and access the cameras from my computer system at the house. I also had a video camera at the house that I was using to complete work duties assigned by Sam Sprewell who had asked that I put together a video timelapse of the construction of Coosa High School which is still online to this date. Sam Sprewell purchased the cameras for this project and I used my personal drone to film the construction as it was occurring. I worked on this assignment during my personal time over the weekends. I only agreed to resign because of a serious health condition that flared up as a result of this intense job related stress.
- I was not aware of the illegal activity that is currently undergoing a criminal investigation during anytime. I have been a loyal, dedicated employee of the District for 21 years. I have done my best to comply with all school district policies, rules, and regulations at all times.
- I am compelled to come forward to blow the whistle on what I believe has been numerous violations of ethics and Georgia law by this local board member, Superintendent, and high ranking members of the administration. I believe this is only the tip of the iceberg in terms of what has been going on now for years at Floyd County Schools.
- The taxpayers deserve to know this. I have been told that years ago Floyd County Schools lost millions of dollars in SPLOST funds due to an accounting error which resulted in the RIF. Our teachers and our students have suffered the brunt our leaderships' failures, while they continue to live high on the hog even receiving raises added to their high salaries after this happened.

§ 20-2-63. Prohibited conflict of interests of board members

WUM

Currentness

- (a)(1) No local board of education member shall use or attempt to use his or her official position to secure unwarranted privileges, advantages, or employment for himself or herself, his or her immediate family member, or others.
- (2) No local board of education member shall act in his or her official capacity in any matter where he or she, his or her immediate family member, or a business organization in which he or she has an interest has a material financial interest that would reasonably be expected to impair his or her objectivity or independence of judgment. Compliance with Code Section 20-2-505 shall not constitute a violation of this paragraph.
- (3) No local board of education member shall solicit or accept or knowingly allow his or her immediate family member or a business organization in which he or she has an interest to solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that board member in the discharge of his or her official duties. This paragraph shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office if the local board of education member has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local board of education member in the discharge of his or her official duties. For purposes of this paragraph, a gift, favor, loan, contribution, service, promise, or other thing of value shall not include the items contained in subparagraphs (a)(2)(A) through (a)(2)(J) of Code Section 16-10-2.
- (4) No local board of education member shall use, or knowingly allow to be used, his or her official position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her official position for the purpose of securing financial gain for himself or herself, his or her immediate family member, or any business organization with which he or she is associated.
- (5) No local board of education member or business organization in which he or she has an interest shall represent any person or party other than the local board of education or local school system in connection with any cause, proceeding, application, or other matter pending before the local school system in which he or she serves or in any proceeding involving the local school system in which he or she serves.
- (6) No local board of education member shall be prohibited from making an inquiry for information on behalf of a constituent if no fee, reward, or other thing of value is promised to, given to, or accepted by the local board of education member or his or her immediate family member in return therefor.
- (7) No local board of education member shall disclose or discuss any information which is subject to attorney-client privilege belonging to the local board of education to any person other than other board members, the board attorney, the local school superintendent, or persons designated by the local school superintendent for such purposes unless such privilege has been waived by a majority vote of the whole board.
- (8) No member of a local board of education may also be an officer of any organization that sells goods or services to that local school system, except as provided in Code Section 20-2-505 and excluding nonprofit membership organizations.

wcn

(9) No local board of education member shall be deemed in conflict with this subsection if, by reason of his or her participation in any matter required to be voted upon, no material or monetary gain accrues to him or her as a member of any profession, occupation, or group to any greater extent than any gain could reasonably be expected to accrue to any other member of that profession, occupation, or group.

(b) Upon a motion supported by a two-thirds' vote, a local board of education may choose to conduct a hearing concerning the violation by a local board of education member of any conflict of interest provision in subsection (a) of this Code section. The local board of education member accused of violating said provision shall have 30 days' notice prior to a hearing on the matter. Said accused member may bring witnesses on his or her behalf, and the local board of education may call witnesses to inquire into the matter. If it is found by a vote of two-thirds of all the members of the board that the accused member has violated a conflict of interest provision contained in subsection (a) of this Code section, the local board shall determine an appropriate sanction. A board member subject to sanction pursuant to this Code section may, within 30 days of such sanction vote, appeal such decision to the State Board of Education, which shall be empowered to affirm or reverse the decision to sanction such board member. The State Board of Education shall promulgate rules governing such appeal process. This subsection shall apply only to local board of education members elected or appointed on or after July 1, 2010.

(c) As used in this Code section, the term "immediate family member" means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.

Ga. Code Ann. § 20-2-63 (West)

w. d. h. n. g.

Protecting Georgia's Higher Standard of Learning

Georgia Professional
Standards Commission



July 9, 2015

Chairperson
Floyd County BOE
600 Riverside Parkway, NE
Rome, GA 30161-2938

RE: Certificate Number 269527
PSC #: 15-6-1140

Dear Chairperson:

The Commission received a complaint from **William "Greg" McCary** concerning an educator in your school system, **Mr. Knox C. Wilson**. According to the attached complaint this educator is alleged to have breached the following standard(s) in the code:

Standard 6: Remunerative Conduct
Standard 10: Professional Conduct

I have informed the complainant that this matter has been remanded to the local board of education for your system to review. Please investigate to determine if the Code of Ethics has been violated. After completing your investigation, please submit a complaint or a letter stating that you have thoroughly investigated the incident and do not believe a standard has been violated. Please have your response to the Commission by **August 25, 2015**.

Your assistance in this matter is appreciated. Should you have any question regarding this matter, please contact the Educator Ethics Division at (404) 232-2700 or (800) 537-5996.

Sincerely,

A handwritten signature in black ink that reads "Kelly C. Henson".

Kelly Henson, Executive Secretary
Professional Standards Commission

Protecting Georgia's Higher Standard of Learning

Georgia Professional
Standards Commission



July 9, 2015

Chairperson
Floyd County BOE
600 Riverside Parkway, NE
Rome, GA 30161-2938

RE: Certificate Number 373455
PSC #: 15-6-1139

Dear Chairperson:

The Commission received a complaint from **William "Greg" McCary** concerning an educator in your school system, **Dr. Jeffrey D. McDaniel**. According to the attached complaint this educator is alleged to have breached the following standard(s) in the code:

Standard 5: Public Funds and Property
Standard 6: Remunerative Conduct
Standard 10: Professional Conduct

I have informed the complainant that this matter has been remanded to the local board of education for your system to review. Please investigate to determine if the Code of Ethics has been violated. After completing your investigation, please submit a complaint or a letter stating that you have thoroughly investigated the incident and do not believe a standard has been violated. Please have your response to the Commission by **August 25, 2015**.

Your assistance in this matter is appreciated. Should you have any question regarding this matter, please contact the Educator Ethics Division at (404) 232-2700 or (800) 537-5996.

Sincerely,

Kelly Henson, Executive Secretary
Professional Standards Commission

VENDOR: 010533 TUCKER TREE SERVICE PAID INVOICE INQUIRY SORT BY INVOICE DATE
 DESCENDING SEQUENCE

INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	CHECK DATE	CHECK NUMBER	BK #	PO NO.	INVOICE DESCRIPTION
14-2804	11122014	1,500.00	12052014	191450	10	54574	
14485	8202014	800.00	9102014	190419	10	52772	AHS
14-473	8052014	800.00	8202014	190165	10	52336	
14-472	8052014	200.00	8202014	190165	10	52337	
14-470	8052014	200.00	8202014	190165	10	52338	
458	6192014	700.00	6302014	189621	10	51162	
450	6182014	800.00	6302014	189621	10	51163	
14-225	3052014	500.00	3212014	188510	10	49720	
13-4982	9162013	300.00	9302013	186630	10	46688	
13-4817	7302013	700.00	9202013	186535	10	46441	PHS
13-2201	7302013	300.00	8202013	186160	10	45403	
13-1903	7122013	600.00	8092013	186034	10	45172	
13-1840	5062013	900.00	5172013	501994	18	43805	
13-213	3192013	600.00	4192013	184873	10	43399	
13-1995	2052013	250.00	2202013	184156	10	42120	

SEARCH STARTING AT INVOICE DATE: _____ -OR- STARTING AT CHECK DATE: _____
 -OR- STARTING AT INVOICE NO.: _____

TO SHOW BUDGET DISTRIBUTION, ENTER THE CHECK NUMBER: _____

F1-New Vendor F2-Page Forward F3-Page Back F4-Restart F5-Reverse Sequence F7-Exit

- 1) 1-9-14 Pd. Chk - Thursday
- 2) April/May 14 Pd. Cash - Sunday
- 3) 1-10-15 Pd. check - Saturday

Saturday

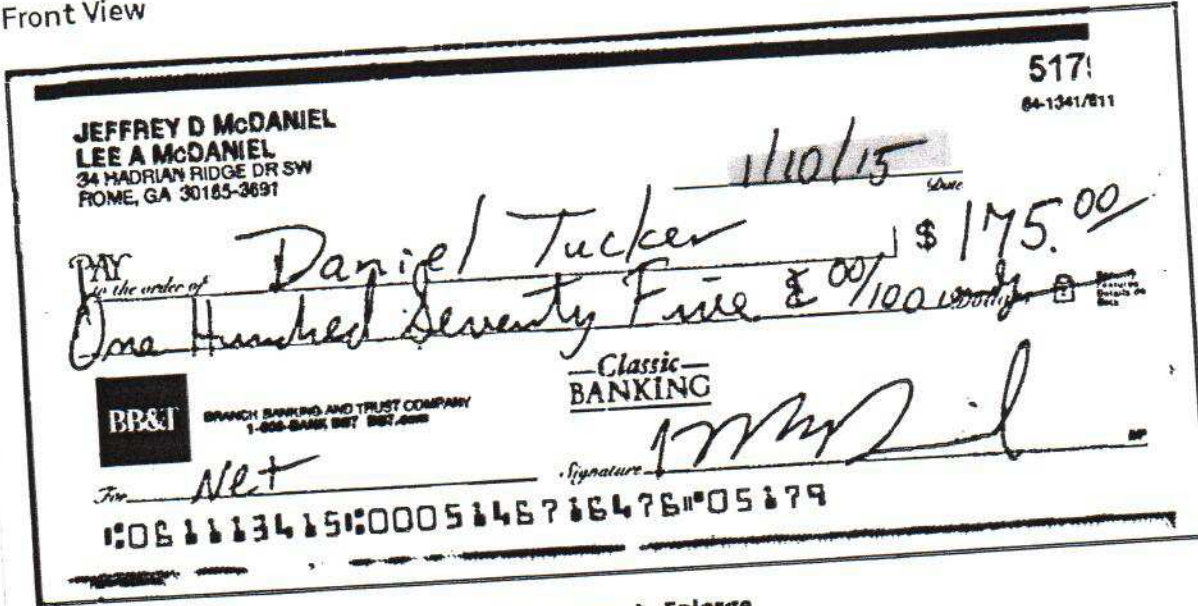
Close

B&T Check Images

Check Number	Amount	Date Posted	Account Type	Account Number
5179	\$175.00	01/09/2015	Checking	5146716476

[How to save this image](#)

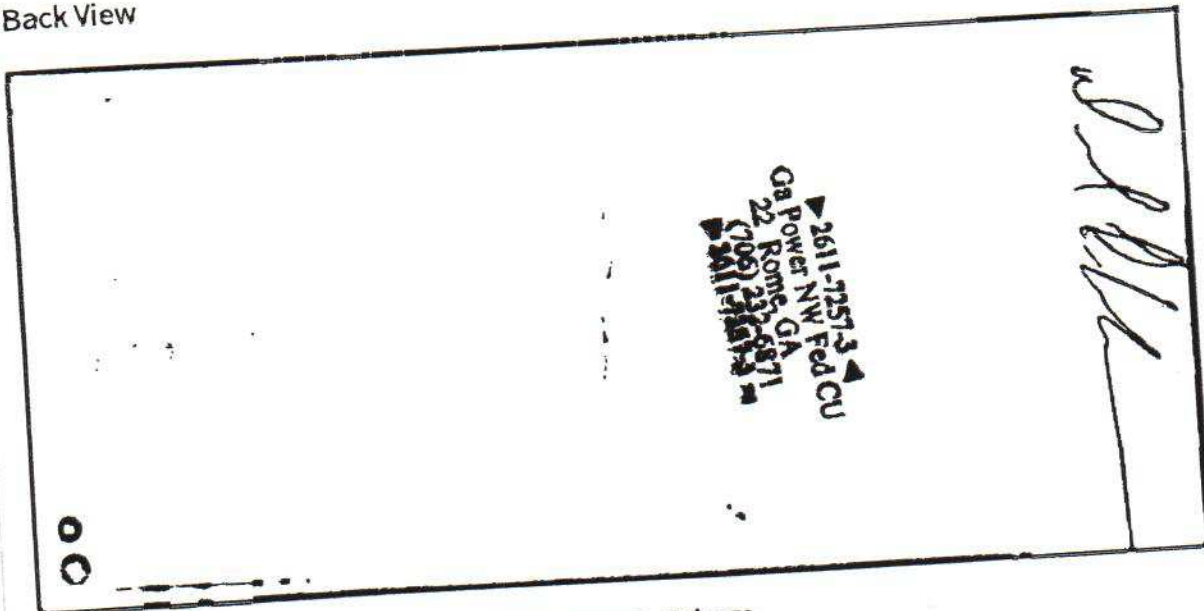
Front View



Click Image to Enlarge

[How to save this image](#)

Back View



Click Image to Enlarge



Craig Ellison <cellison@floydboe.net>

Rauland Borg - Chicago Visit

5 messages

Wayne Henley <wayne.henley@swc.net>

Thu, Apr 24, 2014 at 4:12 PM

To: Sam Sprewell <ssprewell@floydboe.net>, Derry Richardson <drichardson@floydboe.net>, Craig Ellison <cellison@floydboe.net>

Gentlemen,

Attached is the Agenda for our Rauland Borg - Chicago Visit – if you any question please do not hesitate to contact me.

Thanks,

Wayne Henley



Senior Account Executive Education Division

Richardson Technology Systems

70 Crestridge Drive, Suite 100

Suwanee, GA 30024

Office 678-376-8884

Fax 678-376-8874

Cell 404-444-5866

Wayne.Henley@swc.net

Agenda Rauland-Borg Solution Center.doc
234K

EXHIBIT C PAGE
 1 OF 5

Craig Ellison <cellison@floydboe.net>
To: Kippi Ellison <kellison@floydboe.net>

Mon, Apr 28, 2014 at 11:22 AM

Sam asked that I go to Chicago to visit one of our vendor's building CHS. It is May 20th and 21st. See attached schedule. Flying out of Rome...

Craig Ellison
Director of Technology
Floyd County Schools
706-234-1031 (ext 7138)
TECH Blog
[Quoted text hidden]

 **Agenda Rauland-Borg Solution Center.doc**
234K

Kippi Ellison <k Ellison@floydboe.net>
To: Craig Ellison <cellison@floydboe.net>

Mon, Apr 28, 2014 at 11:52 AM

I will read it when I get back.... heading to lunch.

[Quoted text hidden]

Kippi Ellison <k Ellison@floydboe.net>
To: Craig Ellison <cellison@floydboe.net>

Mon, Apr 28, 2014 at 12:45 PM

Are you going by yourself or is Sam going also?

[Quoted text hidden]

Craig Ellison <cellison@floydboe.net>
To: Kippi Ellison <k Ellison@floydboe.net>

Mon, Apr 28, 2014 at 2:07 PM

Me, Derry, and Sam. A few other directors from other counties. It is all in the agenda.

Craig Ellison
Director of Technology
Floyd County Schools
706-234-1031 (ext 7138)
TECH Blog

[Quoted text hidden]

EXHIBIT PAGE
 OF



Craig Ellison <cellison@floydboe.net>

Rauland - Borg Solution Center Visit (Chicago)

1 message

Wayne Henley <wayne.henley@swc.net>

Tue, May 13, 2014 at 2:56 PM

To: Steve Jaggears <Steve_Jaggears@gwinnett.k12.ga.us>, Todd Conrad <Todd_Conrad@gwinnett.k12.ga.us>, "Howard S. Rogers" <Howard_S_Rogers@fc.dekalb.k12.ga.us>, Sam Sprewell <ssprewell@floydboe.net>, Derry Richardson <drichardson@floydboe.net>, Craig Ellison <cellison@floydboe.net>
Cc: Dennis Skinner <dennis.skinner@swc.net>, John Mundo <John.mundo@rauland.com>, Jackie.Minneci@rauland.com, Brandon Dunn <brandon.dunn@swc.net>, Eric Jones <eric.jones@swc.net>, d.oftedal@grantwriters.net

Gentlemen,

Richardson Technology Systems and Rauland Borg team members are very excited about our visit to the Rauland Borg solution center to introduce our newest offering and the introduction of Resource Associates Grant Writing & Evaluation Services, Inc. to review Federal and State grant opportunities for Georgia School Districts.

I have attached for your review a copy of the agenda. Please do not hesitate to contact me if a question should arise.

Thanks,

Wayne Henley



Senior Account Executive Education Division

Richardson Technology Systems

70 Crestridge Drive, Suite 100

Suwanee, GA 30024

Office 678-376-8884

Fax 678-376-8874

Cell 404-444-5866

Wayne.Henley@swc.net

EXHIBIT C PAGE
 3 OF 5

Agenda Rauland-Borg Solution Center 001.doc



Agenda

Rauland-Borg Solution Center Visit - casual business attire
May 20th and 21st 2014

Richardson Technology Systems Account Executive: Wayne Henley

Attendees:

RICHARDSON TECHNOLOGY SYSTEMS

Wayne Henley: Senior Account Executive

Eric Jones: General Manager

Brandon Dunn: Engineering Manager

GWINNETT COUNTY PUBLIC SCHOOLS

Steve Jaggears: Systemwide Maintenance Engineer

Todd Conrad: Support Engineer

DEKALB COUNTY PUBLIC SCHOOLS

Scott Rogers: Maintenance Supervisor

FLOYD COUNTY PUBLIC SCHOOLS

Sam Sprewell: Chief of Operations

Derry Richardson: Director of Facilities

Craig Ellison: Director of Technology

SWC

Dennis Skinner: Senior Account Executive

Departure Date: 5-20-2014 – 11:20 AM EST

(Gwinnett, DeKalb County Schools)

We will meet at the Gwinnett County Airport – Briscoe Field. We will depart at approximately 11:20 AM EST. The Flight to Floyd County Airport is approximately .5 hours.

Departure Date: 5-20-2014 – 12:20 AM EST

(Floyd County Schools)

We will meet at the Floyd County Airport - Richard B. Russell Regional Airport. We will depart at approximately 12:20 AM EST. The Flight to Chicago Executive Airport is approximately 1.0 hours.

We will be picked up at the airport and driven to the Hotel (details will be provided soon). After everyone checks in, we will go to dinner.

EXHIBIT C PAGE
 4 OF 5



One Provider.
Many Powerful Solutions.

The next morning, we will drive over to Rauland Borg. At the factory we will have a tour of the facility, Resource Associates Grant Writing & Evaluation Services will update the grants and funding opportunities and then meet at the Solutions Center. In the Solutions Center, you will see all aspects of the Rauland Telecenter Campus system.

5-21-2014 – Solution Center Meeting

8:00 a.m. CST	Departure from Hotel to Rauland Solution Center
9:00 a.m. - 11:00 a.m. CST	Rauland Presentation
11:00 a.m. - 11:30 a.m. CST	Break
11:30 a.m. - 12:00 p.m. CST	Lunch
12:00 p.m. - 3:00 p.m. CST	Resource Associates Grant Writing & Evaluation Services
3:00 p.m. CST	Departure for Airport

Once all is complete at the factory, we will fly back to Atlanta around 4pm CST.

EXHIBIT C PAGE
 5 OF 5