BEFORE THE GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION STATE OF GEORGIA

IN THE MATTER OF:	*	**CASE NO.**
	*	
CHRISTIAN A. COOMER	*	**20-0073-C**
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CONSENT ORDER

This matter comes before the Georgia Government Transparency and Campaign Finance Commission (hereinafter "Commission") pursuant to a complaint filed by the Commission on or about October 5, 2020 and subsequently amended on November 23, 2020 and November 9, 2021. Now, prior to a final hearing on this matter, Respondents Christian A. Coomer and Christian Coomer Campaign, LLC (Commission Filer ID nos. C201000228 & C2018001170) (referred to collectively hereinafter as "Respondent") and the Commission agree to resolve the above-styled matter by Consent Order under the terms and conditions described herein.

FINDINGS OF FACT

Respondent Christian Coomer served as the District 14 Representative to the Georgia General Assembly from 2011 to 2018, after the filing of his declaration of intention to accept campaign contributions (DOI) on May 03, 2010. Respondent currently serves as a Judge of the Georgia Court of Appeals, for which he filed his DOI to retain said seat on December 11, 2018.[1]

At all times relevant to the alleged violations, Respondent Coomer was a candidate for elected public office, who was required to regularly report the amount(s) and source(s) of his campaign contribution(s), as well as, the end recipient(s) and sum(s) of his campaign expenditures through the filing of campaign contribution disclosure reports (hereinafter "CCDR"). *See* O.C.G.A. §§ 21-5-34(b)(l)(A); 21-5-34(b)(l)(B); 21-5-34(C); 21-5-34(D).

In addition to imposing regular reporting requirements, the Georgia General Assembly has also imposed a clear ban on the use of campaign funds by a candidate or public officer for expenses which are not ordinary and necessary expenses which are incurred in connection with the candidate's campaign for elective office or the retention or fulfillment of said office. O.C.G.A. § 21-5-33(a).

In the case *sub judice*, the Commission finds that Respondent:

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[1] Respondent was appointed to the Court of Appeals on September 14, 2018 to replace Court of Appeals Judge Charlie Bethel, said appointment became effective on October 31, 2018.

1. Failed to disclose on his CCDR a transfer of $750.00 on April 15, 2015 from his campaign account to his law firm operating account.
2. Failed to disclose on his CCDR a transfer of $750.00 on April 16, 2015 from his law firm operating account to his campaign account.
3. Failed to disclose on his CCDR a transfer of $500.00 on April 21, 2015 from his campaign account to his law firm operating account.
4. Failed to disclose on his CCDR a transfer of $750.00 on May 22, 2015 from his campaign account to his law firm operating account.
5. Failed to disclose on his CCDR a transfer of $2,000.00 on June 30, 2015 from his law firm operating account to his campaign account.
6. Failed to disclose on his CCDR a transfer of $1,000.00 on November 8, 2016 from his campaign account to his law firm operating account.
7. Failed to disclose on his CCDR a transfer of $1,000.00 on November 9, 2016 from his law firm operating account to his campaign account.
8. Failed to disclose on his CCDR a transfer of $1,000.00 on February 14, 2017 from his campaign account to his law firm operating account.
9. Failed to disclose on his CCDR a transfer of $1,000.00 on February 15, 2017 from his campaign account to his law firm operating account.
10. Failed to disclose on his CCDR a transfer of $2,000.00 on February 17, 2017 from his law firm operating account to his campaign account.
11. Failed to disclose on his CCDR a transfer of $1,000.00 on March 7, 2017 from his campaign account to his law firm operating account.
12. Failed to disclose on his CCDR a transfer of $1,200.00 on March 7, 2017 from his campaign account to his law firm operating account.
13. Failed to disclose on his CCDR a transfer of $1,000.00 on March 8, 2017 from his law firm operating account to his campaign account.
14. Failed to disclose on his CCDR a transfer of $1,000.00 on his May 10, 2017 from his campaign account to his law firm operating account.
15. Failed to disclose on his CCDR a transfer of $1,000.00 on May 10, 2017 from his law firm operating account to his campaign account.
16. Failed to disclose on his CCDR a transfer of $1,200.00 on July 5, 2017 from his campaign account to his law firm operating account.
17. Failed to disclose on his CCDR a transfer of $1,200.00 on July 5, 2017 from his law firm operating account to his campaign account.
18. Failed to disclose on his CCDR a transfer of $250.00 on November 9, 2017 from his campaign account to Mr. Joshua Earwood.
19. Failed to disclose on his CCDR a transfer of $1,000.00 on April 6, 2018 from his campaign account to Committee to Elect Nels Peterson.
20. Failed to disclose on his CCDR a transfer of $531.97 on October 29, 2018 from his campaign account to Ms. Kay Smith.
21. Failed to disclose on his CCDR a transfer of $1,088.69 on November 1, 2018 from his campaign account to Ms. Kay Smith.

The Commission also finds that Respondent,

22. Impermissibly expended $2,718.36 in campaign contributions for unordinary or unnecessary expenses through the transfer of said $2,718.36 on October 30, 2018 from his campaign account ending in #5012 to Ms. Kay Smith.
23. Impermissibly expended approximately $540.22 in campaign contributions for unordinary or unnecessary expenses through payments on October 29, 2018 involving Ms. Kay Smith.
24. Impermissibly expended $7,200.00 in campaign funds for unordinary or unnecessary expenses through the transfer of funds from his campaign account to his law firm operating account between April 15, 2015 and March 8, 2017. The Commission notes that funds were repaid to the campaign, and no campaign funds remain with the Respondent's law firm.

The Commission also further finds that Respondent,

25. Impermissibly expended $1,343.89 in campaign funds on July 14, 2017 for unordinary or unnecessary expenses related to the purchase of airfare or related service fees with Delta Airlines for a mixed use trip to the State of Israel. The Commission and Respondent have reached the following figure after pre-hearing settlement negotiations and agreeing upon an apportionment formula to account for official and unofficial expenses incurred during said mixed use trip. During the trip, Respondent attended official meetings with various political, education, business and technology leaders. The Commission notes no campaign funds remain with Respondent.
26. Impermissibly expended $1,343.89 in campaign funds for unordinary or unnecessary expenses related to the purchase of lodging, goods or services during a mixed use trip to the State of Israel from approximately September 24, 2017 to October 1, 2017. The Commission and Respondent have reached the following figure after pre-hearing settlement negotiations and agreeing upon an apportionment formula to account for official and unofficial expenses incurred during said mixed use trip. During the trip, Respondent attended official meetings with various political, education, business and technology leaders. The Commission notes no campaign funds remain with Respondent.
27. Impermissibly expended $3,210.35 in campaign funds between June 6, 2018, June 9, 2018 and August 13, 2018 for unordinary or unnecessary expenses related to the purchase of airfare or related service fees with Delta Airlines for a trip to the state of Hawaii. At the time, said trip was intended by Respondent to include an official function, which would have permitted the use of campaign funds for some of the expenditures incurred, but the official event was cancelled. The Commission notes that funds were repaid to the campaign.
28. Impermissibly expended $760.42 in campaign funds for unordinary or unnecessary expenses related to the purchase of goods and services during a trip to the State of Hawaii from approximately September 22, 2018 to October 1, 2018. At the time, said trip was intended by Respondent to include an official function, which would have permitted the use of campaign funds for some of the expenditures incurred, but the official event was cancelled. The Commission notes that funds were repaid to the campaign.

The Commission also finds that,

29. In October 2020, Respondent Coomer voluntarily made a charitable contribution for $5,000 to the Atlanta Volunteer Lawyer Foundation.

30. In December 2021, Respondent Coomer voluntarily made a charitable contribution for $2,000.00 to the Atlanta Volunteer Lawyer Foundation.
31. Respondent Coomer does not personally owe his campaign committees any funds.
32. Respondent self-reported various transactions to the Commission, did not file a motion to quash the Commission's subpoena, and has cooperated with the Commission in its investigation.

CONCLUSIONS OF LAW

The Commission finds that Respondent was under an affirmative duty to report the amounts and sources of his campaign contributions and the end-recipient of his campaign expenditures pursuant to Sec. 21-5-34(b)(1)(B) of the Act; and that he failed to properly report approximately $21,220.66 in campaign transactions as detailed *supra* in the Findings of Fact.

The Commission further finds that Respondent impermissibly expended approximately $10,458.58 in campaign funds for unordinary or unnecessary expenses in violation of Section 21-5-33(a) of the Act as detailed *supra* in the Findings of Fact.

The Commission also further funds that Respondent impermissibly expended approximately $6,658.55 in campaign funds for unordinary or unnecessary expenses in violation of Section 21-5-33(a) of the Act as detailed *supra* in Findings of Fact.

HOLDING

In resolving this matter, Respondent hereby agrees to the following:

Respondent believes that he has valid defenses to the Commission's allegations, including but not limited to substantive defenses and defenses based on statutes of limitations and procedural issues. In the interest of resolving this matter, Respondent has agreed to withdraw those defenses as to the Commission. Included among the defenses that Respondent is waiving as to the Commission in the interest of resolving this matter is Respondent's argument that the transfers between the campaign and law firm were not required to be reported under O.C.G.A. § 21-5-34, as they did not meet the definitions of the items required by the Act to be reported. The Commission does not allege that Respondent acted knowingly or intentionally with respect to any of the alleged violations in the complaint as filed and amended.

Respondent will pay a $25,000.00 civil penalty to the Commission for violation of O.C.G.A. §§ 21-5-34(b)(l)(B) and 21-5-33(a) as detailed *supra*.

Respondent further agrees to pay the aforementioned civil penalty detailed *supra* to the Commission within thirty days (30) from the date of this Order. Said civil penalties may be paid with either personal or campaign funds.

Any and all other allegations raised against Respondent by the Commission which are not otherwise addressed by this Consent Order are hereby withdrawn by the Commission. The Commission agrees that the execution of this Consent Order will preclude the Commission from taking any further action against any Respondent based on any alleged violation of the Georgia Government Transparency and

Campaign Finance Act that predates the execution of the Consent Order, whether or not contained within the Findings of Fact or Conclusions of Law.

Solely for the purposes of the Commission's complaint against Respondent, Respondent does not object to the foregoing findings of fact, accepts the Commission's conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent waives any right to appeal pursuant to the procedures outlined in the Administrative Procedure Act (APA) as provided by O.C.G.A. § 50-13-1 *et. seq.*

Failure to comply with the terms herein, absent a showing of good faith, will constitute a violation of said terms by Respondent. Respondent's failure to comply with said terms in all material respects shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement and/or collection of this order by subsequent contempt or other proceedings against the Respondent in the Superior Court for the State of Georgia. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C)(iv). The parties agree that this provision does not expand upon the Commission's rights as set out in the Campaign Finance Act in such circumstances

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.

Christian A. Coomer
Respondent

Member
Christian Coomer Campaign, LLC
Respondent

Order Prepared and Presented by:

Robert S. Lane
Georgia Bar No.: 178970
Deputy Executive Director &
General Counsel

SO ORDERED this 9th day of December, 2021.

Georgia Government Transparency and Campaign Finance Commission
BY:

Chairman