

**BEFORE THE STATE ETHICS COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

Tina D'Aversa

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CASE NO.

2009-0011

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission), pursuant to a Complaint filed on October 22, 2009, alleging violations of the Ethics in Government Act (Act). Respondent waived her right to a preliminary hearing on August 17, 2010. Now, prior to an Administrative Procedure Act hearing, Respondent and the Commission agree to resolve this matter by way of Consent Order (Order).

FINDINGS OF FACT

Respondent was a City Council Member of the City of Milton, Georgia (the "City") from 2007 through 2009. On September 3, 2009, Respondent discussed by e-mail certain issues related to her re-election campaign for City Council Member by using the City's e-mail system, although the e-mail was sent from her own personal computer.

CONCLUSIONS OF LAW

1. Use of the City's e-mail system and computer equipment to discuss issues related to Respondent's re-election campaign is a civil violation of O.C.G.A. § 21-5-30.2 (agencies prohibited from making contributions to campaign committees) as it amounts to a contribution by a public agency to the Respondent's campaign.

2. The remaining allegations of the Complaint are dismissed for lack of jurisdiction by the Ethics Commission.

SANCTION

The Respondent is hereby ordered and agrees to pay a total civil penalty of \$500 due within thirty (30) days of the date of this Consent Order.

AGREEMENT

Respondent represents that the foregoing findings of fact are true, agrees to the conclusions of law, and further agrees to abide by all terms herein. By signing this Order, Respondent waives any right to an appeal pursuant to the procedures outlined in O.C.G.A. § 50-13-1, *et seq.* Failure to comply with the terms herein absent good faith attempts to comply will constitute a willful and knowing violation of said terms by the Respondent. Respondent's failure to comply with these terms would constitute a breach of this agreement and thereby authorize the Commission to seek an enforcement action against the Respondent. If an enforcement action were to become necessary, the parties agree that all costs and attorney fees incurred by the Commission in such enforcement action would be assessed against the Respondent according to O.C.G.A. § 21-5-6(b)(14)(C).

The Commission adopts the foregoing statements and conclusions as the Commission's findings of fact and conclusions of law, and orders the implementation of the terms of this Consent Order.

PRESENTED BY


Stacey Kalberman
Executive Secretary

RESPONDENT


Tina D'Aversa



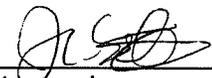
Signatures attested to on this 10 day
of August, 2010.

By: 

My Commission Expires: 4/27/2014

SO ORDERED this 17th day of August, 2010.

STATE ETHICS COMMISSION

By: 
James Gatewood
Chairman