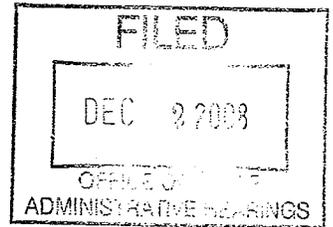


OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA



STATE ETHICS COMMISSION, :
Petitioner, : Docket No.: OSAH-SEC-CAN-0911104-44-
 : Walker
v. :
 : Agency Reference No.: 2008-0017
ALVIN DOLLAR, :
Respondent. :

ORDER GRANTING SUMMARY DETERMINATION

I. Introduction

Petitioner moves for summary determination in this matter seeking affirmation of its preliminary finding that Respondent owes late filing fees in the amount of \$600.00. Petitioner assessed these fees for Respondent's failure to timely file required disclosure reports in violation of the laws, rules and regulations of the Commission. Twenty days have elapsed since the filing of the Motion, and Respondent has not filed any response. In the present order, the undersigned **GRANTS** summary determination to Petitioner.

II. Findings of Material Facts as to which there is no Issue

1.

Respondent was a candidate for County Commissioner in Dekalb County during election year 2002. *Respondent's Exhibit A, ¶ 4.*

2.

For election year 2002, Respondent filed two late Campaign Contribution Disclosure Reports (hereinafter "CCDR") with the Dekalb County Board of Registration and Elections as follows: CCDR due September 30, 2002 filed December 16, 2002; and CCDR due October 25, 2002 filed December 16, 2002. *Respondent's Exhibit A, ¶ 5; Respondent's Exhibit B.*

3.

Respondent was also candidate for the General Assembly seeking House District 85 during the election year 2004. *Respondent's Exhibit A*, ¶ 4; *Respondent's Exhibit C*, ¶ 4.

4.

For election year 2004, Respondent filed three late CCDR's with the Office of Secretary of State as follows: CCDR due June 30, 2004 filed October 7, 2004; CCDR due October 25, 2004 filed June 24, 2005; CCDR due December 31, 2004 filed June 24, 2005. *Respondent's Exhibit C*, ¶ 5; *Respondent's Exhibit D*.

5.

For election year 2004, Respondent also filed three late copies of CCDR with the Dekalb County Board of Registration and Elections as follows: CCDR due June 30, 2004 filed October 7, 2004; CCDR due October 25, 2004 filed June 15, 2005; CCDR due December 31, 2004 filed June 15, 2005.¹ *Respondent's Exhibit A*, ¶ 6; *Respondent's Exhibit E*.

6.

Based on the foregoing, Respondent was assessed a \$75.00 fee for each late filing and owes a total of \$600.00 in late filing fees. *Respondent's Exhibit F*.

III. Conclusions of Law

1.

On a motion for summary determination, the moving party must show that there is no genuine issue of material fact such that the moving party is entitled to a determination in its favor as a matter of law. OSAH Rule 616-1-2-15(1). A party opposing such a motion is given the benefit of all reasonable doubts and favorable inferences that may be drawn from the evidence. *See Georgia Int'l Life Ins. Co. v. Huckabee*, 175 Ga. App. 343, 345 (1985). Once the moving party has presented probative evidence supporting all the necessary allegations of its motion, the

¹ Exhibit A appears to contain a typographical error indicating that the CCDR due December 31, 2004 was filed June 15, 2004, when in actuality it was filed on June 15, 2005.

opposing party must produce probative evidence, by affidavit or otherwise, showing that there is an issue of material fact. Rule 616-1-2-15(3); see *Leonaitis v. State Farm Mutual Auto Ins. Co.*, 186 Ga. App. 854 (1988). In this case, Respondent has not submitted any probative evidence or filing.

2.

This matter is governed by the provisions of the Ethics in Government Act, O.C.G.A. § 21-5- *et seq.* O.C.G.A. § 21-5-6(b)(14) allows Petitioner to order violators to cease and desist; direct compliance with the Act; require violators to make corrected public statements; and assess civil penalties for violation of the Act.

3.

Candidates for local office and candidates for membership in the General Assembly in Georgia who reside in Dekalb County are required to file their requisite CCDRs with the election superintendent of the county. O.C.G.A. § 21-5-34. Where a candidate or public official otherwise required to file reports fails to do so in a timely manner, the Act governing Respondent's conduct specifically provides for the assessment of filings fees under O.C.G.A. § 21-5-34(1).² The statute allows that an additional filing fee of \$25.00 shall be imposed for each report that is filed late, and a filing fee of \$50.00 shall be imposed after the fifteenth day after the due date if the report has still not been filed. O.C.G.A. § 21-5-34(1). In this case, Respondent failed to file eight reports timely. Each report was filed more than fifteen days beyond the due date and per the statute each is subject to an additional fee of \$75.00.

² The current Ethics in Government Act is found at O.C.G. A. § 21-5-1 (2008).

3.

Respondent failed to timely file eight required reports in violation of the Ethics of Government Act, and is subject to filing fees of \$600.00. He is **ORDERED** to make payment of the late filing fees within thirty days of the issuance of this Order. He is also **ORDERED** to **CEASE** and **DESIST** from any further violations of the Ethics in Government Act and to comply with all provisions thereof.

SO ORDERED, this 2nd day of December, 2008.



RONIT WALKER
Administrative Law Judge