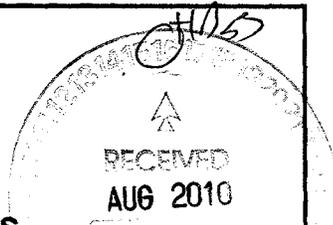


BEFORE THE STATE ETHICS COMMISSION
STATE OF GEORGIA



IN THE MATTERS OF:

Committee to Elect Glenn
Richardson, Inc. &
MMV Alliance Fund
(now MMV Alliance Fund, Inc.)

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CASE NOS.

2010-0018PC &
2010-0020PC

CONSENT ORDER

This matter comes before the State Ethics Commission (Commission), pursuant to a probable cause investigation opened on January 27, 2010, alleging that Respondents Glenn Richardson and MMV Alliance Fund (MMV) violated O.C.G.A. § 21-5-33 when Respondent Richardson transferred \$219,915.13 of campaign funds to MMV on December 31, 2009. Respondents have waived their rights to a preliminary hearing because they wish to resolve this matter by way of Consent Order.

FINDINGS OF FACT

Prior to January 2010, Respondent Richardson was the State Representative for District 19 and Speaker of the House of Representatives. On December 31, 2009, Respondent Richardson transferred \$219,915.13 of campaign funds to Respondent MMV, a political action committee, which is presently under Richardson's control but was not at that time. Richardson states that he transferred the funds only after seeking and receiving the advice of his former counsel, who advised that the transfer complied with the Ethics in Government Act.

CONCLUSIONS OF LAW

The Ethics in Government Act (Act) provides that excess campaign funds may be used "[a]s contributions to any charitable organization described in 26 U.S.C.S. 170(c) as said federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations." O.C.G.A. § 21-5-33(b)(1)(A). In 2007, the Commission issued an Advisory Opinion that states

[A] candidate or a candidate campaign may make contributions to a nonprofit organization if that organization is incorporated as a nonprofit entity under the Georgia Nonprofit Code, O.C.G.A. § 14-3-101 *et seq.*, or meets the requirements of a nonprofit entity under the Internal Revenue Code, 26 U.S.C.S. § 501 *et seq.*

Comm. Adv. Op. 2007-01.

At the time of the transfer in question, Respondent MMV was not incorporated under the Georgia Nonprofit Code and did not meet the requirements of a charitable organization under 26 U.S.C.S. § 170(c) or 26 U.S.C.S. § 501 of the Internal Revenue Code. Respondents incorporated MMV as a nonprofit corporation in accordance with the Georgia Nonprofit Code on February 2, 2010, and as a "political organization" under 26 U.S.C.S. § 527 on the same day. Respondents addressed the probable cause investigation's allegations regarding the improper transfer of campaign funds by incorporating MMV as a nonprofit corporation. The Commission and

Respondents now agree that MMV's possession and control of Respondent Richardson's former campaign funds now complies with O.C.G.A. § 21-5-33(b)(1)(A) and Advisory Opinion 2007-01 and therefore no refund is required.

SANCTION

Respondent Richardson is hereby ordered and agrees to pay a total civil penalty of \$500, due thirty (30) days after the date of adoption of this Order. All checks must be made out to the "State Ethics Commission."

AGREEMENT

Respondent Richardson represents that the foregoing findings of fact are true, agrees to the conclusions of law, and further agrees to abide by all terms thereof. By signing this Order Respondents waive any right to an appeal pursuant to the procedures outlined in O.C.G.A. § 50-13 *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 Respondents. Respondents' failure to comply with the terms herein shall constitute a breach of this agreement and thereby authorize the Commission to seek an enforcement action against Respondents. The parties agree that all costs and attorney fees incurred by the Commission in an enforcement action shall be assessed against Respondents pursuant 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.

Signatures attested to on this 16th day of August, 2010.

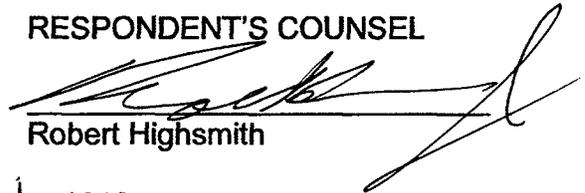
By: Elizabeth Whitworth

RESPONDENTS



Glenn Richardson
on behalf of the Committee to Elect Glenn Richardson, Inc. and MMV Alliance Fund, Inc.

RESPONDENT'S COUNSEL



Robert Highsmith

SO ORDERED this 17th day of August, 2010.

STATE ETHICS COMMISSION

By: James Gatewood
James Gatewood
Chairman

Prepared by: Tom Plank
Tom Plank, Counsel
Acting Executive Secretary *of T. Plank*