



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

**WHEREAS:** On April 23, 2010, and pursuant to O.C.G.A. § 45-10-4, Bailey Cosby, William Arthur Downs, Waldermar Hamsch, Patricia Hamsch, Rochelle Hanna, John Martin, Carolyn Martin, Cortez Wentz, and Lisa Wilcher (collectively “Petitioners”) filed charges with my office against Warren County Board of Education members Clara Roberts, Cecil Brown, and Charles Culver (collectively “Respondents”); and

**WHEREAS:** The charges alleged that Respondents violated the State Code of Ethics, O.C.G.A. § 45-10-3, specifically: (1) discriminatory hiring in violation of state and federal law; (2) violations of the Open Meetings Act; (3) breaches of the public trust, including (a) micromanaging the school system, (b) abstaining from board votes in violation of Robert’s Rules of Order, (c) refusing to sign the board ethics policy, and (d) violating the policies and procedures of the Southern Association of Colleges and Schools (“SACS”); and

**WHEREAS:** I determined that the allegations against Respondents, if true, were sufficient to state a claim under O.C.G.A. § 45-10-4 and therefore warranted a hearing per that code section; and

**WHEREAS:** I appointed the Georgia Office of State Administrative Hearings to serve as my designated agent “to conduct a hearing for the purpose of receiving evidence relative to the merits of [the] charges” per O.C.G.A. § 45-10-4; and

**WHEREAS:** Administrative Law Judge John B. Gatto presided over an extensive hearing and found the following facts:

- (1) Clara Roberts made discriminatory comments against the hiring of a teacher named Walter Watson on the basis of his former military service;
- (2) Cecil Brown made discriminatory comments against the hiring of a teacher named Jim Turner on the basis of his race;
- (3) The Warren County Board of Education Code of Ethics required Respondents to sign a pledge affirming that they would abide by the Code and could face sanctions for violations. Respondents refused to sign the pledge, and months after the signature requirement arose, changed the Code to remove the signature requirement and possibility of sanctions; and

(4) Respondents engaged in a variety of actions that threatened Warren County's SACS accreditation; and

**WHEREAS:** Judge Gatto concluded that the facts stated above constituted ethical violations prohibited by O.C.G.A. § 45-10-3 on the part of Respondents and recommended on July 27, 2010 that Respondents be removed from office; and

**WHEREAS:** I have reviewed Judge Gatto's order, the filings in the case, and the hearing transcript and agree with his finding of facts; and

**WHEREAS:** I find that Clara Roberts violated (1) O.C.G.A. § 45-10-3(1) & (8) by making discriminatory comments in violation of federal law and (2) O.C.G.A. § 45-10-3(8) by refusing to sign Warren County Board of Education's Code of Ethics in violation of Warren County Board of Education's Code of Ethics; and

**WHEREAS:** I find that Cecil Brown violated (1) O.C.G.A. § 45-10-3(8) by making discriminatory comments and (2) O.C.G.A. § 45-10-3(8) by refusing to sign Warren County Board of Education's Code of Ethics in violation of Warren County Board of Education's Code of Ethics; and

**WHEREAS:** I find that Charles Culver violated O.C.G.A. § 45-10-3(8) by refusing to sign Warren County Board of Education's Code of Ethics in violation of Warren County Board of Education's Code of Ethics.

**NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA AND BY SECTION 45-10-4 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, IT IS HEREBY**

**ORDERED:** Respondents Clara Roberts, Cecil Brown, and Charles Culver be removed from office and that the vacancies thereby created be filled as provided by law.

This 6<sup>th</sup> day of August, 2010.

  
GOVERNOR