



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

Vincent R. Russo
General Counsel

September 9, 2010

VIA EMAIL (jimwalls@mindspring.com)

Jim Walls
3310 Wiltshire Drive
Avondale Estates, GA 30002

RE: Open Records Request

Dear Mr. Walls:

I am in receipt of your request made pursuant to O.C.G.A. § 50-18-70, the Georgia Open Records Act ("Act"), dated September 3, 2010. Per your correspondence, you have requested a copy of the consent order entered in SEB Case Number 2006-000050 by some, but not all, of the respondents in that case.

After reviewing your request, our office has determined that the requested record is available for disclosure and enclosed same herein. Please be advised, however, that disclosure of the consent order does not constitute a waiver of any exceptions to disclosure under the Act that may be applicable to other records related to the pending prosecution of this case, including but not limited to the exceptions contained in O.C.G.A. § 50-18-72(a)(4)..

This response is made in accordance with the Georgia Open Records Act. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Vincent R. Russo
General Counsel

**BEFORE THE STATE ELECTION BOARD
STATE OF GEORGIA**

In the matter of:

**Carleton Vines
Albert Palmour
Dorothy Gilreath
Steve Chappellear
Sidney Johnson
Lois Reed
Anthony Sparks**

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Case No. 2006-0050

Respondents.

CONSENT ORDER

COMES NOW the State Election Board, by and through counsel, and Carleton Vines, Albert Palmour, Dorothy Gilreath, Steve Chappellear, Sidney Johnson, Lois Reed, and Anthony Sparks, Respondents, and hereby enter into the following Consent Order for use in this matter before the State Election Board in lieu of an evidentiary hearing.

FINDINGS OF FACT and CONCLUSIONS OF LAW

1.

Respondent Carleton Vines ran for State Court Judge of Chattooga County, Georgia, in the November, 2006, Chattooga County General Election. Sam Finster ran against Respondent Vines for State Court Judge. Respondent Vines garnered a vast majority of the votes cast via absentee ballot and mailed into the Registrar's Office. Respondent Vines was certified as the victor of the November, 2006 election for Chattooga County State Court Judge.

2.

Following the election, Ralph Wright, Republican Party Chairman of Chattooga County, reviewed the absentee ballots at the Chattooga County Registrar's Office. He found eighteen absentee ballots which had been run through the same postal meter machine one after another. He also found signatures on the envelopes of absentee ballots which did not match the signatures on the electors' voter registration cards. He requested an investigation.

3.

Both the Secretary of State's Office of Inspector General and the Georgia Bureau of Investigation conducted investigations. The investigations determined that Respondents Steve Chappellear, Sidney Johnson, Lois Reed, and Anthony Sparks acted as "runners" for Respondent Vines' campaign. The runners assisted electors with completing absentee ballot applications, absentee ballots, and then took possession of the absentee ballots and delivered them to the law office of the Respondent Vines. Respondent Dorothy Gilreath, Respondent Vines' secretary, took initial possession of most, but not all, of the ballots the runners provided. She kept a list of these ballots, applied postage, and mailed the ballots. The runners returned some of the ballots directly to Respondent Vines. These ballots were run through the postal meter machine of Respondent Albert Palmour.

4.

O.C.G.A. §21-2-381(a)(1)(B) permits a family member to fill out an absentee ballot application for an elector who is residing temporarily out of the county or a physically disabled elector. Relatives applying for absentee ballot applications must sign

an oath regarding the facts of the application. O.C.G.A. §21-2-381(a)(1)(E). No one else may apply for another elector's absentee ballot application under any other circumstances.

5.

Respondent Lois Reed filled out absentee ballot applications for eight electors: Inez Blackmon, JoAnn Blackmon, Kathryn Collins, Jamie Fitzpatrick, Rosie Ingle, William Luttrell, Sharon Reed, and Ashley Swicegood. None of these electors were temporarily residing out of the county or physically disabled. Respondent did not sign as assisting. Respondent Reed committed eight violations of O.C.G.A. §§ 21-2-381(a)(1)(B), (E).

6.

Respondent Sidney Johnson assisted elector Annie Martin in filling out her absentee ballot application. Ms. Martin was neither temporarily residing out of the county nor was she physically disabled. Respondent Johnson did not sign as assisting. Respondent Johnson committed one violation of O.C.G.A. §§ 21-2-381(a)(1)(B)(E).

7.

Respondent Steve Chappelle assisted four electors with their absentee ballot applications: Christopher Phillips, Tommy Phillips, Tinney White, and Shirley Johnson. These electors were neither temporarily residing out of the county nor were they physically disabled. Respondent Steve Chappelle did not sign as assisting. Respondent Chappelle committed four violations of O.C.G.A. §§ 21-2-381(a)(1)(B)(E).

8.

O.C.G.A. § 21-2-385(b) permits a physically disabled or illiterate elector to receive assistance in preparing his or her absentee ballot from family members, caregivers, and other qualified voters in the same county. The person assisting must sign an oath on the absentee ballot envelope.

9.

Respondent Johnson assisted two electors, Defaria Johnson and Shandra Johnson, in preparing their absentee ballots. Neither were physically disabled nor illiterate. Respondent Johnson failed to sign as assisting. Respondent Johnson committed two violations of O.C.G.A. §21-2-385(b).

10.

Respondent Chappelle assisted three electors, Tommie Eskew, Tommy Phillips, and Christopher Phillips, in preparing their absentee ballots. Respondent Chappelle was not related to these electors and these electors were neither physically disabled nor illiterate. Respondent Chappelle failed to sign as assisting. Respondent Chappelle committed three violations of O.C.G.A. §21-2-385(b).

11.

O.C.G.A. §21-2-385(a) requires that an elector mail or personally deliver his or her absentee ballot to the registrar's office. If the elector is physically disabled, a family member may deliver the absentee ballot. O.C.G.A. § 21-2-574 makes unlawful possession of absentee ballots a felony.

12.

Respondent Reed delivered her own absentee ballot, as well as the absentee ballots of thirteen other electors, Inez Blackmon, JoAnn Blackmon, Larry Blackmon, Kathryn Collins, Cindy Fitzpatrick, Jamie Fitzpatrick, Rosie Ingle, William Luttrell, Sharon Reed, Betty Siffles, Robert Siffles, Ashley Swicegood, and Helen Wright, to Respondent Gilreath, at Respondent Vines' law office.

Respondent Lois Reed's failure to mail her own ballot, or personally deliver it to the registrar's office, violated O.C.G.A. § 21-2-385(a).

None of the other electors whose absentee ballots Respondent Reed delivered to Respondent Gilreath were physically disabled. Respondent Reed's delivery of these thirteen absentee ballots constituted thirteen violations of O.C.G.A. §§ 21-2-385(a) and 21-2-574.

All of the electors whose absentee ballots Respondent Reed delivered to Respondent Gilreath were on Respondent Gilreath's list. Respondent Gilreath's and Respondent Vines' possession and ultimate delivery of these fourteen absentee ballots to the registrar's office constituted fourteen violations O.C.G.A. §§ 21-2-385(a) and 21-2-574 by Respondents Vines and Gilreath.

13.

Elector Helen Wright, whose absentee ballot Respondent Reed delivered to Respondents Gilreath and Vines, was the sister of Republican Party Chairman Ralph Wright. The Chattooga County Registrar's Office has no record of receiving Helen Wright's absentee ballot. All of the other electors' absentee ballots at issue in this case were timely received by the Chattooga County registrar's office.

14.

Respondent Johnson collected and delivered the absentee ballots of nine electors, Jeffrey Covington, Dafaria Johnson, Shandra Johnson, Annie Martin, LaQuenneth Rounsaville, Andrea Smith, Robert Steward, Tommy Almond, and Elizabeth Baker, directly to Respondent Vines. These electors were not physically disabled. Respondent Sidney Johnson's possession and delivery of these absentee ballots constitutes nine violations of O.C.G.A. §§21-2-385(a) and 21-2-574.

Respondent Carleton Vines' possession and ultimate delivery of these absentee ballots to the registrar's office constitutes nine violations of O.C.G.A. §§21-2-385(a) and 21-2-574.

These nine ballots were all run through the postal meter machine at Respondent Albert Palmour's office. Respondent Palmour's possession of these nine absentee ballots also constitutes nine violations of O.C.G.A. § 21-2-574.

15.

Respondent Chappellear collected and delivered the absentee ballots of six electors, Tommie Eskew, Shirley Johnson, Christopher Phillips, Tommie Phillips, Christine Smith, and Tinney White, to Respondent Gilreath, in Respondent Vines' law office. These electors were not physically disabled. Respondent Chappellear's delivery of these six absentee ballots violated O.C.G.A. §§ 21-2-385(a) and 21-2-574.

All six electors whose absentee ballots were delivered by Respondent Chappellear to Respondent Gilreath were on Respondent Gilreath's list. Respondent Gilreath's and Respondent Vines' possession and ultimate delivery of these absentee ballots to the

registrar's office constituted six violations of O.C.G.A. §§ 21-2-385(a) and 21-2-574 by Respondents Gilreath and Vines.

The absentee ballots of Christopher Phillips and Tommie Phillips were run through the postal meter machine at Respondent Palmour's office. Respondent Palmour's possession of these two absentee ballots also constituted two violations of O.C.G.A. § 21-2-574.

16.

Respondent Anthony Sparks delivered his own ballot, as well as the absentee ballots of ten additional electors, Kelly Brown, Margene Dover, Sherry Glass, David Glass, David Padgett, Ricky Smith, Brian Sparks, Melanie Sparks, Rebecca Sparks, and Shirley Sparks, to the law offices of Respondent Vines. None of these electors were physically disabled.

Respondent Anthony Sparks gave the absentee ballots of himself, Ricky Smith, Melanie Sparks, and Shirley Sparks to Respondent Gilreath in Respondent Vines' law office. These electors' names appeared on Respondent Dorothy Gilreath's list.

Respondent Anthony Sparks gave the remaining seven absentee ballots directly to Respondent Vines, and those absentee ballots were part of the sequential series run through Respondent Palmour's postal meter machine.

Respondents Anthony Sparks and Vines are in violation of O.C.G.A. §§ 21-2-385(a) and 21-2-574 for possessing and ultimately delivering to the registrar's office all eleven absentee ballots.

Respondent Gilreath is in violation of O.C.G.A. §§ 21-2-385(a) and 21-2-574 for possessing and ultimately delivering to the registrar's office the absentee ballots of four electors, Anthony Sparks, Ricky Smith, Melanie Sparks, and Shirley Sparks.

Respondent Palmour is in violation of O.C.G.A. § 21-2-574 for possessing the absentee ballots of seven electors, Kelly Brown, Margene Dover, Sherry Glass, David Glass, David Padgett, Brian Sparks, and Rebecca Sparks.

17.

During the investigation, Respondents Gilreath, Chappellear, Johnson, Reed, and Sparks admitted to their violations of the Election Code.

18.

Carlton Vines was indicted for felony election fraud and a criminal case was tried before the Court and a Jury on March 30 through April 2, 2009. Respondents Gilreath, Chappellear, Johnson, Reed and Sparks testified and admitted to their unlawful possession of absentee ballots as described in Paragraphs 11, 12, 14, 15, and 16.

Respondent Palmour testified and admitted to owning a postal meter and allowing Vines to use it for absentee ballots. The Jury was unable to reach a decision, and a mistrial was declared by the Court. All criminal charges were subsequently nolle prossed by the Court, and the criminal case was dismissed.

19.

Respondent Vines did not testify at his criminal trial, and has consistently maintained that his actions did not violate the election code, but he is agreeable to entering into this Consent Order.

20.

Respondent Palmour testified before the grand jury and at Respondent Vines' criminal trial. Respondent Palmour has consistently testified that his actions did not violate the election code, but he is agreeable to entering into this Consent Order.

ORDER

1.

The Georgia State Election Board, having considered the particular facts and circumstances of this case, inclusive of the within and forgoing "Findings of Fact and Conclusions of Law" hereby ORDERS the Respondents to cease and desist from further violations of the Election Code and publicly reprimands all Respondents. Additionally, the State Election Board ORDERS Respondent Carleton Vines to pay a fifteen thousand dollar (\$15,000.00) fine. Respondent Vines agrees to pay said fifteen thousand dollar (\$15,000.00) fine. Neither Respondents Chappelle, Gilreath, Johnson, Palmour, Reed, nor Sparks shall pay any part of Respondent Vines' fine, nor shall they be subject to any other fine, civil penalty, restitution, or investigative costs.

2.

The Respondents acknowledges that they have read this Consent Order and that they understand the contents. The Respondents understand that they have a right to a hearing in this matter. The Respondents knowingly and voluntarily waives such right by entering into this Consent Order.

3.

This Consent Order, inclusive of its Findings of Fact, Conclusions of Law, and Order, shall not become effective unless and until approved by the Board. If not agreed

to, approved by, and executed on behalf of, the Board, neither stipulation nor any other part of this agreement shall have any binding legal effect whatsoever and shall not constitute an admission against interest or prejudice the ability of either the Board or the Respondent to adjudicate this matter.

This 20 day of MAY, 2010.

CONSENTED TO:

Sworn to and subscribed
before me this 20 day
of MAY, 2010.

H. Melvin Dodd
NOTARY PUBLIC

Notary Public, Walker County, Georgia
My Commission Expires October 28, 2011

Carleton Vines
Carleton Vines,
Respondent

Albert Palmour
Albert Palmour,
Respondent

Dorothy Gilreath
Dorothy Gilreath,
Respondent

Steve Chappellear
Steve Chappellear,
Respondent

Sidney Johnson
Sidney Johnson,
Respondent

Lois Reed
Lois Reed,
Respondent

Anthony Sparks
Anthony Sparks,
Respondent

Approved by the State Elections Board this 31st day of August, 2010.

STATE ELECTIONS BOARD

BY: B-Kemp
BRIAN KEMP
CHAIRPERSON