

# ETHICS COMPLAINT AND DEMAND FOR INVESTIGATION

**TO:** Georgia Government Transparency and Campaign Finance Commission

**CC:** Forsyth County Sheriff's Office, Georgia Attorney General's Office, Forsyth County District Attorney

**DATE:** November 7, 2025

**RE:** Violations of Georgia Open Meetings Act, Open Records Act, and Ethics in Government Act

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## I. COMPLAINANT INFORMATION

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## II. RESPONDENTS

1. **Kerry Hill**, Forsyth County Commissioner
2. **Alfred John**, Forsyth County Commissioner
3. **Mendy Moore**, Forsyth County Commissioner
4. **Laura Semanson**, Forsyth County Commissioner

### **Additional Implicated Officials:**

- Mike Valdez, Forsyth County Board of Education
  - State Representative Todd Jones
  - State Senator Greg Dolezal
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## III. STATEMENT OF VIOLATIONS

The above-named Forsyth County Commissioners have engaged in a systematic pattern of deliberations and decision-making outside of properly noticed public meetings in violation of Georgia's Sunshine Laws. Specifically, these officials are conducting government business through **private, access-restricted Facebook groups** that exclude:

- Duly elected Commissioner **Todd Levent** (current)

- Former Commissioner **Cindy Jones Mills**
- Members of the general public

This conduct violates multiple provisions of Georgia law governing open government, public records, and ethical conduct by public officials.

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## IV. LEGAL VIOLATIONS

### A. Violation of the Georgia Open Meetings Act (O.C.G.A. § 50-14-1 et seq.)

#### 1. Illegal Serial Meetings Creating a Quorum Outside Public View

O.C.G.A. § 50-14-1(a)(1) mandates:

"All meetings of any agency **shall be open to the public...** when a quorum of the members of the agency is present and when any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon."

O.C.G.A. § 50-14-1(a)(2) defines a meeting as:

"The gathering of a quorum... **at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon.**"

#### **Violation:**

Three (3) commissioners constitute a quorum of the Forsyth County Board of Commissioners (5-member board). The respondents—**Hill, John, Moore, and Semanson**—are using private Facebook groups to:

- Discuss zoning decisions
- Deliberate on ordinances
- Formulate positions on development projects
- Coordinate votes and policy positions

These discussions constitute "**serial meetings**" that evade the notice and access requirements of the Open Meetings Act. Georgia courts have held that public officials may not circumvent open meeting requirements through:

- Sequential communications (even if not simultaneous)
- Private electronic platforms
- Delegation to intermediaries

*See Henderson v. Houston County*, 248 Ga. 403 (1981) (government bodies cannot use informal settings to evade open meetings law).

## 2. Denial of Public Participation

O.C.G.A. § 50-14-1(d) requires:

"Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this article **shall not be binding.**"

### **Violation:**

By conducting substantive deliberations in closed Facebook groups, the commissioners are:

- Formulating positions before public meetings
- Presenting a "unified front" at official meetings that was coordinated in private
- Depriving the public of meaningful opportunity to observe and participate in decision-making

This renders subsequent "public" votes a **mere formality** rather than genuine public deliberation.

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## B. Violation of the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.)

### 1. Use of Private Platforms to Evade Records Retention

O.C.G.A. § 50-18-71(a) states:

"All public records... shall be open for a personal inspection by any citizen of this state."

O.C.G.A. § 50-18-70(a) defines public records as:

"All documents... **regardless of physical form or characteristics**, which are prepared and maintained or received... **in the course of the operation of a public office or agency.**"

O.C.G.A. § 50-18-99(a) (Records Management Act) requires:

"It shall be the duty of each agency to **make and preserve records** containing adequate documentation of its organization, functions, policies, decisions, procedures, and essential transactions."

### **Violation:**

Facebook messages, posts, and comments discussing county business are **public records** under Georgia law, regardless of whether they occur on private platforms. By conducting government business on:

- Private Facebook groups requiring administrator approval
- Personal accounts not subject to county IT systems

- Potentially encrypted messaging apps

The commissioners are:

1. Creating public records outside official channels
2. Making those records inaccessible to Open Records requests
3. Potentially destroying records by using platforms with auto-delete features or no county retention

*See O'Sullivan v. City of Atlanta*, 335 Ga. App. 508 (2015) (text messages discussing city business are public records).

## 2. Selective Access and Discrimination

### Violation:

The private Facebook groups:

- Exclude duly elected Commissioner Todd Levent (creating an information disadvantage)
- Excluded former Commissioner Cindy Jones Mills during her term
- Require "administration level entry" (administrator approval) for public access

This creates a **two-tier system** where:

- Favored constituents receive inside access to commissioners' deliberations
- Other citizens are denied equal access to the same information
- A sitting commissioner is denied access to discussions that influence board votes

This violates the **equal access principle** underlying Georgia's Open Records Act.

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## C. Violation of Code of Ethics (O.C.G.A. § 45-10-1 et seq.)

O.C.G.A. § 45-10-3 provides:

"Public officers are the trustees and servants of the people and shall... **use the trust for the benefit of the people of the state.**"

O.C.G.A. § 45-10-1 establishes:

"Government is and should be open to all... the conduct of the people's business shall be open."

### Violation:

By deliberately excluding:

- A sitting commissioner (Levent)

- A former commissioner (Jones Mills) during her tenure
- The general public from substantive deliberations

The respondents are:

1. **Misusing their office** to consolidate power among a private faction
  2. **Creating conflicts of interest** by giving preferential access to select constituents
  3. **Undermining democratic governance** by preventing dissenting commissioners from participating in pre-meeting deliberations
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## **D. Potential Criminal Violations**

### **O.C.G.A. § 16-10-20.1 (Violation of Oath by Public Officer)**

"Any public officer who **knowingly and willfully** violates the terms of his or her oath... shall be guilty of a misdemeanor."

Each commissioner took an oath to uphold the Constitution and laws of Georgia. Willful violation of Open Meetings and Open Records laws may constitute oath violation.

### **O.C.G.A. § 45-11-1 (Obstruction of Justice by Public Officer)**

If commissioners delete, destroy, or fail to preserve records in anticipation of investigation or Open Records requests, this may constitute obstruction.

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## **V. EVIDENCE OF VIOLATIONS**

### **A. Documented Facts:**

1. **Private Facebook groups exist** where Forsyth County government business is discussed
2. **Access is restricted** by administrator approval ("administration level entry required")
3. **Commissioner Todd Levent has been excluded** from these groups
4. **Former Commissioner Cindy Jones Mills was removed** from the platform during her term
5. **Three respondents (Hill, John, Moore, Semanson) constitute a quorum** and actively participate
6. **Topics discussed include:**
  - Local zoning decisions
  - Ordinance development
  - County development projects
  - Matters subject to commissioner votes

## **B. Additional Evidence Subject to Discovery:**

- Screenshots of Facebook group posts/comments by commissioners
  - Membership lists of private groups showing commissioner participation
  - Messages sent via Facebook Messenger, WhatsApp, Signal, or other apps
  - Metadata showing timing of discussions relative to public votes
  - Testimony from excluded commissioners (Levent, Jones Mills)
  - Testimony from group members about topics discussed
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## **VI. DEMANDS**

### **A. Immediate Preservation Order**

Pursuant to **O.C.G.A. § 50-18-99** (Records Management) and **O.C.G.A. § 24-13-1** (Spoliation), we demand the Forsyth County Sheriff's Office and District Attorney **immediately issue a preservation order** requiring all respondents to:

1. **Preserve all communications** related to Forsyth County business, including:
  - Facebook posts, comments, and messages (including deleted content)
  - WhatsApp, Signal, Telegram, or other encrypted messaging apps
  - Text messages on personal and county-issued devices
  - Emails sent from personal accounts discussing county business
  - Any other electronic communications
2. **Disable auto-delete functions** on all messaging platforms
3. **Provide forensic images** of all devices (phones, tablets, computers) used for county business
4. **Surrender administrator credentials** for all private Facebook groups to allow investigation of membership, content, and activity logs

### **Legal Authority:**

- O.C.G.A. § 16-10-94 (Tampering with evidence)
- Federal rules governing preservation in anticipation of litigation (spoliation doctrine applies)

### **B. Criminal Investigation**

We demand the **Forsyth County Sheriff's Office** open a criminal investigation into potential violations of:

- **O.C.G.A. § 16-10-20.1** (Violation of Oath by Public Officer)
- **O.C.G.A. § 50-14-1** (Open Meetings Act violations)
- **O.C.G.A. § 45-11-1** (Obstruction, if records are destroyed)

## **Investigative Steps Required:**

1. Forensic analysis of all electronic devices and accounts
2. Subpoena Facebook for:
  - Group membership logs
  - Complete post/comment history (including deleted content)
  - Metadata on timing and frequency of communications
3. Interview excluded commissioners (Levent, Jones Mills)
4. Interview group members about nature and scope of discussions
5. Cross-reference private discussions with subsequent public votes

## **C. Ethics Investigation**

We demand the **Georgia Government Transparency and Campaign Finance Commission** investigate violations of:

- **O.C.G.A. § 45-10-1 et seq.** (Code of Ethics for Government Service)
- **O.C.G.A. § 21-5-30.1** (Ethics in Government Act)

## **D. Civil Remedies**

We request the **Georgia Attorney General** or a private citizen file suit under:

- **O.C.G.A. § 50-14-1(d)** to void any actions taken in violation of Open Meetings Act
- **O.C.G.A. § 50-14-5** seeking injunctive relief to:
  - Prohibit further use of private platforms for government business
  - Require all deliberations occur in properly noticed public meetings
  - Mandate transparency training for all commissioners

## **E. Immediate Corrective Actions**

Pending investigation, we demand:

1. **Cessation of all private Facebook group activity** related to county business
  2. **Public disclosure** of all county-related discussions that occurred in private groups (redacted only for legitimate privacy/security concerns)
  3. **Inclusion of Commissioner Levent** in any communications involving three or more commissioners
  4. **Adoption of a Communications Policy** requiring:
    - All substantive discussions occur in public meetings or official channels
    - County-issued devices/accounts for all government business
    - Automatic retention and archival of all commissioner communications
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## VII. HARM TO THE PUBLIC

This conduct has resulted in:

1. **Denial of meaningful public participation** in government decisions
  2. **Disenfranchisement** of a duly elected commissioner (Levent)
  3. **Creation of an insider class** with privileged access to government deliberations
  4. **Erosion of public trust** in local government
  5. **Violation of the fundamental democratic principle** that the people's business must be conducted in the open
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## VIII. LEGAL AUTHORITY FOR COMPLAINT

- **O.C.G.A. § 50-14-6** (Any citizen may enforce Open Meetings Act)
  - **O.C.G.A. § 50-18-73** (Any citizen may enforce Open Records Act)
  - **O.C.G.A. § 21-5-6** (Ethics Commission jurisdiction over local officials)
  - **O.C.G.A. § 15-10-2** (District Attorney duty to prosecute violations)
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## IX. REQUEST FOR RESPONSE

Pursuant to the above statutes, we request:

1. **Written acknowledgment** of this complaint within **five (5) business days**
  2. **Status updates** every **ten (10) days** on investigative progress
  3. **Issuance of preservation order** within **two (2) business days** to prevent evidence destruction
  4. **Public report** on findings and any disciplinary/criminal actions taken
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## X. CONCLUSION

The respondents have created a **shadow government** operating outside the scrutiny of both the public and their fellow elected officials. This is precisely the type of abuse that Georgia's Sunshine Laws were designed to prevent.

We respectfully demand immediate action to:

- **Preserve evidence**
- **Investigate violations**

- **Hold violators accountable**
- **Restore transparent, lawful government** to Forsyth County

The people of Georgia deserve better than government by secret Facebook group.

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**Respectfully submitted,**

**Scott Howard**

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**Date:** November 7, 2025

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## **ATTACHMENTS**

- Exhibit A: Screenshots of private Facebook groups (if available)
  - Exhibit B: Statement from Commissioner Todd Levent re: exclusion
  - Exhibit C: Statement from former Commissioner Cindy Jones Mills
  - Exhibit D: List of known group members
  - Exhibit E: Timeline of private discussions correlated with public votes
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## **DISTRIBUTION LIST**

**Send via Certified Mail, Return Receipt Requested:**

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**5. Forsyth County Board of Commissioners**