



**HENRY COUNTY BOARD OF ETHICS
STATE OF GEORGIA**

IN RE:)
)
OTIS KEY) Case No.: 2023EB9
)
Respondent.)

PUBLIC REPRIMAND

THE BOARD OF ETHICS HEREBY ISSUES THIS PUBLIC
REPRIMAND PURSUANT TO THE FINAL DECISION ON
JULY 30, 2024.

**HENRY COUNTY BOARD OF ETHICS
STATE OF GEORGIA**

**FILED IN OFFICE
HENRY COUNTY
BOARD OF ETHICS
2023EB9
8/13/2024 6:14 PM
GLORIA BANISTER
ETHICS ADMINISTRATOR**

IN RE:)
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 OTIS KEY) Case No.: 2023EB9
)
 Respondent.)

FINAL DECISION

The above-styled matter came before the Henry County Board of Ethics (the “Board”) on July 30, 2024, for a final hearing.

BACKGROUND

1.

On September 29, 2023, the Board received a Complaint against Mr. Otis Key (“Mr. Key”), alleging that Mr. Key violated the following code of ethics: Failure to Show Impartiality in Performing Official Duties (section 22(7.1)(c)(1)), Disclosure of Confidential Information (section 22(7.1)(c)(3)), and Misuse of Position (section 22(7.1)(c)(4)).

2.

On November 9, 2023, at a regularly scheduled meeting of the Henry County Board of Ethics, the Board voted by majority action that probable cause exists warranting a formal hearing.

3.

Mr. Key was personally served with the *Notice of Preliminary Investigation Findings* on March 22, 2024.

4.

A formal answer was filed by Mr. Key on April 22, 2024.

FINDINGS OF FACTS

At the time in which the Complaint was filed, Mr. Key was employed with Henry County Parks and Recreation as the Deputy Administrator of Athletics. Mr. Key is no longer employed with Henry County due to circumstances separate and distinct from the allegations before the Board.

Ms. Brandi Dailey (“Ms. Dailey”), an employee with Henry County Parks and Recreation, was tasked with obtaining three (3) quotes from Vendors for the purpose of finding a contractor to supply referees for the youth basketball games for Henry County Parks and Recreation. On August 8, 2023, Ms. Dailey emailed two (2) Vendors to solicit

bids and attached the requisites needed. Vendor 1 responded on the same day with a quote of \$28,900. Vendor 2 responded on August 15, 2023, with a quote of \$33,200.

On August 10, 2023, during a team meeting, Ms. Dailey advised that she was only able to procure two (2) Vendors to solicit quotes and needed one (1) more Vendor. Mr. Key advised that he was acquainted with someone who could provide a third quote. On August 11, 2023, Ms. Dailey emailed Mr. Key and requested that he provide her the contact information of the Vendor so that she could send him the information needed to bid on the season. In lieu of providing the information to Ms. Dailey, Mr. Key directly contacted the Vendor, Gemorial "Geemo" Johnson owner of The Johnson C. Park Association.

Mr. Johnson submitted an official bid on August 15, 2023, and provided this bid to Mr. Key. This bid totaled \$30,480. Mr. Key forwarded the bid to Ms. Dailey. Two (2) days later, August 17, 2023, Mr. Johnson submitted a second bid, lowering his price to \$28,544. The second bid was forwarded to Ms. Dailey. Ms. Dailey inquired with Mr. Key where Mr. Johnson received his game count as that was not the information sent to the other two (2) Vendors. Ms. Dailey also inquired why Mr. Johnson changed his quote. Mr. Key only responded to Ms. Dailey's inquiry regarding the game count and failed to respond as to why Mr. Johnson changed his quote.

Due to the three (3) Vendors submitting bids with different information, Ms. Dailey sent an email to all three (3) Vendors requesting a third quote before 5:00 pm on August 23, 2023, to ensure all Vendors were bidding on the same number of games. Vendor 1 submitted a revised quote on August 19th, Vendor 2 submitted a revised quote on August 20th, and because Vendor 3 did not send a new quote, Ms. Dailey sent Mr. Johnson's second bid. On August 29th, Mr. Key contacted Mr. Johnson to request a third quote. Mr. Johnson provided a revised quote that same day. This quote was neither forwarded to Ms. Dailey nor was she informed that Mr. Key and Mr. Johnson maintained communications regarding the bidding process outside of her process. Mr. Johnson's company won the bid.

CONCLUSION OF LAW

It is essential to the proper administration and operation of the Henry County government that its officials and employees be, and give the appearance of being, independent and impartial, that public office not be used for private gain, and that there be public confidence in the integrity of Henry County officials and employees. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of officials and employees, the public interest requires that the General Assembly protect against such conflicts of interest by establishing by law appropriate ethical standards with respect to the conduct of the officials and employees of Henry County in situations where a conflict may exist. SB 22§ 7.1(a)(1).

Failure to Show Impartiality in Performing Official Duties

Pursuant to SB 22§ 7.1(c)(1), an employee or official is prohibited from, by his or her conduct, giving reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official acts or actions or that he or she is affected unduly by the rank or position of or kinship or association with any person.

The Board finds that Mr. Key has a personal relationship with Mr. Johnson but did not disclose this personal relationship with the team. Mr. Key was aware that Ms. Dailey was responsible for obtaining bids from three Vendors. Despite this knowledge, Mr. Key did not provide Ms. Dailey Mr. Johnson's contact information until after Mr. Johnson provided his second quote.

The Board finds that because Mr. Key failed to communicate with Ms. Dailey that all Vendors received different information, requiring multiple resubmissions of the bids.

The Board finds that at no time did Mr. Key advise Ms. Dailey that he was continuing to have direct communication with Mr. Johnson subsequent to the third request for a quote.

The Board finds that given Mr. Key's interactions with Mr. Johnson, coupled with his personal relationship, Mr. Key gave a reasonable basis for the impression that any person can improperly influence him.

Disclosure of Confidential Information

Pursuant to SB 22§ 7.1(c)(3), an employer or official is prohibited from disclosing or otherwise using confidential information acquired by virtue of his or her position for his or her or another person's private gain.

The Board finds that Mr. Key provided Mr. Johnson changed his quote three (3) times. Mr. Johnson sent his initial quote on August 15, 2023. However, two days later, after the other Vendors submitted their quotes, Mr. Johnson sent a revised quote which he reduced making it the lowest bid by \$356. When a third bid was requested, so as to ensure that all Vendors were bidding on the same number of games, Mr. Johnson further reduced his bid by \$4,144.

The Board does not find Mr. Key credible. When Mr. Key was questioned as to why Mr. Johnson reduced his bid, he advised that Mr. Johnson told him that he spoke to his mentor and his numbers were too high. Also, Mr. Key gave conflicting testimony as to whether or not he had seen any of the other bids. Initially, Mr. Key testified that he did not see any of the other bids. Subsequently, Mr. Key stated he *may* have seen the other bids before the third bid was given. While it is to be notated that Vendor 1 and Vendor 2's third bid was lower, neither of these Vendors changed their rate per official, on the number of games as requested. Mr. Johnson changed his rate per official with each quoted submitted.

It is also to be notated, that Mr. Johnson's bid continuously came after Vendor 1 and Vendor 2. Ms. Dailey provided a deadline for the third requested bid to all three Vendors of August 23, 2023, at 5:00 pm. Mr. Johnson did not respond to Ms. Dailey with a third quote.

Instead, on August 29, 2023, Mr. Key continued to correspond directly with Mr. Johnson and Mr. Johnson responded on the same day with his third quote, post the deadline Ms. Dailey had provided him.

The Board finds that Mr. Key used confidential information acquired by virtue of his or her position for another person's private gain in violation of SB 22§ 7.1(c)(3).

Misuse of Position

Pursuant to SB 22§ 7.1(c)(4), an employer or official is prohibited from appearing on his or her own personal behalf, or representing, advising, or appearing on the personal behalf, whether paid or unpaid, of any person before any court or before any legislative, administrative, or quasi-judicial board, agency, commission, or committee of this state or of any county or municipality concerning any contract or transaction which is or may be the subject of an official act or action of Henry County or otherwise use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or other persons.

The Board finds that there was no evidence presented where Mr. Key misused his position pursuant to SB 22§ 7.1(c)(4).

STANDARD OF REVIEW

The decision of the Board shall be governed by a preponderance of the evidence standard. SB 22§ (1)(8)(B).

DECISION

It is HEREBY CONCLUDED that Mr. Key did not violate SB 22§ 7.1 (c)(4)-Misuse of Position.

It is FURTHER CONCLUDED that Mr. Key violated the following sections of Henry County's Code of Ethics:

1. SB 22§ 7.1(c)(1)-Failure to Show Impartiality in Performing Official Duties
2. SB 22§ 7.1(c)(3)-Disclosure of Confidential Information

SANCTIONS

Pursuant to SB 22§ 7.1(m)(1)(A), the Board hereby issues an administrative sanction of \$250 against Respondent for each of the violations (totaling \$500) of the Code of Ethics as stated herein. The Board further hereby issues a Public Reprimand pursuant to SB 22§ 7.1(m)(1)(B).

Respondent has the right to appeal this Decision by seeking review by writ of certiorari to the superior court of the county within 14 days of the date of receipt of the Decision. SB 22§ 7.1(m)(3).

Failure by the Respondent, Otis Key, to comply with this Final Decision may result in additional sanctions or referral of this matter to the County's Solicitor's Office for prosecution.

By: 

Desmond McLain, Board Chair
Henry County Board of Ethics

Date: 8/13/2024

Certified by: 
Gloria Banister, Ethics Administrator
Henry County Board of Ethics

Date: 8/13/2024

