



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

IN RE: )  
 )  
VIVIAN THOMAS ) Case No.: 2022EB3  
 )  
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  
2022EB3  
9/21/24 12:27 PM  
GLORIA BANISTER  
ETHICS ADMINISTRATOR

IN RE: )  
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VIVIAN THOMAS ) Case No.: 2022EB3  
)  
Respondent. )

**FINAL DECISION**

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

**BACKGROUND**

1.

On November 3, 2022, the Board received a *Complaint* against former commissioner Ms. Vivian Thomas (“Ms. Thomas”), alleging that Ms. Thomas violated the following codes of ethics: Misuse of Position (SB 22§ 7.1(c)(4)), Incompatible Interests (SB 22§ 7.1(c)(5)), and Conflict with Official Duties (SB 22§ 7.1(c)(6)).

2.

On December 13, 2022, at a regularly scheduled meeting, the Board voted by majority action that probable cause existed on the complaint, warranting a formal hearing on the following violations: Failure to Show Impartiality in Performing Official Duties (SB 22§ 7.1(c)(1)), Conflict of Official Duties (SB 22§ 7.1(c)(6)), Engaging in Activities Prohibited by Law (SB 22§7.1(c)(7)), and Inappropriate Conduct by a Member of the Board of Commissioners (SB 22 §7.1(c.1)).

3.

Ms. Thomas was personally served with the *Notice of Preliminary Investigation Findings* on December 19, 2022.

4.

Ms. Thomas did not file a formal answer; however, an entry of appearance was filed by Gerald A. Griggs, Esq. on March 3, 2023.

5.

On June 20, 2023, Attorney Griggs filed his *Request for Dismissal for Lack of Conformity*.

6.

The Ethics Officer, Obréziah L. Bullard, Esq., filed a *Response to the Respondent's Request for Dismissal for Lack of Conformity* on June 28, 2023.

7.

The Board denied Respondent's request for dismissal.

8.

On March 18, 2024, Attorney Griggs filed his notice of withdrawal.

9.

On July 25, 2024, Randal A. Mangham, Esq. of Randal Alonzo Mangham, LLC filed an *Entry of Appearance and Motion for Continuance* on behalf of Ms. Thomas.

10.

The Board denied Respondent's *Motion for Continuance* on July 26, 2024.

11.

Although the Board did not receive an official withdrawal, Ms. Thomas's counsel of record advised the morning of the hearing that Ms. Thomas terminated his representation. Ms. Thomas confirmed that she would be proceeding self-represented.

#### **FINDINGS OF FACTS**

Although Ms. Thomas is no longer a commissioner, when the Complaint was filed, Ms. Thomas was the sitting commissioner for Henry County District 4. The Complainant began her tenure with Henry County Government as Ms. Thomas's constituent aid on January 26, 2022, and submitted her resignation letter on October 26, 2022.

During the Complainant's tenure working as a constituent aid, the Complainant worked on various non-profits owned by Ms. Thomas, including Phenomenal Men and Women of Distinction and G.A.M.E. ON (Government And Me Engaged). G.A.M.E. ON is an organization started by Ms. Thomas to engage local high school students in government. According to the Complainant's testimony, Ms. Thomas informed the Complainant that she was required to work Sundays during G.A.M.E. ON meetings because "she did not have enough county work to account for her pay." Ms. Thomas disputes ever advising the Complainant that she had to work on Ms. Thomas's personal endeavors because there was not enough county work.

The Complainant's payroll evidences that the Complainant worked the following Sundays during her employment: February 6<sup>th</sup>, February 20<sup>th</sup>, June 26<sup>th</sup>, August 7<sup>th</sup>, August 21<sup>st</sup>, August 28<sup>th</sup>, September 7<sup>th</sup>, and October 16<sup>th</sup>. The Complainant testified that these days reflect work for G.A.M.E. ON, and the Complainant's timesheet shows that the Complainant was compensated in her county payroll for working these events.

The undisputed testimony showed that on October 13, 2022, the Complainant went to Ms. Thomas's home. The Complainant and Ms. Thomas disagree about the purpose of the Complainant being there. The Complainant testified that she went to Ms. Thomas's home to assist her with her campaign, specifically to help stuff campaign bags and throw materials. Ms. Thomas denied this accusation and stated the Complainant had a personal relationship with Ms. Thomas's daughter prior to the Complainant's employment with Henry County.

Despite both the Complainant and Ms. Thomas agreeing that the Complainant had a personal relationship, neither denied that the Complainant arrived on that particular day for the purpose of working. In fact, both admit that the Complainant arrived at Ms. Thomas's home to engage in some fashion of work but was unable to work due to an illness. Ms. Thomas concedes that the Complainant came over but only stayed thirty (30) minutes; nonetheless, the Complainant was paid for a full day's work. When questioned as to why Ms. Thomas signed off on the Complainant's timesheet, verifying that everything was true and accurate, Ms. Thomas explained that she would trust that the Complainant was truthful about the time she submitted and would allow her assistant to sign off on her behalf.

### **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 no evidence was presented that Ms. Thomas's conduct gave a reasonable basis for the impression that she could be improperly influenced pursuant to SB 22§ 7.1(c)(1).

#### **Engaging in Activities Prohibited by Law**

Pursuant to SB 22§ 7.1(c)(7), an official or employee shall not engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him or her by virtue of his or her being an official or employee of Henry County.

The evidence regarding the Complainant working on Ms. Thomas's personal endeavors and campaign is insubstantial; however, it is apparent that the Complainant was being paid for time that was not worked. Though the reason why the Complainant came to Ms. Thomas's home on October 13, 2022, is ambiguous, the Complainant's timesheets reflected that she arrived at Ms. Thomas's home and worked a full day.

Each timesheet submitted to payroll required the Complainant to certify the following, "I certify the reported hours are true and correct to the best of my knowledge. I understand that falsification of hours may constitute fraud and may result in termination of employment and/or other penalties." The timesheet further requires the supervisor to certify that they reviewed the reported hours and found them correct and in compliance with Henry County policies. The employee and supervisor must attest to their understanding that falsifying the timesheet may carry penalties.

Both the Complainant and Ms. Thomas were responsible for ensuring the accuracy of the timesheet submitted to payroll. Ms. Thomas's explanation that she relied on the Complainant to truthfully submit her timesheet and allowed her assistant to submit it to payroll with her signature without further verification does not excuse her from upholding the attestation clause of each timesheet.

As Ms. Thomas's lack of proper verification allowed the Complainant to be paid for time that she did not work, the Board finds that Ms. Thomas engaged in activity prohibited by law in violation of SB 22§ 7.1(c)(5).

**Conflict with Official Duties**

Pursuant to SB 22§ 7.1(c)(6), an official or employee shall not acquire an interest in any contract or transaction at a time when he or she believes or has reason to believe that such an interest will be affected directly or indirectly by his or her official act or actions or by the official acts or actions of other officials or employees of Henry County.

The Board finds that no evidence was presented where Ms. Thomas entered into any contract or transaction in violation of SB 22§ 7.1(c)(6).

**Inappropriate Conduct by a Member of the Board of Commissioners**

Pursuant to SB 22§7.1(c.1), members of the board of commissioners shall not issue directives to employees who report to the county manager, threaten to terminate the employment of a county employee, threaten to terminate a county contract so as to exert undue influence, or engage in conduct that is unbecoming of a member of the board of commissioners.

Whether Ms. Thomas asked the Complainant to assist in her non-profits or allowed her to do so, Ms. Thomas's actions in submitting the Complainant's "verified" timesheets, where the Complainant was paid for time in which she did not work, was inappropriate.

The Board finds that Ms. Thomas engaged in conduct unbecoming of a member of the board of commissioners, in violation of SB 22§ 7.1(c.1).

**STANDARD OF REVIEW**

The decision of the Board shall be governed by a preponderance of the evidence standard. SB 22§7.1(1)(8)(B).

**DECISION**

It is HEREBY CONCLUDED that Ms. Thomas did not violate 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)(6)-Conflict of Official Duties

It is FURTHER CONCLUDED that Ms. Thomas violated the following sections of Henry County’s Code of Ethics:

- 1. SB 22§7.1(c)(7)-Engaging in Activities Prohibited by Law
- 2. SB 22 §7.1(c.1)-Inappropriate Conduct by a Member of the Board of Commissioners

**SANCTIONS**

Pursuant to SB 22§ 7.1(m)(1)(B), the Board hereby issues a Public Reprimand.

Respondent has the right to appeal this Decision by seeking a review through a writ of certiorari to the superior court of Henry County within 14 days of receiving the decision. SB 22§ 7.1(m)(3).

*Failure by the Respondent, Vivian Thomas, 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  
Desmond McLain (Sep 21, 2024 13:22 EDT)  
Desmond McLain, Board Chair  
Henry County Board of Ethics  
Decision (5-2)

Date: 09/21/24

Gloria Banister Date 9/21/24  
Gloria Banister, Ethics Administrator

