

BEFORE THE GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

BEBE ANN S. HEISKELL

CASE NO.

2016-0061PC

CONSENT ORDER

This matter comes before the Georgia Government Transparency and Campaign Finance Commission (hereinafter "Commission") pursuant to a Complaint filed *sua sponte* by the Commission on November 10, 2016. Now, prior to a final hearing on this matter, Respondent Bebe Ann S. Heiskell (hereinafter "Respondent") and the Commission agree to resolve the above-styled matter by Consent Order under the terms and conditions described herein.

FINDINGS OF FACT

Respondent is the former Commissioner (sole) for Walker County, Georgia, and was a candidate for said office during the 2016 general election. Respondent filed her declaration of intention to accept campaign contributions on January 1, 2014 and re-qualified to stand for election as County Commissioner (Sole) for Walker County on April 11, 2016. As an elected public officer and candidate for elected public office, the Respondent is subject to the jurisdiction and venue of this Commission. See O.C.G.A. § 21-5-2 (The Commission is charged with the enforcement of the Georgia Government Transparency and Campaign Finance Act (hereinafter "Campaign Finance Act") in order to protect the integrity of the democratic process and hold public officers accountable).

The Georgia General Assembly promulgated the Georgia Government Transparency and Campaign Finance Act (hereinafter "Act") in order to ensure that public officials and candidates for public office regularly and fully disclose the amount and sources of their campaign contributions and expenditures. To that end, the Georgia General Assembly also instituted a very specific filing regimen that requires public officers and candidates for public office to regularly report their campaign contributions and campaign expenditures to the Commission and general public. See generally O.C.G.A. § 21-5-34.

In this case, the Respondent timely filed her campaign contribution disclosure reports (hereinafter "CCDR") timely.

In addition to periodic reporting of campaign contributions and expenditures, the Georgia General Assembly also instituted limits upon the amount of campaign contributions that public officers and candidates for public office may accept during any given election cycle. The most recent iteration of the Act set maximum allowable campaign contribution limits for a non-state-wide elected official at (1) \$2,000.00 for a primary election; (2) \$1,000.00 for a primary run-off election; (3) \$2,000.00 for a general election; and, (4) 1,000.00 for a general election run-off. O.C.G.A. § 21-5-41(a) (2005). The Commission last adjusted the maximum allowable contribution limits on January 1, 2016; to wit: (1) \$2,600.00 for the primary election; (2) \$1,300.00

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for the primary run-off election; (3) \$2,600.00 for the general election; and, (4) \$1,300.00 for the general run-off election. O.C.G.A. § 21-5-41(a) & (k) and Ga. Comp. R. & Regs. r. 189-1-.07.

In this case, the Commission finds:

1. Respondent accepted a \$3,000.00 campaign contribution from William J. Cooke on June 20, 2014.
2. Respondent accepted a \$3,000.00 campaign contribution from Audia Group on July 17, 2014.
3. Respondent accepted a \$3,000.00 campaign contribution from Burger King on July 17, 2014.
4. Respondent accepted a \$3,000.00 campaign contribution from GB Health Management on July 18, 2014.
5. Respondent accepted a \$3,000.00 campaign contribution from North Georgia Logistics on July 17, 2014.
6. Respondent accepted a \$3,000.00 campaign contribution from James H. Mashburn on June 11, 2015.
7. Respondent accepted a \$3,000.00 campaign contribution from Elliot Davenport on June 16, 2015.
8. Respondent accepted a \$3,000.00 campaign contribution from Audia Group on April 27 2016.

CONCLUSIONS OF LAW

The Commission finds that Respondent violated the Georgia Government Transparency and Campaign Finance Act in that Respondent:

1. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from William J. Cooke on June 20, 2014, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
2. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from Audia Group on July 17, 2014, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
3. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from Burger King on July 17, 2014, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
4. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from GB Health Management on July 18, 2014, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
5. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from North Georgia Logistics on July 17, 2014, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
6. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from James H. Mashburn on June 11, 2015, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
7. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from Elliot Davenport on June 16, 2015, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.
8. Respondent exceeded maximum campaign contribution limits by accepting a \$3,000.00 campaign contribution from Audia Group on April 27 2016, in violation of O.C.G.A. §§ 21-5-41(b)(1)-(4) and 21-5-43.

AGREEMENT

In resolving this matter, Respondent hereby agrees to the following:

Respondent will pay a \$6,000.00 civil penalty to the Commission for violation of O.C.G.A. § 21-5-41(b)(3).

Respondent agrees to pay the above \$6,000.00 in civil penalties detailed, *supra*, to the Commission within thirty days (30) from the date of this Order.

Respondent further agrees not to commit any further violations of the Georgia Government Transparency and Campaign Finance Act and corresponding Commission Rules.

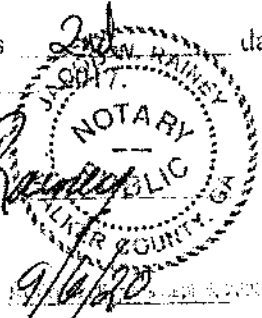
Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act (APA), O.C.G.A. § 50-13-1 *et. seq.*

Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement and/or collection of this order by subsequent contempt or other proceedings against the Respondent in the Superior Court for the State of Georgia. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C)(iv).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.

Signature attested to on this 2nd day
of June

By: Jacob W. Rainey
Public Notary
My Commission Expires: 9/16/20



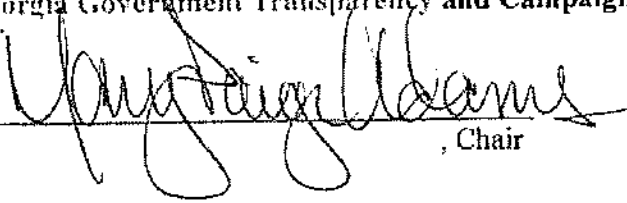
Bebe Ann S. Heiskell
Bebe Ann S. Heiskell
Respondent

Order Prepared and Presented by:
Robert S. Lane
Robert S. Lane
Deputy Executive Secretary
Ga. State Bar No.: 178970

SO ORDERED this 14th day of June, 2017.

Georgia Government Transparency and Campaign Finance Commission

BY:



, Chair