


**IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

ASSOCIATION COUNTY :
COMMISSIONERS OF GEORGIA :
DEFINED BENEFIT PENSION PLAN : **Docket No.:**
BOARD OF TRUSTEES, : **OSAH-PRS-ACCG-1542632-72-Baxter**
Petitioner, :
v. : **Agency Reference No.: 1542632**
: 
: **FILED**
: **OSAH**
CHARLES WYATT, : **MAY 15 2015**
Respondent. :

K. Westray

Kevin Westray, Legal Assistant

FINAL DECISION

The above-styled action is a contested case filed by the Petitioner, Association County Commissioners of Georgia Defined Benefit Pension Plan Board of Trustees, pursuant to O.C.G.A. § 47-1-25. Petitioner seeks a determination of the economic impact of a public employment related crime committed by the Respondent, Charles Wyatt, a former county commissioner of Harris County, Georgia. Georgia law mandates a reduction of the Respondent's retirement benefits by an amount equal to three times the economic impact of his crime. O.C.G.A. § 47-1-22(b).

A hearing was noticed for and was held in this matter on May 1, 2015 at 11:00 a.m. in the Atlanta office of the Office of State Administrative Hearings. Petitioner showed with its counsel Senior Assistant Attorney General Bryan K. Webb and two witnesses: Wayne Smith, Agent for the Georgia Bureau of Investigation; and John M. Taylor, attorney for Harris County, Georgia. Respondent received notice of the hearing. Administrative Law Judge Amanda Baxter waited 15 minutes for Respondent to appear. Respondent failed to show. Judge Baxter then instructed Bryan K. Webb to send her a proposed Final Decision. For the reasons set forth below, the Court finds that the economic impact of the Respondent's crime was \$33, 872.19. The Petitioner is thus required to reduce Respondent's retirement benefits by \$101, 616.57, which is three times the economic impact of his crime.

I. FINDINGS OF FACT

1.

The Respondent is a former county commissioner for Harris County, Georgia. Through investigation by the Georgia Bureau of Investigation, it was determined that Respondent received a total of \$22,414.69 via payments from Wendall Strickland, an insurance broker. The

payments were made by Strickland to Respondent through a third-party, David Beall, and were made due to Respondent having induced the reasonable belief that he, as an elected official, would vote in support of Wendall Strickland's bid and proposal to contract with Harris County for employee health insurance coverage. (Count 1 of the Indictment against Respondent is on the third page of Attachment 1).

2.

On October 20, 2014, in the Superior Court of Harris County, Georgia. Respondent pleaded guilty to one count of bribery and one count of violation of oath by a public officer. Specifically, Respondent pleaded guilty to having coerced an additional \$7,000.00 from Wendall Strickland by threatening to take action as a county commissioner and steer the county employee health insurance business to a competitor. (Respondent's plea of guilty is on the seventh page of Attachment 1).

3.

John M. Taylor is an attorney in the law firm of Lewis, Taylor, & Todd, P.C. in LaGrange, Georgia. Mr. Taylor serves as the county attorney for Harris County, Georgia. Mr. Taylor was involved in providing legal advice to the Harris County Board of Commissioners after it was discovered that Respondent was engaged in criminal activity. Mr. Taylor billed the Harris County Board of Commissioners during the period from November, 2013 through March, 2015, the amount of \$11,457.50 for legal work and advice directly related to matters which arose due to the criminal activity of Respondent, including investigation, replacement of Respondent as a Commissioner, and ultimately the prosecution and conviction of Respondent. (Mr. Taylor's accounting for the hours of legal work and the total dollar amount billed to the Harris County Board of Commissioners is Attachment 2).

II. CONCLUSIONS OF LAW

1.

Under Georgia law, "If a public employee commits a public employment related crime in the capacity of a public employee and is convicted for the commission of such crime, upon final conviction such person's benefits under a public retirement or pension system, including any survivor's benefits if applicable, shall be reduced by an amount equal to three times the economic impact of the crime. . . ." O.C.G.A. § 47- 1-22(b). The Petitioner initiated this proceeding in accordance with O.C.G.A. § 47-1-25, which mandates that an action to determine the economic impact of such a crime must be initiated within thirty days after the Petitioner receives notice of the conviction.

2.

The term "public employment related crime" is defined by statute to include "Any felony provided for in Article 1 of Chapter 10 of Title 16, relating to abuse of governmental office." O.C.G.A. § 47-1-20(6)(B).

3.

Here, Respondent was convicted of the felony offenses of violation of oath by a public officer and of bribery in violation of O.C.G.A. §§ 16-10-1 and 16-10-2.

4.

"Economic impact" is defined as "the total of the economic gain to the perpetrator of a public employment related crime and the economic loss to the public entity." O.C.G.A. § 47-1-20(1.2).

5.

In this case, there is evidence that the Respondent realized an economic gain of \$22,414.69 as the perpetrator of a public employment related crime. In addition, there is evidence that the Harris County Board of Commissioners suffered a loss in the amount of \$11,457.50. The total economic impact, as defined by the statute, is \$33,872.19.

6.

The Respondent's retirement benefits must be reduced by an amount equal to three times the economic impact of his crime, or \$101,616.57 ($\$33,872.19 \times 3 = \$101,616.57$). O.C.G.A. § 47-1-22(b).

III. DECISION

In accordance with the foregoing Findings of Fact and Conclusions of Law, **the Petitioner is ORDERED** to reduce the Respondent's retirement benefits by \$101,616.57.

SO ORDERED, this 14th day of May, 2015.



AMANDA BAXTER
ADMINISTRATIVE LAW JUDGE