



**PUBLIC REPRIMAND  
AND  
ADMINISTRATIVE SANCTION**

**Case: Michael Cooper v. Stephen Bradshaw**

**Case Number 2024-5**

**I. Factual Background:**

On April 18, 2024, Michael Cooper, prior Vice Chair, Community Council District 4 filed an Ethics Complaint against Stephen Bradshaw, a current DeKalb County Commissioner, surrounding events that occurred in the years 2020 to 2021. Commissioner Bradshaw and his wife own a property that abuts properties that came before the Board of Commissioners for a vote.<sup>1</sup> Commissioner Bradshaw in his official capacity did not disclose that his property abutted the properties that were being voted upon by the Board of Commissioners. The Commissioner then proceeded to make a statement regarding the property, did not disclose his interest, failed to recuse himself, and voted on the properties after receiving the written opinion of the then Ethics Officer and the then Deputy Ethics Officer.<sup>2</sup>

Particularly, Commissioner Bradshaw received a written opinion from the Deputy Ethics Officer with the approval of the Ethics Officer indicating that he should “recuse” himself from the vote on the property, their opinion was based upon him not disclosing to the Ethics Officer and the Deputy Ethics Officer that the property is not just in his neighborhood, but the properties, abutted he and his wife’s property. The written opinion stated that but “Commissioner Bradshaw has the appearance of a conflict of interest and that he should recuse himself from any vote and not attempt to influence the outcome.” However, during two public votes, Commissioner Bradshaw abstained from voting in the Board of Commissioner Zoning meeting on November 19, 2020, without formally recusing himself or disclosing his interest.<sup>3</sup> On January 28, 2021, at the second public meeting, which was the Board of Commissioners’ Zoning meeting, he did not recuse himself, he made a motion, he made a statement, and he also voted on the properties that abutted his property.

In summary, Commissioner Bradshaw asked the Ethics Office for advice, and they opined that he should recuse himself from any decision. After receiving advice from the Ethics Officer, Commissioner Bradshaw then consulted the County Attorney, who advised that Commissioner Bradshaw did not “have any obligation to recuse [his]self from participating or voting on the subject rezoning application”; however, Commissioner Bradshaw did not disclosed that his property abutted alongside the property being voted upon, and then did not follow the direction of the Ethics Officer and recuse himself from this matter, and instead stated his intention to abstain from the vote. Upon learning Commissioner Bradshaw's intention not to recuse himself from the vote on this matter, then Ethics Officer Kalberman provided language for Commissioner Bradshaw to abstain from the vote.

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<sup>1</sup> Abut, Marriam-Webster Dictionary defines it as: to border on: to touch along an edge: to cause to touch or lean for support.

<sup>2</sup> Recuse, Marriam-Webster Dictionary defines it as: to disqualify (oneself) as judge in a particular case, broadly: to remove (oneself) from participation to avoid a conflict of interest

<sup>3</sup> Abstain, Marriam-Webster defines it as: to choose not to do or have something: to refrain deliberately and often with an effort of self-denial from an action or practice: to choose not to vote.

Commissioner Bradshaw then put his intention to abstain on the record. Notwithstanding the recommendation from the Ethics Officer to recuse, and Commissioner Bradshaw's ultimate statement that he intended to abstain, he neither recused or abstained from the matter and, instead, made the motion to deny the application. Commissioner Bradshaw's did not disclose that he and his wife owned land that admittedly abuts the property that was the subject of the matter that Commissioner Bradshaw made the motion to deny. Commissioner Bradshaw indicated that he did not know that his wife participated in the public's consideration of this matter.

The Board of Ethics and Commissioner Bradshaw have agreed to settle this matter without a public hearing, thereby bringing this matter to a final resolution with Commissioner Bradshaw waiving any right to appeal.

## **II. Specific Allegations:**

On or about September 1, 2020, an application was completed to rezone 12.11 acres of property at 4549 Erskine Rd. and 1247 Oakmont Dr. The subject properties are in DeKalb County Commission Districts 4 and 6. The application number is Z-20-1244238. Steven Bradshaw and Diane Bradshaw own the 1249 Minette Place, Clarkston, Ga., Parcel 18 120 06 020, property, where they claimed a homestead exemption. A site plan in the application showed that the proposed development would border more than 100 feet along the residential property owned by Stephen Bradshaw and Diane Bradshaw, which abutted an entire side of the Bradshaw's property.

- On November 9, 2020, Commissioner Bradshaw sent the following email to then Ethics Officer Stacey Kalberman, with Stephen Bradshaw's aide, Alesia Brooks, copied.:

I need your perspective on something. There is an item on the upcoming zoning agenda that is in my neighborhood. I am looking for your opinion on the posture that I should take regarding this item. The county attorney is working on a legal opinion for me. And she suggested that I seek guidance from you as well."

The email only referred to the project being "in my neighborhood." The email did not disclose that the subject property of the rezoning application abutted Commissioner Bradshaw's home, nor did it disclose his or his wife's ownership of their residential property.

- On November 12, 2020, Commissioner Bradshaw invited both Stacey Kalberman, former Ethics Officer, and former Deputy Ethics Officer LaTonya Nix Wiley to a Zoom meeting.
- On November 16, 2020, Deputy Ethics Officer LaTonya Nix Wiley sent an opinion letter consistent with the Zoom Conference Call. The letter stated:

More particularly, you have advised that this matter involves a request to rezone property that directly abuts the neighborhood in which you reside. While you have not had any contact with the applicant nor involvement in the administrative zoning process to date, you are (appropriately) concerned whether your participation in the rezoning hearing would constitute a conflict of interest under the DeKalb County Ethics Code ("Ethics Code"). For the reasons that follow, it is our opinion that while no actual conflict of interest exists, a perceived conflict of interest exists and therefore,

it is our recommendation that you recuse yourself from taking any official action with respect to this matter.

- On November 18, 2020, Commissioner Bradshaw emailed DeKalb County Attorney Viviane Ernstes and DeKalb Ethics Officer Kalberman to ask the following:

What is the difference between recusing vs. abstaining? ‘Based on my reading of your respective memos you agree that no actual conflict of interest exists for me in this situation. However, the Ethics Office believes that a perceived conflict of interest exists and recommends that I indeed recuse myself from taking any official action pursuant to this matter,’ he writes Commissioner Bradshaw then states that at the Board of Commissioners' zoning meeting the next day [Nov. 19], he plans to abstain from voting. However, he does ‘not necessarily want to totally foreclose my ability to participate in the future’.

- On November 18, 2020, DeKalb County Attorney Viviane Ernstes responded:

You have asked if you must recuse or abstain from voting on a rezoning application that will appear before the board of commissioners on the November 19, 2020 agenda. You have advised that your personal residence is near (or perhaps even adjacent to) the applicant property, but you have no ownership interest in the property itself or any entity that does. You have advised that the approval or denial of this application might increase or decrease the value of your personal residence. Also, I believe you may have raised this issue because approval or denial of the application may hinge on your affirmative vote as one of the two District Commissioners presiding over the subject area under the "ward courtesy" rule. Based on the applicable legal authority discussed below, it does not appear that you have any obligation to recuse yourself from participating or voting on the subject rezoning application.

- On November 18, 2020, Deputy County Attorney Matthew Welch emailed Commissioner Bradshaw to say that "recusal is a more encompassing term. One abstains from a vote but recuses oneself from a matte[r] entirely."
- On November 19, 2020, Commissioner Bradshaw sent an email to Attorney Welch, Attorney Ernstes, and then Ethics Officer Kalberman asked if a statement he plans to make at the zoning meeting, is "o.k."
- On the same day, the then Ethics Officer Kalberman suggested adding this language:

According to our Ethics Officer “no actual conflict of interest exists, but a perceived conflict of interest reasonably exists. Out of an abundance of caution I intend to abstain from voting on the matter this evening to alleviate any appearance of a conflict of interest.”

However, then Ethics Officer Kalberman and then Deputy Ethics Officer Wiley were still unaware that his property abutted (alongside, bordered) the properties being voted on by the Board of Commissioners.

- On November 19, 2020, Commissioner Bradshaw made a statement in the public meeting:

I want to make a brief statement. So, I live in the neighborhood that this applicant would impact. I've been a resident for the past 27 years and because of this fact, I have sought opinions from both our county attorney and our ethics officer regarding my ability to participate in the decision-making on this matter. According to our county attorney, because I 'have no ownership interest in the property itself or any entity that does, it does not appear that I have any obligation to recuse myself from participating or voting on the subject rezoning application.' According to our ethics officer, 'no actual conflict of interest exists but a perceived conflict of interest reasonably exists.' So, out of an abundance of caution, I intend to abstain from voting on this matter this evening to alleviate any appearance of a conflict of interest. And with that, I will yield the gavel to the deputy presiding officer. After Bradshaw's statement, Commissioner Kathie Gannon moved for a full-cycle deferral of the zoning application and Commissioner Jeff Rader seconded the motion. On the same date, November 19, 2020, before the vote takes place, at three hours and one minute into the recording, Commissioner Bradshaw states: "If I might offer one quick comment just for clarity. I did not recuse; I am going to abstain from voting." The motion for a full-cycle deferral is approved 6-0-0.

- On December 15, 2020, the District 4 Community Council again considered the zoning application. Mrs. Bradshaw signed in as an online participant in the Community Council meeting, though she did not speak. Almost a dozen people spoke on the application, most of them against. One person said the community was in favor of the application, but they have a number of outstanding concerns. That person said a neighborhood poll found 68 percent favored the development, as long as modifications they sought were made. The council voted 13-0-0 in favor of the full-cycle deferral.
- On January 7, 2021, the Planning Commission voted 8-0-0 to recommend denial of the zoning application. On January 20, 2021, the planning department posted an updated staff analysis that recommends denial of the application.
- Pursuant to the DeKalb County's Organizational Act, Section 9(a)(10), "no planning or zoning ordinances shall become effective unless approved, prior to consideration and adoption by the governing authority, by the member or members of the commission representing the district or super district in which the subject property is located."

### **III. Applicable Ethics Rules:**

- Section 22A(d) - Disclosure of Interest: Interest means any direct or indirect pecuniary or material benefit held by or accruing to the official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with DeKalb County:
  - An official or employee who has an interest that he or she has reason to believe may be affected by his or her official acts or actions or by the official acts or actions

of another official or employee of DeKalb County shall disclose the precise nature and value of such interest by sworn written statement to the Board of Ethics and ask for the board's opinion as to the propriety of such interest. Every official or employee who knowingly has any interest, direct or indirect, in any contract to which DeKalb County is or is about to become a party, or in any other business with DeKalb County, shall make full disclosure of such interest to the Chief Executive and the Commission and to the ethics officer and the Board of Ethics. The information disclosed by such sworn statements, except for the valuation attributed to the disclosed interest, shall be made a matter of public record by the Board of Ethics. In cases where a conflict of interest exists, such official or employee shall recuse himself or herself from participating or taking any official acts or actions in any matter for the county affected by such conflict of interest.

- Section 22A(b)(7)(A) - (7) Unless otherwise provided in this section, the term 'interest' does not include any remote interest, but means any direct or indirect pecuniary or material benefit. An official shall be deemed to have an interest in transactions involving:
  - (A) Any person in the official's or employee's immediate family.
- Section 22A(k)(l) - Furnishing of false or misleading information to the Board of Ethics or the Ethics Officer.
- Section 22A(c)(7) - Proscribed Conduct: A public official or employee participating or engaging in any activity or transaction that is prohibited by law now existing or in the future which is applicable to him or her by virtue of the person being an official or employee of DeKalb County.

#### **IV. Findings:**

Section 22A(d) - Disclosure of Interest: Interest means any direct or indirect pecuniary or material benefit held by or accruing to a DeKalb County official or employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with DeKalb County.

Section 22A(b)(7) - Commissioner Bradshaw indicated that he did not to disclose that his wife, part owner and a household member, had written a letter expressing her concern over the property that she and her husband own. Commissioner Bradshaw did not disclose to the Ethics Officer nor the Deputy Ethics Officer that his property and his wife's property is not only in the neighborhood, but abuts, adjoins, borders the properties voted upon twice by the full Board of Commissioners.

Section 22A(k)(l) - Furnishing of false or misleading information to the Board of Ethics or the Ethics Officer: Failure to disclose to either the Ethics Officer or Deputy Ethics Officer that the Commissioner's property abutted the property and not just that his property was in the neighborhood.

Section 22A(c)(7) - Proscribed Conduct: A DeKalb County public official engaging in any activity or transaction that is prohibited by law. It is illegal to provide misleading information or omit information to the Board of Ethics or the Ethics Officer. The misleading information provided by Commissioner Bradshaw led the Ethics Officer to draft an opinion that lacked the necessary information to make an informed opinion or decision in this matter. In addition, Commissioner Bradshaw should have recused himself, instead, he abstained from voting at the zoning meeting, which included the full Board of

Commissioners, and at the full Board of Commissioners' meeting he made a motion, a speech, failed to recuse, and voted.

**V. Conclusion:**

Commissioner Bradshaw did not disclose appropriate and applicable information to the Board of Commissioners, the Chief Executive Officer, the Ethics Officer, the Deputy Ethics Officer, or the citizens of DeKalb County. Despite Commissioner Bradshaw's statement of intent to abstain, which was recorded, he neither recused himself nor abstained from the final matter. Instead, he made the motion to deny the application. The Ethics Officer recommended recusal, but Commissioner Bradshaw disregarded this advice. Commissioner Bradshaw did not disclose that he and his wife owned land that abutted or adjoined the property in question, which was subject of his motion to deny. The failure to disclose may lead to the erosion of confidence or trust that DeKalb County citizens have in our government. Lastly, [for] the Board of Ethics proper administration and operation, its officials and employees [should] avoid even the appearance of impropriety. Accordingly, a Public Reprimand against Commissioner Stephen Bradshaw and an Administrative Sanction of \$1000.00 is warranted in accordance with applicable law.

**AGREEMENT OF MICHAEL COOPER V. STEPHEN BRADSHAW**

**Re: 2024-5: Michael Cooper v. Stephen Bradshaw**

Please be advised that on August 1\_\_, 2024, parties reached an agreement to a Public Reprimand with an Administrative Sanction in the above captioned matter.

This decision and agreement of the Board of Ethics and parties constitute a final action. Parties agree to waive any right of review, appeal, mediation, arbitration, or any other further dispute resolution in this matter.

Respectfully submitted,

**Please sign and date:**

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**Elisa Murphy**  
**Ethics Officer of DeKalb County, GA**

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**Jake Evans**  
**Attorney for Stephen Bradshaw**

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**Stephen Bradshaw**  
**Respondent**

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**Michael Cooper**  
**Complainant**

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**Chair Robert "Bob" Dallas**  
**Representing DeKalb County Board of Ethics**