



STATE ETHICS COMMISSION
Memorandum

To: Rick Thompson
Executive Secretary

From: Tom Plank
Commission Attorney

Date: April 22, 2009

Re: In the Matter of Lisa Borders, Case No. 2008-0078: Recommendation for
Administrative Dismissal

Pursuant to Rule 189-2-.03(5), it is recommended that this matter be administratively dismissed because no evidence has been discovered to provide a basis with which to proceed with this matter under the Ethics in Government Act (Act). The allegations and findings are summarized herein.

Respondent is the current President of the City of Atlanta Council and was first elected as a Councilwoman in 2004. Complainant Neil Herring alleges that Respondent was a compensated lobbyist for Cousins Properties during the 2007 Session of the General Assembly but that Respondent failed to register as a lobbyist and failed to file Lobbyist Disclosure Reports in violation of O.C.G.A. §§ 21-5-71 and 21-5-73.

However, Respondent asserts that she was not paid by Cousins Properties to lobby (see correspondence of April 22, 2009, from Mark Cohen, Respondent's counsel) and no evidence has been discovered showing otherwise. In addition, Respondent asserts she was present in the Capitol during the 2007 Session in her official capacity as an elected official and no evidence has been discovered showing otherwise. Elected public officers performing official duties are specifically exempted from the lobbyist registration and disclosure requirements enumerated in the Act. O.C.G.A. § 21-5-71(i)(6).

Based upon the foregoing analysis, it is recommended that this case be administratively dismissed pursuant to Rule 189-2-.03(5).

Please be advised that nothing will prevent a new investigation on this matter should new or pertinent facts arise, or should the Commission feel such action is necessary to perform its duties or enforce its powers in accordance with the Act.