

To the Forsyth Board of Ethics

The Forsyth County Board of Commissioners has resolved and ordained that “it is essential to the proper operation of the democratic government that public officials be independent and impartial... and that there be public confidence in the integrity of government.” (Forsyth County Ordinance 77-B pg1)

In that light, please accept this as a formal complaint and request for investigation and affirmative action.

I contend that Forsyth County, District 2 Commissioner Tam has a clear and unambiguous conflict of interest when his official county duties involve dealing with the City of Cumming.

Commissioner Tam’s wife is the signature lessee of property commonly referred to as “Tam’s Backstage”, a restaurant located in the City of Cumming. (attachment A). Commissioner Tam operates that business and his interests have potential benefit there from. The City of Cumming owns that property and is, in fact, Tam’s Landlord. At a portion and perhaps a significant portion of Commissioner Tam’s livelihood is deeply dependant on his ongoing relationship with his landlord, the City of Cumming.

Since Commissioner Tam’s personal business interests are **dependent** on an ongoing business relationship with his landlord. The City of Cumming, “a reasonable person could infer that Commissioner Tam’s **independence** of judgment or action in the performance of his official duties would tend to be impaired when those duties involve dealings with the City of Cumming. Commissioner Tam has a clear conflict, example; the county and the city are currently negotiating a critical multi million dollar water contract. Commissioner Tam’s official duties require him to negotiate for the lowest price possible for the county while his landlord, the city wants the highest price possible. A person can not serve two masters who’s perceived best interest are in conflict.

The real possibility that the terms and conditions of the lease in question may be exceptionally favorable to Commissioner Tam’s interests is not necessary for a conflict to exist. The simple fact that there is an ongoing interdependent contractual business relationship between Commissioner Tam’s interest and the City of Cumming rises to the level of a conflict of interest. However, if the Board of Ethics finds that the terms and conditions of the lease are reasonably interpreted as favorable or exceptionally favorable to Commissioner Tam’s interests that would infer a significantly intensified conflict, one which might rise to a higher level and be properly referred to the appropriate local authorities and/or to the State’s Attorney General.

Concerning Commissioner Tam’s clear conflict, Forsyth County’s ordinance 77-B section 14 (Abstention to Avoid Conflicts of Interest) provides for a remedy when county officials find themselves in situations where conflicts of interest may be present.

Sections 14, pp A states “Except as otherwise provided by law, no official or employee shall participate in the discussion, debate, deliberation, vote or otherwise take part in the decision making process on any item before him in which the official or employee has a conflict of interest as set for above.”

Section 14, pp B seems to take the seriousness of conflicts of interest a step further and talks to not only an actual impropriety by simply the appearance of impropriety and states “ To avoid the appearance of impropriety, if any official of employee has a conflict of interest or has an interest that he or she has reason to believe either violates this Ordinance or may affect his or her official act or actions in an matter, the official or employee shall immediately leave the meeting room...”

It is evident that a conflict of interest exists.

Commissioner Tam has been and is now officially taking part in discussions and vote concerning a critically important City/County water contract, In doing so, he has repeatedly failed to acknowledge his conflict of interest therein and has failed to avail himself of the appropriate remedies.

I respectfully request that the Board of Ethics accept this complaint and after investigation and deliberation take the appropriate action as outline in Forsyth County Ordinance 77-b or beyond if warranted.

Sincerely,

Gerald Sullivan