



ETHICS COMMITTEE SPECIAL-CALLED MEETING

3468 N. Fulton Avenue
Hapeville, GA 30354

August 24, 2022 12:00 PM

AGENDA

1. CALL TO ORDER:

2. ROLL CALL:

Jerome Newell, Chairman
Robert Hall, Vice Chairman
Carolyn Routh
Raymond Farr

3. WELCOME:

4. NEW BUSINESS:

4.I. Consideration and action regarding the proper form of Ethics Complaint filed by Alexia & Erik Ryan (Beer Girl) on August 16, 2022, against Tim Young, Hapeville City Manager.

Supporting Document(s):

1. Complaint 1 August 16th

4.II. Consideration and action regarding the proper form of Ethics Complaint filed by Alexia & Erik Ryan (Beer Girl) on August 16, 2022, against Tim Young, Hapeville City Manager.

Supporting Document(s):

1. Complaint 2 August 16th

5. ADJOURN:

AFFIDAVIT OF ALEXIA RYAN

PERSONALLY APPEARED before me, the undersigned officer duly authorized to administer oaths, ALEXIA RYAN, who upon being duly sworn and under oath, deposed and testified as follows:

1.

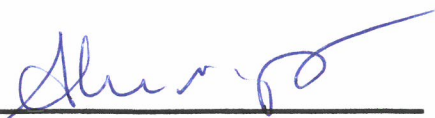
My name is Alexia Ryan. I am over the age of twenty-one (21) and competent to give this Affidavit based upon my personal knowledge of the information included with this Affidavit. My statements made herein are true and correct.

2.

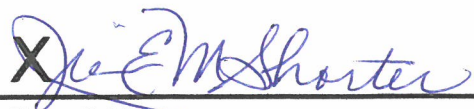
This Affidavit is given in connection with the two (2) Ethics Complaints attached to this Affidavit against City Manager Tim Young;

3.

I attest, swear and affirm the information provided in each of these Complaints is true, accurate and complete to the best of my personal knowledge.

X 
ALEXIA RYAN

Sworn to and subscribed before me
this 16 day of August, 2022.

X 
Notary Public
My Commission Expires: 12/4/2024



1 - Formal Ethics Complaints

Complaint 1

Party subject to complaint: Tim Young, Hapeville City Manager

Date of Incident: Friday, February 18, 2022

Ethics Code Section violated:

Sec. 2-6-3. - Standards of conduct.

(a) No city official shall:

(1) Give a reasonable basis for the impression by acts or omissions that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;

https://library.municode.com/ga/hapeville/codes/code_of_ordinances?nodeId=PT11COOR_CH2AD_ART6CODE1_S2-6-3STCO

Incident Description:

On Friday, February 18th, 2022, at 11:06am, City Manager Tim Young sent an email to Alexia Ryan and Erik Lewis, owners of Beer Girl, LLC, regarding a civil demand letter that was sent to Susan Bailey via Certified Mail on February 15th, 2022, only to her home address, and which requested settlement for damage she caused to their property on December 17th, 2021.

His email was sent from his official email address, tyoung@hapeville.org, complete with City logos and email signature, at 11:06am on a Friday morning while City Hall was open, clearly indicating that he was acting in his capacity as City Manager in performance of official acts, and he did not indicate otherwise in that email. In subsequent emails in that thread, Tim Young has been adamant that he was acting as a "private citizen" rather than as City Manager.

As business owners in the City of Hapeville, we do not have a personal relationship with Tim Young and any email, phone call, or conversation we have with him is in his official capacity. Tim Young, "private citizen", would not have been privy to the demand letter in the first place, and presumably "private citizen" Tim Young could have used a personal email address to involve himself, or given a call, or walked across the alleyway to have a discussion in person and make it clear that he was not acting in his official capacity if that were really the case and he was concerned with the perception of his actions.

He also attached a scanned copy of the demand letter, indicating that Susan Bailey, or someone on her behalf, had given it to him and in doing so he gave "reasonable impression" that he can be improperly influenced to intervene in matters outside the scope of his duties as City Manager, but using his title, email and authority of his office to influence the outcome the matter.

Documents:

(Highlighting and comments added by Alexia & Erik)

 02 18 2022 1106am email Tim Young to Beer Girl

Alexia Ryan

From: Tim Young <TYoung@hapeville.org>
Sent: Friday, February 18, 2022 11:06 AM
To: owner@beergirlatl.com
Subject: February 15 Letter to Susan Bailey
Attachments: CCE02172022.pdf

Alexia and Eric

Good morning. I received a copy of the February 15, 2022 Demand letter sent to Ms. Bailey. I am responding, as I made the delivery to Beer Girl returning the inflatable on Friday December 31st, 2021 and at that time I informed Erik that I would be responsible for any damages to the inflatable.

This letter was sent ONLY to Susan Bailey at her home address.

A few questions if you will:

- do you have the original invoice?
- I trust you still have the damaged inflatable that I can take possession of?
- The letter identifies the ornament as an Rudolph the red-nosed reindeer – but wasn't it a Santa and sleigh, possibly w Rudolph as the lead
- Was there any notice of damages prior to the February 15th letter? 45 days is a long time from your receipt until this letter.
- Rather than a cash payment, please forward a link to one or more suitable replacements. I trust a replacement ornament should be a reasonable and acceptable settlement?

This is not a personal offer, but an offer of "settlement".

Regarding the Etekcitcity outlet, will the below suffice? See link.
<https://www.ebay.com/p/20032166088?iid=194651003206>

Regarding treble damages, that would be an issue you can take up directly w Ms. Bailey. From my review of law and the purpose for this type of award, I think the bar is high and it would be a difficult case in court and if you lose you may owe court and attorney fees to the defendant, but that is solely your choice.


Offering "professional" expertise from a work email address.

Please advise.

Thank you

Tim Young, CPA
City Manager
City of Hapeville
Direct 770-462-2988
Mobile 678-613-6478



 **RECEIVED**
August 16, 2022
Sheree Steed

Beer Girl, Growlers & Bottleshop
587 N Central Ave
Hapeville, GA 30354

City of Hapeville
Ethics Commission Chairman

AFFIDAVIT OF ALEXIA RYAN

PERSONALLY APPEARED before me, the undersigned officer duly authorized to administer oaths, ALEXIA RYAN, who upon being duly sworn and under oath, deposed and testified as follows:

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My name is Alexia Ryan. I am over the age of twenty-one (21) and competent to give this Affidavit based upon my personal knowledge of the information included with this Affidavit. My statements made herein are true and correct.

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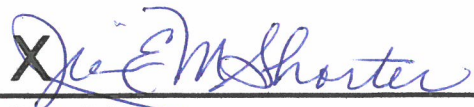
This Affidavit is given in connection with the two (2) Ethics Complaints attached to this Affidavit against City Manager Tim Young;

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I attest, swear and affirm the information provided in each of these Complaints is true, accurate and complete to the best of my personal knowledge.

X 
ALEXIA RYAN

Sworn to and subscribed before me
this 16 day of August, 2022.

X 
Notary Public
My Commission Expires: 12/4/2024



Complaint 2

Party subject to complaint: Tim Young, Hapeville City Manager

Date of Incident: Sunday, February 27, 2022

Ethics Code Section violated:

Sec. 2-6-3. - Standards of conduct.

(a) No city official shall:

...

(8) Use government property of any kind for other than officially approved activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved;

https://library.municode.com/ga/hapeville/codes/code_of_ordinances?nodeId=PTICODR_CH2AD_ART6COETS2-6-3STCO

Incident Description:

On February 27th, 2022, City Manager Tim Young responded to an email in which Alexia and Erik outlined the inappropriateness of his email on February 18th, 2022, as described in Ethics Complaint #1 of this document. In the February 27th, 2022, email he went to great lengths to explain that he was using his city email as a "private citizen" when he sent the email on February 18th, 2022, specifically stating that "Tim Young, private citizen, extended an offer after the February 15th letter to Susan."

Further, he states that "I want to make something absolutely clear, there is no "city" backing behind this." So why was he using his city email address and presumably his city-owned computer or phone, internet service, software, etc. to offer a personally driven "settlement" in a matter that did not involve him?

Documents:

(Highlighting and comments added by Alexia & Erik)

 02 27 2022 944am email Tim Young to Beer Girl

Alexia Ryan

From: Tim Young <TYoung@hapeville.org>
Sent: Sunday, February 27, 2022 9:44 AM
To: Alexia Ryan
Cc: Averiel Jackson; L. Ransaw
Subject: RE: February 15 Letter to Susan Bailey

Alexia & Erik

I'm going to take a few moments to respond more fully.

Let me first preface with this and repeat a comment. I am again saying this with the witness of our city attorneys.

In the 2/18 email he used the phrase "reasonable and acceptable settlement".

Yes, my vocation has me as the City Manager. That is not deniable. Tim Young, the City Manager returned an item to you that was on city property. Tim Young, private citizen, as a representation of my faith that I live by and the person that I am, **extended a comment** at the time that I would cover damages. Tim Young, private citizen, **extended an offer** after the February 15th letter to Susan.

Did she share it with City Manager Tim Young or is there a personal relationship with private Citizen Tim Young that prompted him to intervene using his official email address?

Ms Bailey was free to share that letter with me. After today, I have made all the comments I intend to on this matter. Should you pursue a "settlement" with her, that is your prerogative. Should you consider my "offer", that is your prerogative.

I want to make something absolutely clear, there is no "city" backing behind this. I chose and I have that right. There are no "vendettas". There is no political pressure. To be honest, I am trying to help you attain swift closure on this possible financial issue.

Whether or not you believe I am qualified to review law and assess the strength of your case – much of my career in management and leadership is doing just that, evaluating risk.

Inappropriate use of his office/position to attempt to intimidate us into dropping our claim.

You are free, of course, to pursue it as you wish. I have no need to involve myself further. You have my word on that.

In December, Erik offered me some unsolicited advice. His statement was for me to be "careful, to whom I lend my credibility". I appreciate that. I lend it to no person. We all fail and have failings. I will get things wrong in this world – but I hope I do more right than wrong and I hope my intent is generally pure, no matter what others think.

Be well.

Tim Young, CPA
Direct 770-462-2988
Mobile 678-613-6478



Hapeville

From: Alexia Ryan <owner@beergirlatl.com>
Sent: Friday, February 25, 2022 3:02 PM
To: Tim Young <TYoung@hapeville.org>
Cc: Averiel Jackson <adjackson@smithwelchlaw.com>; L. Ransaw <lransaw@smithwelchlaw.com>
Subject: RE: February 15 Letter to Susan Bailey

Tim,

It is incredibly inappropriate for you to be inserting yourself into a civil matter between private parties, again. In previous communications you were adamant that you were not being asked by anyone to intervene, however, since you are in possession of a letter that was sent only to Susan Bailey's home address via certified mail, you clearly are, and were, working at her behest. Aside from the ethical issues of using your office to advocate for a private party and

offering to use City funds to replace an item that was damaged by the actions of that same private party (captured on video), you are seriously overstepping by insinuating that you are in any way qualified to review law, assess the strength of a case or offer legal advice. It is not clear whether you are succumbing to political pressure or you have some unknown personal vendetta to settle in this matter, but either way this is looking a lot like the City Manager using his office to intimidate and harass a long-standing city business.

Since you are insisting that the City of Hapeville would like to negotiate a settlement on behalf of Susan Bailey, we are including the City Attorney's office on this email chain and ask that they reach out to us directly with an offer for us to consider and an explanation as to why the City would be representing Susan Bailey in this matter.

Alexia & Erik

From: Tim Young <TYoung@hapeville.org>
Sent: Friday, February 18, 2022 11:06 AM
To: owner@beergirlatl.com
Subject: February 15 Letter to Susan Bailey

Alexia and Eric

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Thank you

Tim Young, CPA
City Manager
City of Hapeville
Direct 770-462-2988
Mobile 678-613-6478



Hapeville



RECEIVED

August 16, 2022

Shirley Steel

Bear Girl, Growlers & Bottleshop
587 N Central Ave
Hapeville, GA 30354

City of Hapeville
Ethics Commission Chairman