

**BEFORE THE
GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF

*

CASE NO.

*

DAVID CHASTAIN

*

22-0160-C

CONSENT ORDER

This matter comes before the Georgia Government Transparency and Campaign Finance Commission ("Commission") pursuant to a Complaint filed by Catherine Pozniak on October 17, 2022. Now, prior to an administrative hearing on this matter, David Chastain ("Respondent") and the Commission agree to resolve the above-styled matter by a Consent Order under the terms and conditions described herein.

Findings of Fact

Respondent is the current District 4 member of the Cobb County Board of Education. Respondent has served in this role since his election in 2014 and has been re-elected in subsequent elections in 2018 and 2022. During his tenure as a candidate and public official, Respondent has been subject to the filing rules and requirements of the Commission.

The Campaign Finance Act allows candidates to bundle contributions from a single source for multiple elections, but they must file a separate document known as "Option to Choose Separate Accounting". See O.C.G.A. § 21-5-43. If a candidate chooses to not file this document, they are only allowed to accept contributions up to the maximum limit for the election cycle they are currently participating in. See O.C.G.A. § 21-5-41.

In the present matter, Respondent never filed for the "Option to Choose Separate Accounting" and thus was not entitled to bundle contributions from his contributors. During his re-election campaign in 2022 Respondent received two contributions over the contribution limit of \$3,000.00 from two separate contributors. These two contributors made contributions in the amount of \$5,500.00 and \$4,000.00. Respondent believed at the time that he had filed the proper documents to enable him to accept these contributions.

Upon receipt of the Complaint in this matter, Respondent, through his counsel, contacted the Commission and admitted to the mistake in failure to file the form which would've enabled the contributions to have been accepted. Respondent furnished requested documentation to the Commission and was cooperative with the investigation.

Conclusions of Law

1. Respondent accepted two contributions above the maximum contribution limits in violation of O.C.G.A. § 21-5-41.

Agreement

In resolving this matter, Respondent hereby agrees to the following:

Respondent agrees to pay to the Commission \$250.00 as a civil penalty for violating the Georgia Government Transparency and Campaign Finance Act. The civil penalty shall be paid to the Georgia Government Transparency and Campaign Finance Commission. Respondent further agrees to refund \$1,500.00 to Ginny Erhart and \$1,000.00 to Jonathan Crumly for the overages in contributions accepted above the maximum limits.

Respondent represents that the foregoing findings of facts are true, agrees with the conclusions of law, and further agrees to abide by all terms of this Order. By signing this Order, Respondent, waives any right to appeal pursuant to the procedures outlined in the Administrative Procedures Act (APA), O.C.G.A. § 50-13-1 *et. seq.*

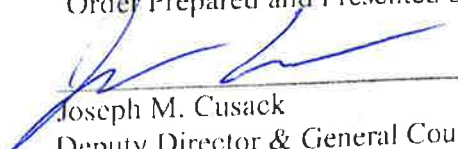
Failure to comply with the terms herein, absent a showing of good faith, will constitute a willful and knowing violation of said terms by Respondent. Respondent's failure to comply with said terms shall constitute a breach of this agreement and thereby authorize the Commission to seek enforcement action against the Respondent in Superior Court. The parties agree that all costs and attorneys' fees incurred by the Commission in any enforcement action shall be assessed against Respondent pursuant to O.C.G.A. § 21-5-6(b)(14)(C).

The Commission adopts the foregoing findings of fact and conclusions of law and orders the implementation of the terms of this Consent Order.



David Chastain
Respondent

Order Prepared and Presented by:



Joseph M. Cusack
Deputy Director & General Counsel
Georgia State Bar No.: 492674

SO ORDERED this 26th day of June, 2023.

Georgia Government Transparency and Campaign Finance Commission

BY:



James D. Kreyonbuhl, Chair