

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

CAROLYN COSBY,

2017CV291862

PETITIONER

vs.

**MARY PAIGE ADAMS, COMMISSION CHAIR,
GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION,**

RESPONDENT

**PETITION FOR REVIEW OF FINAL AGENCY ACTION OF
GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN
FINANCE COMMISSION**

Petitioner Carolyn Cosby, through her undersigned attorneys, hereby petitions this Court pursuant to O.C.G.A. 50-13-19 (b) to review the final action of the Georgia Government Transparency and Campaign Finance Commission (the Commission) on June 14, 2017 to refuse to either review or disturb the April 26, 2017 Initial Decision of the Office of State Administrative Hearings (OSAH). Upon the Commission's failure to act on Petitioner's motion to review the Initial Decision of the OSAH Judge, Petitioner has exhausted all administrative remedies available within the agency without action by this Court. Petitioner is aggrieved by

the decision which orders her to pay \$30,000 in fines through arbitrary and capricious and unconstitutional application of the Georgia campaign finance statutes.

This petition is filed, in an abundance of caution, within 30 days of May 26, 2017, the date on which the Commission ruled, at its June 14, 2017 meeting, that the April 26, 2017 Initial Decision became final by virtue of the Commission's failure and inability to act on motions by both Petitioner (Respondent in the administrative proceeding below) and the Attorney General (Petitioner in the administrative proceeding below) for review of the findings in the OSAH Judge. On June 19, 2017, Petitioner filed a motion for reconsideration and objections to this arbitrary and capricious ruling by the Commission.

Petitioner is challenging the Initial Decision, adopted because of the Commission's dereliction in ignoring Petitioner's timely Motion for Final Agency Review. The grounds for the petition are as follows:

1. Under O.C.G.A. 50-13-19 (h) (1) and (5), Petitioner seeks review of the Initial Decision findings that Citizens Review and Recommendation Committee, the Canton Tea Party Patriots, the Canton T.E.A. Party, and the Citizens Opposed to Spiraling Taxation violated the Georgia Government Transparency and Campaign Finance Act of 2010 for failure to register and make

disclosures as independent committees. Those findings were in violation of the First Amendment and were clearly erroneous in view of the reliable, probative, and substantial evidence in the whole record.

2. Under O.C.G.A. 50-13-19 (h) (1) and (6), Petitioner seeks review of the Initial Decision's cumulative civil penalties in the amount of \$30,000 as arbitrary, capricious, an abuse of discretion or clearly unwarranted exercise of discretion in violation of the governing statute.
3. Under O.C.G.A. 50-13-19 (h) (1),(5) and (6), Petitioner seeks review of the Initial Decision's declaration that Citizens Review and Recommendation Committee, the Canton Tea Party Patriots, the Canton T.E.A. Party, or the Citizens Opposed to Spiraling Taxation engaged in express advocacy in support of the election or defeat of a clearly identified candidate. Petitioner claims that the declaration was in violation of the First Amendment, was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, and was arbitrary or capricious.
4. Under O.C.G.A. 50-13-19 (h) (1), (5) and (6), Petitioner seeks review of the Initial Decision's declaration that Petitioner and her

supporters did not reasonably fear reprisals, threats, or harassment from the community because of their political views if their identities were publicly disclosed. Petitioner claims the declaration violated the First Amendment to the United States Constitution, was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, and was arbitrary or capricious.

5. Under O.C.G.A. 50-13-19 (h) (1), (3), and (6), Petitioner seeks review of the Commission's leaving the Initial Decision undisturbed because of its own dereliction of duty in ignoring Petitioner's timely filing of a Motion for Final Agency Review and based on the advice of counsel attached to the Commission who was also the prosecuting party against Petitioner in the Initial Decision.

Petitioner claims the Commission's nonfeasance and reliance on the advice of counsel who was party to the proceedings, as well as its failure to follow the governing statute and its own rules with respect to review of the OSAH decision, violated the due process clause of the Fourteenth Amendment, was in violation of statutory authority, O.C.G.A. 50-13-41 (d), was made upon unlawful procedure in violation of Rule 189-2.07 (2), and was arbitrary and capricious and an abuse of discretion.

Pursuant to OCGA 50-13-19(d)(1), Petitioner requests a stay of the OSAH Initial Decision and agency findings with respect to enforcement of any penalties on Petitioner.

Petitioner requests that the Initial Decision and purported agency approval by inaction be voided and vacated and that the campaign finance complaint against Petitioner be dismissed with prejudice. In the alternative, Petitioner requests that the matter be remanded to the agency for further proceedings according to the Court's instructions and applicable law.

Respectfully submitted, this 25th day of June,

//Stephen Humphreys//

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CERTIFICATE OF SERVICE

The undersigned hereby attests that this PETITION FOR REVIEW has been served on opposing counsel by electronic means and US mail, as follows:

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Stefan Ritter
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This 26th day of June,

//Stephen Humphreys//

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