

3/26/2008

Ms. Shereen Walls
Office of the Attorney General
40 Capitol Square S.W.
Atlanta GA 30334-9003

Re: Opinion on whether an exception sought by City of Fitzgerald under federal conflict of interest regulations at 24 CFR § 570.489(h) would violate state law

Dear Ms. Walls:

The Department has received an Employment Incentive Program (EIP) application from the City of Fitzgerald for a grant that the City proposes to use to provide a low-interest loan to Georgia Modular, Inc. The business is owned by Mr. Hugh Roberts whose son is Georgia State Representative Jay Roberts. The EIP is federally funded and subject to federal regulation which govern potential conflicts of interest.

Pursuant to those federal regulations at 24 CFR § 570.489(h), the Department has determined that Representative Roberts is a covered person under the regulation and that a potential conflict of interest exist. The City desires that DCA request the federal Department of Housing and Urban Development (HUD) to rule on the issue and grant an exception to the rule should it be needed. To request such a ruling, DCA must provide "an opinion of the attorney for the state" that the sought after exception would not violate state law.

Therefore, we are requesting an opinion as to whether the interest for which an exception is sought would violate O.C.G.A § 45-10-24 or any other state law. Please find enclosed information on the proposed EIP grant/loan and a description of the local project, a copy of the local opinion and a copy of the referenced federal regulation.

We appreciate your review of this matter. Should you have any questions, please feel free to give me a call at (404) 679-1587.

Sincerely,



Brian Williamson
Assistant Commissioner

cc Mayor Gerald Thompson
Representative Jay Roberts
Mr. John Flythe