

**BEFORE THE  
STATE ETHICS COMMISSION  
STATE OF GEORGIA**

**IN THE MATTER OF**

**LESTER MILLER**

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**CASE NO.**

**25-0040-C**

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**CONSENT ORDER**

This matter comes before the Ethics Commission ("Commission") pursuant to a complaint filed by the Commission on May 19, 2025. Now, prior to an administrative hearing on this matter, Lester Miller ("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 currently serves as the Macon-Bibb County Mayor after being the successful candidate in the 2020 and 2024 election cycles. As a candidate for public office and public official, he is subject to the rules and regulations of the Commission.

The Campaign Finance Act ("Act") authorizes candidates for office to utilize campaign contributions to defray ordinary and necessary expenses incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of office. O.C.G.A. § 21-5-33(a). The Act further authorizes candidates to expend excess contributions as donations to nonprofit organizations, for transferal to any national, state, or local committee of any political party or to a candidate, for transferal to persons making the contributions, for use in future campaigns for that elective office, for repayment of prior campaign obligations, or for transfer to a political action committee. O.C.G.A. § 21-5-33(b). Candidates however, are not permitted to utilize campaign funds for the purpose of making gifts, loans, or investments directly to any nonprofit organization in which the candidate has a controlling interest. O.C.G.A. § 21-5-33(b)(2)(E).

The Campaign Finance Act, O.C.G.A. § 21-5-1 et. seq., does not specifically define a "controlling interest." It is defined elsewhere in the Georgia code as an equity interest or ownership participation that accounts for 25 percent or more of voting rights or profit interest of a business. O.C.G.A. § 13-8-51. Respondent asserts that "controlling interest" requires at least a majority interest in an entity or the entity's voting rights.

In this matter, Respondent helped organize Advance Alliance of Georgia Action Fund, Inc., ("Advance Alliance") a Georgia nonprofit corporation, on August 21, 2023. He served as CEO of the corporation and one of three total directors. Respondent states that he did not make any decision regarding the

receipt of funds or the expenditure of funds for Advance Alliance without discussion and unanimous approval from the board of directors. The other directors have submitted affidavits to the Commission which state that the directors approved of all of the decisions regarding the receipt of funds or expenditures of funds for Advance Alliance. Beginning in March 2024 through June 2024, in a series of 5 separate transactions, and upon advice of counsel, Respondent's campaign committee transferred \$220,000.00 in excess campaign contributions to Advance Alliance. In doing so, the Commission alleges that Respondent violated O.C.G.A. § 21-5-33(b)(2)(E) five times by transferring excess campaign contributions to a nonprofit organization in which he had a controlling interest.

Respondent disputes that he knowingly or intentionally violated the Act. The Commission does not allege that Respondent acted knowingly or intentionally regarding any of the alleged violations of the Act. Respondent believes that he has valid defenses to the Commission's allegations, including that he does not have a controlling interest in Advance Alliance. However, in the interest of resolving this matter, Respondent has agreed to withdraw those defenses. Respondent, through counsel, immediately contacted Commission staff upon receiving this complaint and has cooperated with the Commission in its investigation of this matter. He turned over all relevant financial documents for his campaign committee and Advance Alliance of Georgia Action Fund, LLC and remained cooperative and transparent throughout the pendency of this complaint. He explained that these alleged violations were inadvertent, and at all times he believed he was operating within campaign finance law. Specifically, Respondent relied on the Black's Law definition of controlling interest, ownership of stock in a company to control policy of management; esp., a greater-than-50% ownership interest in an enterprise, in creating Advance Alliance of Georgia Action Fund, LLC and later receiving transferred funds from his campaign committee. Respondent further advises that Advance Alliance of Georgia Action Fund, LLC otherwise expended all money received in a manner that would have comported with O.C.G.A. § 21-5-33 – part of the contributions were donated to another independently controlled nonprofit as permitted by the Act and expended for political purposes and the contributions were used for research and advocacy regarding violence prevention best practices, mental health policy, tax policy, economic development strategies and legal and administrative expenses related to the set-up and general operation of the Advance Alliance of Georgia Action Fund, Inc.. Aside from these listed violations, Respondent is otherwise compliant with the Campaign Finance Act. Respondent enters into this Consent Order to resolve this matter.

### **Conclusions of Law**

1. Respondent violated O.C.G.A. § 21-5-33(b)(2)(E) five times by transferring excess contributions from his campaign committee to a nonprofit organization in which he held a controlling interest in.

### **Agreement**

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

Respondent agrees to pay the Commission a civil penalty in the amount of \$5,000.00. The total amount shall be paid to the State Ethics Commission within thirty (30) days of this order being finalized.

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.

Order Prepared and Presented by:



Timothy Baywal  
Staff Attorney  
Georgia State Bar No.: 460743



Lester Miller  
Respondent

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**Georgia State Ethics Commission**

**BY:**

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James D. Kreyenbuhl, Chair