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OFFICE OF THE SOLICITOR-GENERAL  
GWINNETT COUNTY

Rosanna M. Szabo  
Solicitor-General

RECORDER'S COURT  
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July 25, 2008

Jackie Charron, Campaign Coordinator  
Lorraine Green for Chairman  
P.O. Box 2147  
Lawrenceville, Ga. 30046

B.J. VanGundy, Chairman  
Bannister for Chairman  
P.O. Box 465957  
Lawrenceville, Ga. 30042

Greetings Ms. Charron and Mr. VanGundy:

On July 11, 2008, The Solicitor's Office received a complaint from Commissioner Green's campaign alleging Chairman Bannister's campaign misused the State Seal on a campaign advertisement. We have carefully reviewed the applicable law and facts and we have concluded that no further action will be taken to prosecute this matter.

In the campaign material presented, the use of the seal was not misleading in the manner specifically prohibited by O.C.G.A. 50-3-32 (c). That statute specifically prohibits using the seal to create a false impression that the candidate is a commissioned State office holder. The advertisement in question does not suggest that Chairman Bannister is a commissioned State office holder.

Although the use of the Seal in the material presented was not authorized by O.C.G.A. 50-3-32 (b), subsection (d) provides no criminal sanction. However, unless express permission is granted by the Governor, I would caution against further use of the Seal. There are other ways that one might run afoul of the several statutes governing the Seal's use and other legal actions the State may pursue to protect against unauthorized use of its official symbols.

I have attached copies of the questionable mail piece and the applicable statutes for your consideration. If you have any further questions, please call on me.

Sincerely,

Rosanna M. Szabo  
Solicitor-General  
Gwinnett County

Cc: Shawn LaGrua, Inspector General  
Office of the Secretary of State  
802 W. Tower 2MLK Jr. Dr. Atlanta 30334