Fulton County Superior Court
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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

GEORGIA REPUBLICAN ASSEMBLY, INC.,	CIVIL ACTION FILE NO. 26CV014037
Petitioner,	
v.	PETITION FOR REVIEW TO SUPERIOR COURT, REQUEST FOR STAY, AND OTHER RELIEF
STATE ETHICS COMMISSION,	
Respondent.	

PETITION FOR REVIEW TO SUPERIOR COURT

Georgia Republican Assembly, Inc. ("GRA"), the Petitioner named above, petitions the Superior Court of Fulton County for review of the purported final judgment rendered by the State Ethics Commission on September 9, 2026, in State Ethics Commission Case No. 25-0060-C, arising from OSAH Docket No. 2627626, 2627626-OSAH-SEC-NCAN-38-Capraro.

GRA refers to the Commission's September 9 decision as the "Final Decision" solely to identify the decision under review and does not concede that the Commission possessed lawful authority to render it or that it was timely.

GRA brings this Petition pursuant to O.C.G.A. §§ 5-3-1 et seq., 50-13-19, 50-13-20.1, and 50-13-41.

GRA requests that the Court vacate the Commission's September 9, 2026 decision and resulting civil penalties and late fees as to GRA, vacate the Commission's August 17, 2026 order purporting to reject and vacate the July 14, 2026 decision of Administrative Law Judge Dominic Capraro, reinstate the ALJ's July 14, 2026 decision as the final decision in this contested case, stay enforcement against GRA while review is pending, and grant such further relief as is lawful and just.

CONCISE STATEMENT OF FINAL JUDGMENT BEING APPEALED

For purposes of O.C.G.A. § 5-3-7(e)(3)(B), and without conceding that the Commission possessed lawful authority to enter it, the final judgment challenged is the Commission's September 9, 2026 Final Decision finding GRA liable under the Commission's independent-committee reporting theory and assessing $74,875 in civil penalties and late fees against GRA. The Commission separately imposed an equal assessment against GRA PAC.

GRA alone brings this Petition. Undersigned counsel represents only GRA and does not represent GRA PAC in this judicial-review proceeding or any other.

RECORD IN THE LOWER JUDICATORY

For purposes of O.C.G.A. § 5-3-7(e)(3)(C), an administrative record exists. The OSAH record includes the pleadings and motions, orders and notices, evidence admitted at the May 13, 2026 evidentiary hearing, any recording or

transcript of that hearing maintained as part of the record, the parties' post-hearing submissions, and Judge Capraro's July 14, 2026 Decision.

The record of the proceeding under review also includes the Commission's review filings and proceedings, including the August 3, 2026 review hearing, the August 17, 2026 order, the September 9, 2026 proceedings and Final Decision, and such other materials as are contained in the complete certified administrative record. See O.C.G.A. § 50-13-19(e); Ga. Comp. R. & Regs. rr. 616-1-2-.23, 616-1-2-.39(2)(a).

PRELIMINARY STATEMENT

1. This case concerns a basic question of lawful government: whether an appointed administrative commission may exercise appellate power the General Assembly did not give it, disregard the plain text of Georgia law, and impose $74,875 in civil penalties and late fees on a volunteer political organization after the administrative judge assigned to hear the evidence found that no violation occurred and that no sanction was authorized. The spending at issue appeared on GRA PAC's political action committee reports; the dispute is whether the law required a second registration and a second set of reports as an independent committee, and whether those duties could be imposed on the separate nonprofit GRA.

2. The Georgia Republican Assembly is a grassroots political association that strongly supports ethics, transparency, and accountability in government. Those principles apply with equal force to the regulators themselves. The State Ethics Commission is not an independent constitutional court. It is a five-member statutory commission whose members are selected through political appointment. Georgia law provides that three members are appointed by the Governor, one by the Senate Committee on Assignments, and one by the Speaker of the House.[1]

3. The Commission is created by statute, O.C.G.A. § 21-5-4, not by the Georgia Constitution. It does not regulate a profession, business, or trade. The General Assembly drew a legal distinction between ordinary statutory agencies and the narrow categories of entities that may review an OSAH judge under O.C.G.A. § 50-13-41(d), and the Commission falls within none of them. As of the Commission action challenged here, the Commission's membership included Chair James D. Kreyenbuhl, Vice Chair Rick Thompson, Joseph Cusack, Stan Wise, and Dana Diment. Kreyenbuhl occupies the Speaker-appointed seat and was appointed by former Speaker David Ralston. The three gubernatorial-appointed seats are held by Cusack, Wise, and Diment, each appointed or reappointed by Governor Brian

[1] O.C.G.A. § 21-5-4(b)

Kemp. Thompson occupies the remaining seat, appointed through the Senate Committee on Assignments.

4. Political accountability belongs with elected officials and voters. Adjudicatory power belongs only where the law places it. The Commission cannot convert political appointment into judicial authority, and it cannot enlarge its own jurisdiction by rule. Yet that is what occurred here.

5. After a full evidentiary hearing, Judge Capraro issued a written decision on July 14, 2026. He held that the statutory definition of an "independent committee" expressly excludes a "political action committee" and that, whether GRA and GRA PAC were viewed jointly or separately, neither could be found liable under O.C.G.A. § 21-5-34(f) on the theory advanced by the Commission. He concluded that "the Respondents are not in violation of the Act as alleged" and that "no sanction is due."

6. The Commission did not seek judicial review of that decision. Instead, on August 3, 2026, it convened a special meeting and voted to “reject and vacate” the ALJ’s decision. No additional evidence was received. No findings of fact or conclusions of law explaining the vote were entered by the statutory deadline of August 13, 2026. The Commission’s first written order memorializing the vote was signed on August 17, four days after the deadline, and it supplied no findings of

fact, conclusions of law, or substantive reasons. The August 17 order also stated that the evidentiary record was closed and that a final decision would be voted on at the Commission's September 9 meeting.

7. On September 9, 2026, the Commission then entered an adverse final disposition and imposed $74,875 in civil penalties and late fees against GRA. It separately imposed the same $74,875 assessment against GRA PAC. GRA challenges the Commission's compliance with statute, authority, findings, adjudication, and monetary assessment in this Petition.

8. The challenged decision should be reversed as to GRA for multiple independent reasons. Most fundamentally, the Commission is not a "reviewing agency" under O.C.G.A. § 50-13-41(d)(1). The ALJ's July 14 decision was therefore final under § 50-13-41(c), subject to judicial review at the request of an aggrieved party, including the agency itself. The Commission could appeal. It could not appoint itself an appellate tribunal.

9. Even if the Commission were a reviewing agency, it still failed to comply with the review statute. Section 50-13-41(d)(2) requires written reasons in the form of findings of fact and conclusions of law when a reviewing agency rejects or modifies an ALJ decision. Section 50-13-41(d)(3) gives the agency 30 days to reject or modify the decision, after which the ALJ decision stands affirmed by

operation of law. The Commission issued no compliant written rejection within that period and entered no extension order under § 50-13-41(d)(4).

10. The Commission's merits ruling is also contrary to the unambiguous language enacted by the General Assembly. O.C.G.A. § 21-5-3(15) defines an independent committee as an entity "other than a campaign committee, political party, or political action committee." The Commission cannot use an advisory opinion or an internal rule to erase those words, create a hybrid reporting category not enacted by the legislature, and then impose punitive sanctions on GRA for failure to comply with the agency-created regime.

PARTIES, JURISDICTION, VENUE, TIMELINESS, AND SERVICE

11. Petitioner Georgia Republican Assembly, Inc. is a Georgia nonprofit corporation and was a respondent in State Ethics Commission Case No. 25-0060-C and OSAH Docket No. 2627626, 2627626-OSAH-SEC-NCAN-38-Capraro.

12. Georgia Republican Assembly PAC, LLC ("GRA PAC") was a separate respondent in the underlying administrative proceeding. Undersigned counsel does not represent GRA PAC in this judicial-review proceeding or any other. Because GRA PAC was a party below, it remains a party in the reviewing court by

operation of O.C.G.A. § 5-3-7(c). GRA may pursue review independently regardless of whether GRA PAC joins or consents.[2]

13. Respondent State Ethics Commission is the state agency that issued the challenged September 9, 2026 Final Decision and the August 17, 2026 order purporting to vacate the ALJ's decision.

14. GRA has exhausted the administrative remedies available to it and is directly aggrieved by the Commission's September 9, 2026 Final Decision because that decision enters public findings of violation against GRA, imposes $74,875 in civil penalties and late fees against GRA, and subjects GRA to additional coercive and reputational consequences. Judicial review is authorized by O.C.G.A. § 50-13-19(a). To the extent the July 14, 2026 OSAH decision was the final decision under O.C.G.A. § 50-13-41(c), review is also governed by O.C.G.A. § 50-13-20.1.

15. Venue is proper in the Superior Court of Fulton County under O.C.G.A. § 50-13-19(b), which expressly authorizes a corporate petitioner to seek review in this Court.

16. This Petition is timely because it is filed within 30 days after service of the Commission's September 9, 2026 (purported) Final Decision. See O.C.G.A. §§ 5-3-7(b), 50-13-19(b).

[2] O.C.G.A. § 5-3-9(d)

17. Copies of this Petition will be served upon the State Ethics Commission, GRA PAC, and all other parties of record within five days after filing, and the lower judicatory will be served with a filed copy containing the reviewing court's case number, as required by O.C.G.A. § 5-3-7(g)-(h). A copy will also be provided to the OSAH Clerk so that the certified administrative record may be compiled and transmitted pursuant to Ga. Comp. R. & Regs. R. 616-1-2-.39(2)(a).

FACTUAL AND PROCEDURAL BACKGROUND

A. The Commission's prosecution and the OSAH hearing

18. The Commission initiated Case No. 25-0060-C against GRA PAC and later amended the matter to add GRA. GRA challenged, among other things, the Commission's jurisdiction, the statutory theory that a political action committee was also required to register and report as an independent committee, the asserted treatment of GRA and GRA PAC as one entity, and the failure to verify the operative amended complaint as required by O.C.G.A. § 21-5-7.

19. The matter was referred to OSAH. Judge Dominic Capraro conducted an evidentiary hearing on May 13, 2026. The Commission and GRA appeared at the hearing through their respective counsel; GRA PAC did not appear. The record remained open through June 15, 2026 for post-hearing submissions.

20. The evidence established, and the ALJ found, that GRA PAC registered and filed campaign disclosure reports as a political action committee. The ALJ also found that the expenditures at issue were disclosed on GRA PAC's PAC reports. The dispute concerned the Commission's position that GRA PAC should additionally have registered and reported as an independent committee and that GRA itself should be held responsible on the theory that the two entities jointly operated as an independent committee.

B. The ALJ rejected the Commission's legal theory

21. On July 14, 2026, Judge Capraro issued a detailed written Decision containing findings of fact and conclusions of law.

22. The ALJ began with the statutory text. O.C.G.A. § 21-5-3(15) defined an independent committee as a qualifying organization "other than a campaign committee, political party, or political action committee." The Commission did not dispute that GRA PAC was a political action committee.

23. Applying ordinary rules of statutory construction, the ALJ concluded that a political action committee cannot be transformed into an independent committee merely because it makes independent expenditures. He held that the statutory text, not the Commission's 2015 advisory opinion, controls.

24. The ALJ therefore concluded that GRA PAC and GRA, "whether they are considered joint or separate entities," did not meet the statutory definition of an independent committee and could not be held in violation of O.C.G.A. § 21-5-34(f). The ALJ's disposition was unequivocal: "the Respondents are not in violation of the Act as alleged in the Commission's Statement of Matters Asserted and, therefore, no sanction is due."

C. The Commission purported to vacate the ALJ decision without written findings or conclusions

25. The Commission convened a specially called meeting on August 3, 2026 in response to the Attorney General's request for review.

26. No additional evidence was presented. After argument and open-session deliberation, the Commission voted unanimously on a motion to "reject and vacate" the July 14 Initial Decision.

27. The Commission did not issue findings of fact or conclusions of law at the August 3 meeting explaining the legal or factual basis for rejecting the ALJ. Nor did it enter an order extending the statutory review period based upon unusual and compelling circumstances under O.C.G.A. § 50-13-41(d)(4).

28. The Commission's written order memorializing the August 3 vote was not signed or entered until August 17, 2026. The order contained no substantive

findings of fact, no conclusions of law addressing the statutory definition, and no reasoned explanation for rejection of Judge Capraro's decision. It stated instead that the evidentiary matters were closed and that the Commission would vote on a final decision at its next regularly scheduled meeting on September 9, 2026.

D. The September 9 decision and penalties

29. On September 9, 2026, after the statutory 30-day period had expired, the Commission entered an adverse final disposition against GRA and separately against GRA PAC.

30. The Commission imposed $74,875 in civil penalties and late fees against GRA and an additional $74,875 against GRA PAC. GRA seeks judicial review only of the findings, liabilities, and sanctions imposed against GRA.

31. GRA is directly and substantially aggrieved by the legal determinations, public findings of violation, $74,875 monetary assessment, and chilling effect of the Commission's decision.

GROUNDS FOR REVERSAL OR MODIFICATION UNDER O.C.G.A. § 50-13-19(h)

32. Under O.C.G.A. § 50-13-19(h), this Court may reverse or modify an agency decision when substantial rights have been prejudiced because the agency decision is: (1) in violation of constitutional or statutory provisions; (2) in excess of the statutory authority of the agency; (3) made upon unlawful procedure; (4)

affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Each of those grounds is implicated here as to GRA.

I. The Commission lacked statutory authority to review and vacate the OSAH decision.

33. In 2018, the General Assembly restructured O.C.G.A. § 50-13-41(c) to make every ALJ decision a final decision unless subsection (d) applies, and to permit any aggrieved party, expressly including the agency, to seek judicial review. Ga. L. 2018, p. 762, § 3 (H.B. 790). The statutory default is finality; agency review is the defined exception.

34. Subsection (d) applies only to a defined "reviewing agency." O.C.G.A. § 50-13-41(d)(1) includes the ultimate decision maker in a contested case that is: (a) a constitutional board or commission; (b) an elected constitutional officer in the executive branch; (c) an executive-branch board, bureau, commission, or agency created to license or otherwise regulate or control a profession, business, or trade, if its members are appointed by the Governor; or one of the specifically enumerated agencies added by statute. The Governor-appointment language appears only within and limits category (c); it does not modify categories (a) or (b).

Category (c), by its terms, concerns entities regulating a profession, business, or trade.

35. The State Ethics Commission does not fit those categories. It is created by statute, O.C.G.A. § 21-5-4, not by the Georgia Constitution. It is not an elected constitutional officer. It is not a professional or trade licensing board. And its membership is not gubernatorially appointed: only three of five members are appointed by the Governor, while one member is appointed by the Senate Committee on Assignments and one by the Speaker of the House.[3] Campaign-finance enforcement against political committees does not bring the Commission within category (c).

36. The General Assembly knows how to identify agencies entitled to retain final-decision authority after OSAH review. It did so expressly in § 50-13-41(d)(1), including by later adding the Department of Transportation, Department of Community Health, and certain Department of Human Services cases. It did not add the State Ethics Commission.

37. Because the Commission is not a "reviewing agency," Judge Capraro's July 14, 2026 decision was a final decision under § 50-13-41(c). The Commission's lawful remedy, if aggrieved, was judicial review. Its August and

[3] O.C.G.A. § 21-5-4(b).

September proceedings purporting to sit in appellate review of the ALJ were ultra vires.

38. A Commission rule cannot supply jurisdiction that the statute withholds. Administrative rules must be authorized by the governing statute and cannot enlarge an agency's statutory authority.[4] Accordingly, Rule 189-2-.08(2) cannot transform the Commission into a "reviewing agency" contrary to § 50-13-41(c) and (d).

39. The challenged orders are therefore in violation of statutory provisions, in excess of the Commission's statutory authority, made upon unlawful procedure, and affected by error of law within the meaning of O.C.G.A. § 50-13-19(h)(1)-(4), and should be vacated as to GRA. The Commission's longstanding practice under Rule 189-2-.08 cannot amend subsection (c) or add the Commission to the limited list in § 50-13-41(d)(1); administrative practice cannot enlarge statutory authority.

II. Even if the Commission had review authority, it failed to reject or modify the ALJ decision in the manner and time required by § 50-13-41(d).

40. O.C.G.A. § 50-13-41(d)(2) imposes a mandatory requirement when a reviewing agency rejects or modifies an ALJ decision: "it shall give reasons for doing so in writing in the form of findings of fact and conclusions of law."

[4] *See* Dep't of Transp. v. City of Atlanta, 260 Ga. 699, 700 (1990).

41. O.C.G.A. § 50-13-41(d)(3) gives a reviewing agency 30 days following entry of the ALJ decision "in which to reject or modify such decision." If it does not, "the decision of the administrative law judge shall stand affirmed by the reviewing agency by operation of law."

42. The ALJ decision was entered July 14, 2026. The 30-day statutory review period expired on August 13, 2026, unless extended by a compliant order under § 50-13-41(d)(4).

43. The Commission did not enter any extension order reciting unusual and compelling circumstances with particularity as required by § 50-13-41(d)(4).

44. The Commission voted orally on August 3, 2026, to “reject and vacate” the ALJ decision. Even assuming that vote constituted a rejection within the 30-day period under § 50-13-41(d)(3), § 50-13-41(d)(2) required the Commission to give its reasons in writing as findings of fact and conclusions of law. No order or other document entered on or before August 13, 2026, contained those findings and conclusions.

45. Georgia appellate authority recognizes the importance of the written-reasons requirement when an agency departs from an ALJ decision.[5] Here, the

[5] *See* Ga. Dep’t of Educ. v. Niemeier, 274 Ga. App. 111, 116, 616 S.E.2d 861 (2005) (examining whether the reviewing board’s written findings and conclusions adequately explained its rejection of the ALJ decision).

Commission did not merely provide inadequate reasons. It provided none whatsoever within the statutory period.

46. The August 17 order was entered four days after the statutory deadline and contained no findings of fact, conclusions of law, or substantive reasons. The order stated that the evidentiary record was closed and that the Commission would vote on a final decision at its next regularly scheduled meeting on September 9, 2026. That statement confirms the Commission itself treated the August 3 vote as something short of a final decision. The Commission had entered no extension order before the deadline.

47. The ALJ decision stood affirmed by operation of law on August 13, 2026. The Commission therefore lacked authority to enter its September 9 decision and sanctions against GRA.

III. The Commission's own review rule did not authorize the two-stage procedure used here.

48. Rule 189-2-.08(2)(f) provides that once the Review Hearing is concluded, the Commission "shall deliberate as to the Final Decision in open session" and, at the conclusion of deliberations, vote on the matter in open session.

49. The August 3 proceeding was expressly identified as the Review Hearing. The Commission concluded that hearing, deliberated, and voted to vacate

the ALJ decision. Yet it did not vote on a Final Decision. Its August 17 order instead announced that a Final Decision would be voted on at a later meeting on September 9.

50. Rule 189-2-.08(1)(e) permits postponement of findings and a possible penalty in an appropriate proceeding, but an agency rule cannot override the statutory deadlines and written-findings requirements in § 50-13-41(d). Nor can the Commission use its rule to preserve jurisdiction that § 50-13-41(c) assigns to the courts.

51. The procedure actually used was therefore unlawful and independently warrants reversal under § 50-13-19(h)(3).

IV. The Commission's merits ruling contradicts the unambiguous statutory definition of "independent committee."

52. At all relevant times, O.C.G.A. § 21-5-3(15) defined "independent committee" as a qualifying organization "other than a campaign committee, political party, or political action committee."

53. O.C.G.A. § 21-5-3(20) separately defines "political action committee." The ALJ found, and the Commission did not dispute in the OSAH proceeding, that GRA PAC qualified as a political action committee.

54. The statutory categories cannot be collapsed by administrative preference. The phrase "other than ... [a] political action committee" is an express exclusion. Courts must give effect to the words enacted by the General Assembly.[6]

55. The Commission's 2015 advisory opinion announcing a "hybrid PAC" filing regime cannot amend O.C.G.A. § 21-5-3. Agencies administer statutes; they do not rewrite them. The Commission's rulemaking authority is expressly constrained by O.C.G.A. § 21-5-6(a)(7), which provides that the Commission "shall not require the reporting or disclosure of more information" on campaign disclosure reports than the chapter expressly requires.

56. The General Assembly was free to create a hybrid-PAC regime requiring dual registration and dual reporting. It did not do so in the statutory language applicable to this case. The Commission may advocate for an amendment. It may not impose that amendment administratively and punish a PAC for failing to anticipate it, much less a separate organization.

57. The ALJ therefore correctly held that independent expenditures did not transform a statutory PAC into an independent committee and that neither GRA PAC nor GRA, whether considered jointly or separately, met the statutory definition of an independent committee. The Commission's contrary construction,

[6] *See* Hendry v. Hendry, 292 Ga. 1, 2-3, 734 S.E.2d 46 (2012).

as a basis for imposing liability on GRA, is affected by error of law and exceeds its statutory authority.

V. The decision improperly imposes liability on GRA for conduct of a separate entity without evidentiary or statutory support.

58. GRA consistently denied that it controlled GRA PAC, possessed its funds, signed its checks, administered its accounts, or possessed legal authority to direct its activities. The administrative record included separate organizational documents and evidence concerning separate control.

59. The Commission found GRA liable on the theory that GRA controlled GRA PAC and was responsible for the PAC's independent spending and reporting failures. The Commission's evidence focused on expenditures paid through GRA PAC, including checks signed by the PAC chairman. The decision identifies no separate pool of GRA expenditures or separate GRA report that GRA itself failed to file.

60. Georgia law expressly defines a "connected organization" in O.C.G.A. § 21-5-3(6), demonstrating that the General Assembly knew how to address relationships between a non-PAC organization and a PAC. The statute does not provide that a connected organization automatically becomes the PAC's alter ego or becomes liable for every filing obligation of the PAC.

61. The record does not support treating GRA and GRA PAC as a single regulated entity. It included separate organizational documents and evidence concerning separate control, including GRA's position that it did not possess PAC funds, sign PAC checks, administer PAC accounts, or have legal authority to direct PAC activities. The Final Decision identifies no evidence overcoming that separation. Without substantial evidence and statutory authority to disregard the entities' separate status, the decision is clearly erroneous, arbitrary and capricious, and affected by error of law. O.C.G.A. § 50-13-19(h)(4)-(6).

VI. The proceeding against GRA was initiated on an unverified operative complaint contrary to O.C.G.A. § 21-5-7.

62. O.C.G.A. § 21-5-7 provides that the Commission "shall not initiate any investigation or inquiry" based upon a complaint, including one by a staff attorney, unless the complaint is produced in writing and "verify[ied] ... under oath" to the complainant's best information, knowledge, and belief.

63. GRA preserved the objection that the amended complaint adding GRA was not verified under oath. The administrative record, including testimony before the ALJ, reflects that objection and the Commission's position concerning its internal procedure.

64. Internal practice cannot dispense with an express statutory prerequisite. To the extent the Commission imposed liability against GRA on an operative

amended complaint that did not satisfy § 21-5-7, the decision was made upon unlawful procedure and in excess of statutory authority.

VII. Punishing GRA for failing to meet a filing category the Act expressly excludes denied fair notice.

65. GRA is a volunteer political organization engaged in core political speech and association activities, including petitioning for redress of grievances. Political association, particularly for these express purposes, falls squarely within the First Amendment's protections.[7]

66. The Eleventh Circuit recognizes that campaign-finance restrictions must be justified by constitutionally sufficient governmental interests and appropriately tailored to those interests.[8]

67. GRA does not contend that Georgia lacks legitimate authority to require disclosures the General Assembly actually enacted. To the contrary, GRA supports transparency and indeed provided all relevant organizational documents and records to the State Ethics Commission in the course of its investigation of the GRA-PAC. The constitutional problem is that the Commission targeted the GRA and imposed severe sanctions on GRA for violating an agency-created dual-

[7] *See* FEC v. Colo. Republican Fed. Campaign Comm., 533 U.S. 431, 440 (2001); Buckley v. Valeo, 424 U.S. 1, 14-23 (1976).
[8] *See* Ala. Democratic Conf. v. Att'y Gen. of Ala., 838 F.3d 1057, 1063-69 (11th Cir. 2016).

registration and dual-reporting requirement that the text of the statute did not impose and that the ALJ found affirmatively inconsistent with the statutory definition.

68. Due process requires fair notice before the government punishes regulated parties, especially where protected political activity is burdened. An agency cannot create a novel obligation through adjudication or advisory guidance, contradict the statute's express exclusion, and then impose severe monetary punishment for noncompliance.

69. The $74,875 assessment against GRA, imposed in tandem with a separate $74,875 assessment against GRA PAC, amplifies the chilling effect. Volunteer political associations must be able to read the Georgia Code and conform their conduct to the law without fearing that an administrative body will later rewrite statutory categories and punish them for failing to follow the unwritten rule instead.

70. The Final Decision therefore violates constitutional and statutory provisions and is arbitrary, capricious, and an abuse of discretion as to GRA under O.C.G.A. § 50-13-19(h)(1), (2), and (6).

VIII. The penalties are unauthorized, duplicative, and disproportionate to the conduct established in the administrative record.

71. The ALJ found that all of the transactions at issue had been disclosed on GRA PAC's campaign finance/ethics disclosure reports. This was not a case in which the ALJ found concealed political spending, an unreported secret account, or an intentional refusal to file any campaign-finance disclosures.

72. At its September 9 proceeding, Commission staff identified 15 reports it considered unfiled and 34 expenditure-itemization omissions, along with its independent-committee registration theory. The Commission assessed the same $74,875 against GRA and GRA PAC based on the same PAC reporting activity. The components and combined amount are summarized below.

Assessment component	**Basis reflected in the Commission proceeding**	**Amount**
Late fees	15 reports identified as unfiled × $125 per report	$1,875 per respondent
Civil penalties	Registration and reporting findings, including 34 expenditure-itemization omissions; no count-by-count allocation stated	$73,000 per respondent
Total	The same PAC reporting activity was assessed separately against GRA and GRA PAC	$74,875 each; $149,750 combined

73. O.C.G.A. § 21-5-6(b)(14)(C) limits civil penalties and distinguishes first, second, and subsequent occurrences; it also directs that the same error, act, omission, or inaccurate entry be treated as a single violation when duplication in one report causes further errors or omissions. Any penalty calculation that double-counts the same underlying conduct, duplicates liability between GRA and a legally distinct entity without statutory authorization, or treats derivative reporting consequences as separate violations is contrary to the penalty statute.

74. To the extent the September 9 Final Decision includes late fees or civil penalties against GRA not authorized by the applicable version of the Act, duplicates the same underlying act, or imposes sanctions upon GRA without proof that GRA itself committed the underlying reporting act or omission, it should be reversed or modified under § 50-13-19(h).

REQUEST FOR STAY

75. O.C.G.A. § 5-3-17(a) generally provides that a petition for review acts as supersedeas except to the extent prohibited by law. The more specific Administrative Procedure Act provision, O.C.G.A. § 50-13-19(d)(1), provides that filing a petition for judicial review does not itself stay enforcement of an agency decision, but authorizes the agency or reviewing court to grant a stay upon

appropriate terms for good cause shown. GRA therefore, in an abundance of caution, affirmatively requests a stay.

76. Good cause exists. GRA faces immediate and substantial monetary liability and reputational injury from an order entered after an ALJ found no violation and no sanction due. GRA has substantial statutory and procedural grounds for review, including a threshold challenge to the Commission's authority to review the ALJ at all.

77. A stay would preserve the status quo while the Court determines whether the Commission had jurisdiction to enter the challenged orders. The State suffers no cognizable prejudice from temporarily withholding collection of GRA's disputed penalties, particularly where the transactions themselves were disclosed on PAC reports and the dispute centers on the legal category under which those disclosures should have been made.

78. GRA therefore requests that enforcement, collection, publication or use of the September 9 Final Decision as an enforceable adjudication against GRA, and any other coercive consequences of that decision against GRA, be stayed pending final judicial review, on terms the Court deems appropriate.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Georgia Republican Assembly, Inc. respectfully requests that this Court:

A. Assume jurisdiction over this Petition and direct transmission of the complete administrative record pursuant to O.C.G.A. § 50-13-19(e) and Ga. Comp. R. & Regs. r. 616-1-2-.39(2)(a);

B. Stay enforcement against GRA of the Commission's September 9, 2026 Final Decision and all monetary sanctions imposed against GRA pending judicial review;

C. Hold that the State Ethics Commission is not a "reviewing agency" within the meaning of O.C.G.A. § 50-13-41(d)(1);

D. Vacate the Commission's August 17, 2026 order and September 9, 2026 Final Decision as ultra vires to the extent they purport to adjudicate GRA's liability or impose sanctions against GRA;

E. Declare that Judge Capraro's July 14, 2026 decision constituted the final decision under O.C.G.A. § 50-13-41(c) as to GRA, or alternatively stood affirmed by operation of law under § 50-13-41(d)(3);

F. Reinstate the July 14, 2026 OSAH decision insofar as it found that GRA did not violate the Act as alleged and that no sanction is due as to GRA;

G. Alternatively, reverse or modify the September 9, 2026 Final Decision under O.C.G.A. § 50-13-19(h), including vacating all penalties and late fees assessed against GRA;

H. Award GRA costs and any attorney's fees or other relief authorized by law; and

I. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 8th day of October, 2026.

/s/ Catherine Scott Bernard
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Petition for Review to Superior Court upon the State Ethics Commission, Georgia Republican Assembly PAC, LLC, and all other parties of record in the underlying administrative proceeding, and have served the lower judicatory and provided a

copy to the OSAH Clerk, by the methods required by O.C.G.A. §§ 5-3-7(g)-(h), 5-3-10, 50-13-19(b), and applicable law.

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225 Peachtree Street NE, Suite 400
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OSAH Docket No. 2627626
2627626-OSAH-SEC-NCAN-38-Capraro

Respectfully submitted this 8th day of October, 2026.

/s/ Catherine Scott Bernard
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