



# CITY OF ATLANTA

**BOARD OF ETHICS**  
John Lewis Jr., Chair  
MaryAnne F. Gaunt, Vice-Chair  
Carol Snype Crawford  
Charles B. Crawford, Jr.  
Cathy R. Daniels  
Caroline Johnson Tanner  
Charmaine Ward

68 MITCHELL STREET SW, SUITE 12130  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
FAX: (404) 658-6077

**ETHICS OFFICE**  
Ginny Looney, Ethics Officer  
[glooney@atlantaga.gov](mailto:glooney@atlantaga.gov)

## MEMORANDUM

TO: Board of Ethics  
FROM: Ginny Looney  
RE: 2010 Financial Disclosure Report  
DATE: March 17, 2010

---

### Filing Records

**The rate of timely filers is consistent with past years.**

This year's filing record is consistent with the filing record in prior years, except 2008, which was an exceptional year. Although fewer persons were required to file in 2010, the percentage of persons filing by the deadline remained the same as last year. Of the 1515 required filers, 87 percent filed by the deadline, seven percent have filed late, and four percent (64) have not yet filed. Two percent had reasonable cause for filing late.

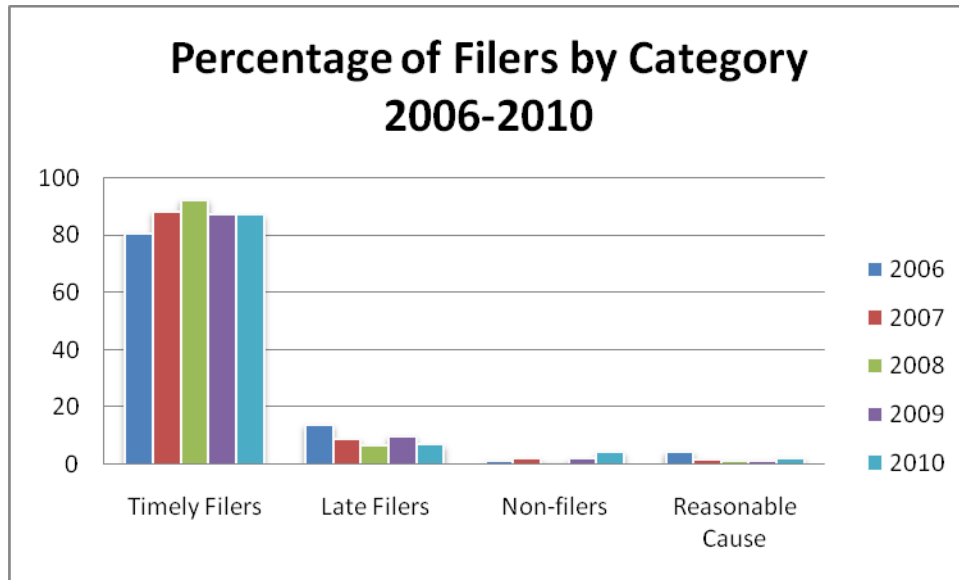
### Comparison of Filing Rates, 2008 – 2010

Category	2010 Numbers	2010 Percentage	2009 Numbers	2009 Percentage	2008 Numbers	2008 Percentage
Timely filers	1315	86.8	1,464	87.1	1,514	92
Late filers	102	6.7	165	9.8	104	6.3
Non-filers	64	4.2	31	1.8	10	.6
Reasonable cause	34	2.2	20	1.2	18	1.1
Incomplete	0	0	2	0.1	0	0
TOTAL	1515		1,680		1,646	

A review of the percentage of filers by category for the past four years shows a consistent pattern. The percentage of timely filers ranges between 88 and 92 percent, the percentage of late filers ranges between 6 and 10 percent, and the percentage of non-filers is typically one to two percent. Although the percentage of non-filers this year is more than twice the rate as in previous years, it should drop over the next few weeks as persons continue to file their statement.

### Percentage of Filers by Category, 2006 – 2010

Year	Timely Filers	Late Filers	Non-filers	Reasonable Cause	Incomplete
2006	80.5	13.8	1.2	4.3	0.2
2007	88	8.5	1.8	1.5	
2008	92	6.3	0.6	1.1	
2009	87	9.8	1.8	1.2	0.1
2010	86.8	6.7	4.2	2.2	



#### Delinquent filers have increased.

The most disturbing trend is the rise in delinquent filers, who are persons who fail to file by the end of the grace period without reasonable cause. This year there are 62 delinquent filers. By comparison, there were 44 delinquent filers in 2009, 11 in 2008, and 33 in 2007. A review of the non-filers shows a high number of former employees and persons without email addresses, especially from Finance and Watershed Management, and a high number of city board members who are delinquent. For example, there were nine delinquent filers last year who were volunteer city officials; this year there are 21, including three members of the Atlanta Commission on Women, four members of the Beltline TAD Advisory Committee, and four members of the In Rem Review Board.

The rise in delinquent filers can be attributed to several factors. Like last year, a large number of employees were terminated or voluntarily left city employment due to a change in administration and the continuing budget crisis; former employees consistently file at a lower rate than current employees. Second, employees still on the payroll have had to assume more responsibilities, and some department liaisons may have devoted less time to notifying employees about the importance of the filing deadline. Third, the problems connected with the login process may have discouraged some persons from filing; it is one reason for the increase in reasonable cause filers.

### **Delaying the filing period worked.**

Unlike previous years, when the grace period for filing was extended, this year the Board agreed to delay the start of the filing season until February 1 and extend the deadline to March 1. The delay did not seem to have any negative consequences on the filers and may, in fact, have caused more persons to file during the first week the form was available.

### **Electronic Disclosure System**

#### **The login process for the Electronic Disclosure System is inconsistent.**

In 2009, the new electronic disclosure system went into effect. This year it became clear that the login system had not been adequately tested. While some persons had no problem logging in, others encountered great difficulty with the process. For example, the system sometimes did not recognize passwords that the user had recently created, requiring the person to create a new password and security question to log in. In addition, many board members have Internet service providers that treated all email from the [ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov) as spam and therefore could not obtain new passwords. I have contracted with the web developer to resolve the problems with the login process because it is a deterrent to getting users to file.

#### **Other forms are now available and being filed online.**

Besides the financial disclosure statement, 13 travel reports, 13 gift reports, and two conflicts reports have been filed since February 1.

### **Enforcement**

#### **The Ethics Office has notified persons about the filing deadline several times:**

- Feb. 1 – First class mailing of notice to 1492 persons required to file
- Feb. 4 - Email “2010 Financial Disclosure Statement Now Available” sent to 1301 filers
- Feb. 22 – Email “One Week Left to File” sent to 569 nonfilers
- Feb. 23 – Postcard mailing sent to 590 nonfilers
- March 1 – Email “Final Deadline for Filing” sent to 231 nonfilers
- March 5 – Warning letter on failure to comply sent to 151 nonfilers
- March 8 – Email “Grace Period ends Monday, March 15” sent to 100 nonfilers
- March 15 – Email “24 hours left to file” sent to 60 nonfilers

The Ethics Office also sent two reports to departments and boards about the persons who had not yet filed.

#### **The Board adopted a new schedule for fines in 2010.**

Persons who file a statement after the end of the grace period are subject to a fine for filing late. In January, the Board agreed with a recommendation by staff to adopt a cap of \$250 as the fine for late filing and to make late filers who fail to pay the fine subject to an increased penalty for their failure to pay. The maximum penalty of \$500 applies to persons who fail to file any statement.

In addition, the Ethics Office will be delaying some recommended penalties for delinquent filers until later in the enforcement process. First, persons named to the Roll of Delinquent Filers can have their name removed from the roll posted online by filing their statement and paying in full the fine they owe within 30 days of the notice of delinquency. Second, the Ethics Office is postponing the time when it asks the Board to issue reprimands, recommend adverse personnel actions, or recommend removal from office until its hearing on the financial disclosure case.