

8. In a letter to Nina Gentry dated May 30, 2007, Michael Murray states:

I, Michael Murray, current owner of 1812 Lakewood Avenue am writing to request a formal review of the subdivision of the property shown in the application SD 05-80. To save from having to come to the city, Herbert Kennedy and Kevin Holloway are working with me to see this application to completion and have submitted the requested revisions on my behalf.
9. A subdivision application related to 2500 and 2506 Perkerson Road was filed on November 28, 2005, and assigned application number SD 05-90.
10. Kevin Holloway made notes on the subdivision application checklist for SD 05-90.
11. A memorandum to the city's subdivision review agencies directs them to submit their comments on the application to Mr. Holloway by January 6, 2005 (sic).
12. Mr. Holloway signed a letter to S[t]ephen Sheldon dated January 23, 2006, which lists the items that need to be addressed on the final plat.
13. In April 2007, Mr. Holloway resubmitted the final plat for SD 05-90, 2500 Perkerson Road.
14. In an email to Nina Gentry dated May 10, 2007, Steve Sheldon wrote: "Per our phone conversation, this e-mail confirms that Kevin Holloway is acting on my behalf for this subdivision application."
15. On September 6, 2007, Claudia Janka personally served Kevin Holloway with a board order dated August 31, 2007, and a subpoena to appear and produce documents at a Board of Ethics hearing on September 27, 2007.
16. The order by the Board of Ethics states: "[T]he Respondent is ordered to cease and desist from any and all violations of the City's Code of Ethics and, further, is ordered to comply with all of its provisions."
17. On September 12, 2007, Kevin Holloway attempted to file an application for variance related to 933 Pelham Street, which was assigned application number V-07-266.
18. The City's Code of Ordinances states:

Sec. 2-810. Representation after separation from employment.

No person who has served as an official or employee shall, for a period of one year after separation from such service or employment, appear before any agency or receive compensation for any services rendered on behalf of any person, business or association in relation to any case, proceeding, or application with respect to which such former official or employee was directly concerned or in which such official or employee personally participated during the period of such official's or employee's service or employment or which was under such official's or employee's active consideration or with respect to which knowledge or information was made available to such official or employee during the period of such

official's or employee's service or employment. Nothing in this section shall be construed to preclude a former official or employee from being engaged directly by the city to provide services to or on behalf of the city during this one-year period.

19. The Respondent also stipulated that the Complainant's Exhibits 1-A through 1-F related to SD 05-80, 1812 Lakewood Road, and Exhibits 2-A through 2-H related to SD 05-90, 2500 and 2506 Perkerson Road, were true and correct copies of the original documents maintained in the ordinary course of business and kept in the files of the Department of Planning and Community Development.

After hearing statements from and questioning both the Complainant and the Respondent, the Board makes the following conclusions of law.

Conclusions of Law

20. The Code of Ethics is found in the Standards of Conduct of the City of Atlanta's Code of Ordinances. See Atlanta, Ga., Code §§ 2-801 to 2-824 (part II, art. VII, div. 2).
21. Section 2-810 prohibits former city employees, for one year after they leave city employment, from appearing before a city agency on behalf of any person or business in relation to any application in which the employee was directly concerned, personally participated, or actively considered while employed by the City. See Atlanta, Ga. Code § 2-810.
22. Section 2-807 provides that the Board of Ethics may assess an administrative sanction of \$1,000 for any intentional violation of the ethical standards.

Count One: SD 05-80. 1812 Lakewood Avenue

23. The Board finds that Mr. Holloway violated section 2-810 during the year after he left city employment by appearing before the Bureau of Planning on behalf of the property owner of 1812 Lakewood Avenue in relation to application SD 05-80 in which he was directly concerned, personally participated, and actively considered while he was employed by the City.
24. The Board imposes an administrative sanction of \$1,000 for Mr. Holloway's intentional violation of section 2-810 in connection with the subdivision application related to 1812 Lakewood Avenue.

Count Two: SD 05-90. 2500 & 2506 Perkerson Road

25. The Board finds that Mr. Holloway violated section 2-810 in connection with 2500 and 2506 Perkerson Road by appearing before the Bureau of Planning during the first year after he left city employment on behalf of the property owner in relation to application SD 05-90 in which he was directly concerned, personally participated, and actively considered while he was employed by the City.

26. The Board imposes an administrative sanction of \$1,000 for Mr. Holloway's intentional violation of section 2-810 in connection with the subdivision application related to 2500 and 2506 Perkerson Road.

Count Three: Violation of Board Order

27. The Board does not find that Mr. Holloway violated its August 31, 2007, order by appearing before the Bureau of Planning and attempting to file a variance application related to 933 Pelham Street, NW on behalf of the property owner.

Based on these findings of fact and conclusions of law, the Board of Ethics concludes:

- A. The Respondent violated the City of Atlanta Code of Ethics on two occasions by appearing before a city agency during the first year after he left city employment on behalf of a property owner in relation to an application in which he was directly concerned, personally participated, and actively considered while working for the City;
- B. The Respondent is ordered to cease and desist from any and all violations of the City of Atlanta Code of Ethics and to comply with all its provisions; and
- C. The Respondent is ordered to pay an administrative sanction of \$1,000 for each violation, for a total of \$2,000, to the City of Atlanta from personal funds within 30 days of the date of this order, and prior to any appearance before the Department of Planning and Community Development on behalf of any person, business, or association in relation to any case, proceeding, or application.

If the Respondent fails to comply with this opinion and order, he may be subject to prosecution in Municipal Court for a violation of the Code of Ethics.

The Respondent has the right to appeal this opinion and order by seeking review by writ of certiorari to the superior court of the county. See Atlanta, Ga., Code § 2-807 (d).

So ordered, this seventh day of November, 2007.

For the City of Atlanta Board of Ethics



John Lewis, Jr.
Chair