

BEFORE THE CITY OF ATLANTA
BOARD OF ETHICS

In the Matter of:

Cedric Means

Respondent

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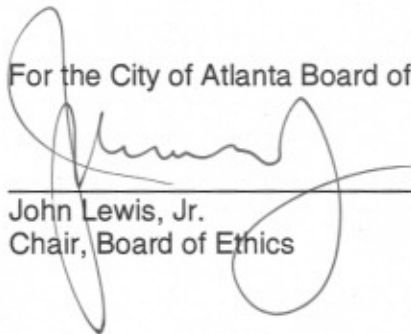
Case No. CO-07-025

DECISION AND ORDER

Having considered the settlement agreement in this case at its meeting on January 15, 2009, the City of Atlanta Board of Ethics approves the agreement.

So ordered this 15th day of January, 2009.

For the City of Atlanta Board of Ethics



John Lewis, Jr.
Chair, Board of Ethics

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SETTLEMENT AGREEMENT

This settlement agreement is made between Ginny Looney, the Ethics Officer of the City of Atlanta, and Cedric Means, a former city employee charged with violating the Code of Ethics.

The parties agree and consent to the following terms to resolve this matter prior to a probable cause determination by the City of Atlanta Board of Ethics. The Board of Ethics is responsible for administering, implementing, and enforcing the Standards of Conduct contained in the Atlanta Municipal Code.

FINDINGS OF FACT

1. Cedric Means was the Office Manager in the Executive Offices of the City of Atlanta from 2002 to 2005. He worked as Administrative Services Manager for the Department of Information Technology in 2006 before leaving city employment in January 2007.
2. Mr. Means was a city credit cardholder on the City of Atlanta's corporate credit card account from June 2004 to March 2006.
3. The City did not have any policies, written or verbal, concerning use of the charge card until 2007.
4. Mr. Means admits using the city's credit card to make personal purchases for goods, services, and lodging in 2004 and 2005.
5. Mr. Means repaid the City of Atlanta \$ 294.62 on June 9, 2006, for three personal purchases made in 2004. This reimbursement was made after the Office of City Internal Auditor and the Law Department began their investigations into the corporate credit card account.
6. After he left city employment, Mr. Means repaid the City \$1,219.99 on March 22, 2007, and \$403.80 on April 4, 2007 for additional personal purchases he made on the city's credit card.

CONCLUSIONS OF LAW

7. Mr. Means is a former city employee who was subject to the Code of Ethics at the time he used the city's credit card.
8. Section 2-811 in the Code of Ethics states: "No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee."
9. Mr. Means used the city's credit card for his own private advantage when he made personal purchases totaling \$1,918.41 for personal goods, services, and lodging in 2004 and 2005, and did not begin to reimburse the city for these purchases until 2006.

AGREEMENT

10. Mr. Means acknowledges that he violated the city's ethical standards by using the city's credit card to make personal purchases and by not reimbursing the City for these purchases at the time they were made.
11. He agrees to voluntarily appear and receive a public reprimand from the Board of Ethics for his violation of the Code of Ethics. The reprimand will be sent to the Department of Human Resources for placement in his personnel file.
12. Because Mr. Means has accepted responsibility for his actions, repaid the City for his personal purchases, been unemployed since leaving city employment in January 2007, and is recovering from serious medical problems, the Ethics Officer agrees to resolve this matter without seeking any further penalty.
13. The parties agree to enter this settlement agreement to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of an evidentiary hearing before the Board to determine Respondent's liability.
14. The Respondent understands and voluntarily waives all procedural rights under the Code of Ordinances, including the determination of probable cause and the right to personally appear before the Board, subpoena witnesses to testify, confront and cross-examine all witnesses, and have the Board hear the matter at any enforcement hearing.
15. The Respondent acknowledges that this agreement is not binding on any other law enforcement or governmental agency and does not preclude the Board of Ethics from referring this matter to, cooperating with, or assisting any other law enforcement or government agency on this or any other related matter.
16. The Ethics Officer will submit this settlement agreement for consideration by the Board of Ethics at its next regularly scheduled meeting, and the Board must enter an order approving the agreement before it becomes the final decision and order in the case.

17. The parties agree that this agreement shall become null and void in the event that the Board refuses to accept it. The Respondent further agrees that no member of the Board of Ethics or its staff shall be disqualified from participating in any hearing before the Board because of prior consideration of this settlement agreement.

Cedric Means

Cedric Means
Respondent

12/1/08

Date

Virginia Looney

Ginny Looney
Ethics Officer

1/14/2009

Date

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PUBLIC REPRIMAND

The Board of Ethics reprimands you for your failure to fulfill your legal and ethical obligations under city law.

Section 2-811 prohibits city employees from requesting, using, or permitting the use of public property for the private advantage of the employee. It is a violation of section 2-811 for a city official or employee to use a city credit card for personal purchases.

The Office of City Auditor and the Department of Law have found that you repeatedly used the city's credit card for personal goods, services, and lodging in 2004 and 2005 and did not begin to reimburse the City for these purchases until 2006. You began these repayments only after the City Auditor and Law Department initiated their investigations into the corporate credit card account in the Executive Offices and did not complete your repayment until April 2007.

Your use of the credit card for personal purchases totaling \$1,918.41 is inexcusable and a violation of the public trust.

Issued by Charles B. Crawford, Jr., on behalf of the City of Atlanta Board of Ethics on the 15th of January, 2009.