

**BEFORE THE CITY OF ATLANTA
BOARD OF ETHICS**

In the Matter of:

Robert Bush

Respondent

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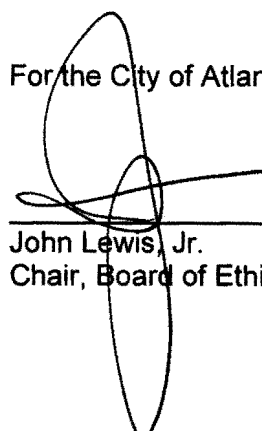
Case No. CO-08-001

DECISION AND ORDER

Having considered the settlement agreement in this case at its meeting on July 17, 2008,
the City of Atlanta Board of Ethics approves the agreement.

So ordered this 17th day of July, 2008.

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 Robert Bush, a city employee charged with violating the City's Code of Ethics.

The parties agree 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. Mr. Bush is the plant manager at the R.M. Clayton Water Reclamation Center. In February 2008, he was employed as a director for the Facilities Design Group in the Bureau of Engineering Services in the Department of Watershed Management.
2. On February 15, 2008, he was the guest of an employee of a city contractor at a lunch that she was offered through a promotional drawing. The contractor worked in the Construction Management Group, a different division in the Bureau of Engineering Services.
3. A salesperson for Ameriprize Financial paid for the lunch in exchange for a five-minute presentation on personal retirement planning and the participants' completion of a survey.
4. There is no evidence of any intent by Mr. Bush to give or obtain private gain or special influence. Ameriprize Financial does not do business with the City, Mr. Bush does not have authority to provide city business to Ameriprize, and he does not supervise any employees with the Construction Management Group.
5. Mr. Bush has fully cooperated with the investigation of this matter.

CONCLUSIONS OF LAW

6. Mr. Bush is a city employee who is subject to the Code of Ethics, found in sections 2-801 to 2-824 in the City's Code of Ordinances. See Atlanta, Ga., Code § 2-801.
7. Section 2-817 prohibits any person, business, or other entity from giving any official or employee a gratuity. Section 2-801 defines a "gratuity" as "anything of value given by or received from a prohibited source." A prohibited source includes any person, business, or entity that an employee knows is seeking to do or does business with the City.

8. The acceptance of a meal from a prohibited source is a violation of section 2-817 of the Code of Ethics.
9. Mr. Bush accepted a thing of value from a prohibited source on February 15, 2008, when he received a free lunch as the guest of an employee who he knew worked for a city contractor.

AGREEMENT

10. Mr. Bush acknowledges that he violated the city's ethical standards when he accepted a lunch from a contractor's employee. He believed the lunch was permissible under the Code of Ethics because the investment company's salesperson paid for it.
11. Mr. Bush agrees to attend an ethics workshop on gratuities and conflicts of interest, and he further agrees to comply with the City's Code of Ethics. Because he has accepted responsibility for his actions and there is no evidence of any intent to influence or pattern of misconduct, the Ethics Officer agrees to resolve this matter without seeking any monetary penalty or disciplinary action.
12. The parties agree to enter this settlement agreement to resolve all factual and legal issues in this matter and to reach a final disposition without the necessity of an evidentiary hearing before the Board to determine Respondent's liability.
13. 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.
14. 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.
15. 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.
16. 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.



Robert Bush
Respondent

6/12/08

Date



Ginny Looney
Ethics Officer

7/9/2008

Date