

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

In the Matter of:)

 Tonya Battle)

 Respondent)

Case No. CO-13-004

SETTLEMENT AGREEMENT

This settlement agreement is made between Nina R. Hickson, the Ethics Officer for the City of Atlanta, and Tonya Battle, 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. Tonya Battle is a Permit Technician for the Office of Buildings in the Department of Planning and Community Development, and has been employed with the city for 9 years. As a permit technician, she is responsible for issuing permits for building, plumbing, HVAC and mechanical work; and she works closely with permit expeditors. Further she routes plans to plan reviewers, and performs other clerical duties as needed.
2. On March 4, 2013, the Ethics Office received a complaint from a permit expeditor who routinely applies for permits in the Office of Buildings. The expeditor alleged that after Ms. Battle issued several permits on her behalf, Ms. Battle handed her a flyer seeking monetary contributions for her daughter's participation in the People to People Ambassador program.
3. The Ethics Office conducted a preliminary investigation and determined that based on Ms. Battle's own admission, she solicited and received funds from permit expeditors for her daughter's program. Ms. Battle says she was not aware that this was prohibited by city policy.
4. There is no evidence that Ms. Battle used these funds for her personal benefit or that she sought to bestow any special benefit on the expeditors who were conducting business with the City.
5. Ms. Battle has fully cooperated with the investigation of this matter.

CONCLUSIONS OF LAW

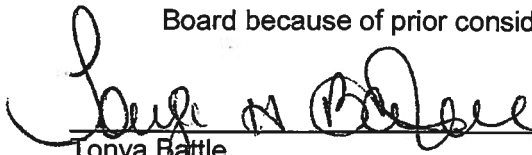
6. Ms. Battle is a city employee who is subject to the Code of Ethics, found in sections 2-801 to 2-824 in the City's Code of Ordinances. See Atlanta, Ga., Code § 2-801.
7. Section 2-818 prohibits employees from soliciting or accepting anything of value calculated to influence a vote, decision, or the exercise of official authority. Section 2-

817 prohibits any city officials from soliciting or accepting anything of value from a prohibited source. 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 solicitation and acceptance of funds from prohibited sources are violations of section-2-818-and-2-817 of the Code of Ethics.
9. Ms. Battle accepted thing of value from prohibited sources when she received funds from persons who work as a permit expeditor.

AGREEMENT

10. Ms. Battle acknowledges that she violated the city's ethical standards when she accepted funds from permit expeditors on behalf of her daughter's effort to participate in the People to People Ambassador program.
11. She agrees to pay the City of Atlanta a civil penalty of \$150 from personal funds by payroll deduction in three installment payments.
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.



Tonya Battle
Respondent

8/17/13

Date

Nina R. Hickson
Ethics Officer

Date