



Ethics Matters

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Board Approves Mandatory Electronic Filing for 2007

The Board of Ethics has adopted a mandatory electronic filing program for all city officials and employees who are required to file the 2007 City Financial Disclosure Statement. The filing period begins on January 5 and ends on February 15, 2007.

As a result of the Board's decision, city board members, neighborhood planning unit officers, and former city employees must file their financial statements electronically in 2007. Persons aged 65 years or older are exempted from the electronic filing requirement. They must sign an exemption request form and attach it to their 2007 statement to take advantage of the exemption.

The 2007 City Financial Disclosure Statement will be available online in early January. Once the filing period begins, the Ethics Office will send an email to every required filer who has an email address in the city's records and a paper copy of the 2007 form to the filer's home address as a courtesy.

The Board's expansion of the electronic filing program is its latest effort to comply with

Upcoming Deadline

Gift to the City of Atlanta Report **12/31/2006**

the Mayor's *Ethics Task Force Report*, which recommended that the City work toward an electronic filing program for all disclosure forms. A voluntary electronic filing program began in 2005; elected city officials and current employees were required to file their statements electronically in 2006.

The Ethics Office has advocated mandatory electronic filing because it provides for immediate public disclosure of the financial statements, prevents a filer from deliberately or inadvertently failing to answer a question, and eliminates costs and mistakes related to data entry.

To assist persons with electronic filing, the Ethics Office will hold eFiling Days in the City Hall Atrium on Friday, January 19, and Thursday, February 8, 2007. In addition, any official or employee may call for an appointment or visit the Ethics Office on any weekday between 8:30 a.m. and 4:30 p.m. to receive help.

To search the financial disclosure statements filed in the past two years, visit the Board's [Public Search](#) webpage.



Key Filing Dates

- 12/31/2006 Deadline for filing the Gift to the City of Atlanta Report
- 1/05/2007 Filing period begins for 2007 City Financial Disclosure Statement
- 1/19/2007 eFiling Day in City Hall Atrium
- 2/08/2007 eFiling Day in City Hall Atrium
- 2/15/2007 Filing Deadline

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Ethics Code Limits Board Members' Business with the City

The Board of Ethics has interpreted the Code of Ethics as placing severe limitations on city board members who wish to engage in business transactions with the board on which they serve and its related city agency. At its November meeting, the Board adopted two formal advisory opinions that interpret section 2-820 on doing business with the City and section 2-808 on representing private interests before city agencies.

In its first opinion (2006-3), the Board concluded that city board members are prohibited from doing business with the city agency or board on which they serve, except through a sealed competitive bid process. The board member may do business with other, unrelated city agencies, but must disclose the contract or business on his or her annual financial disclosure statement. As an example, the opinion stated that an attorney who serves on a city-county authority board may perform legal work for the City of Atlanta that is totally unrelated to that particular authority.

In its second opinion (2006-4), the Board considered whether a city board member may represent a private interest before a related city agency. The situation brought before the Board involved members of the Tree Conservation Commission who asked if they could appear before the city arborist on behalf of their employers, clients, or companies.



The Board of Ethics concluded that city board members may not appear on behalf of their own businesses, clients, or other private interests before the city agency that is regulated by or related to the public board on which they serve. Applying this general rule to the case presented, the Board of Ethics ruled that the tree commission members may not file applications for tree removal permits and personally appear before the arborists and the Department of Planning and Community Development on behalf of paying clients or other private interests.

The Board reasoned that a conflict of interest arises when a city board member is paid to represent a private entity in seeking favorable action from the city employees over whom the board member exercises authority. By serving dual roles, the board member creates the perception of undue influence, places unfair pressure on city employees, and obtains a competitive advantage based on his or her board service.

The second opinion notes that this prohibition applies to the individual official and would not preclude other firm members or company employees from appearing on behalf of private interests before the city agency. In that event, the board member must be completely uninvolved and would need to publicly disclose the conflict both verbally and in writing on the online Disclosure of Conflicts of Interest form.

To read the full text of opinions 2006-3 and 2006-4, visit the Board's [Advisory Opinions](#) webpage.

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Board Changes Appeals Process for Delinquent Filers

Amending its financial disclosure rule, the Board adopted new procedures for imposing penalties for violations of the city's financial disclosure requirements. Rule 7 includes these specific changes in the enforcement process:

- Requires any late filing penalty to be due in full at the time of the late filing
- Mandates publishing the names of violators on the Roll of Delinquent Filers
- Provides for the Board to recommend removing from office any board member or neighborhood planning unit officer who is found delinquent
- Provides for notices of non-compliance and delinquency to be sent to violators by first class mail
- Shifts the responsibility for initiating any evidentiary hearing to the individual filer
- Designates the ethics officer as the fact-finder at an administrative hearing
- Changes the role of the Board of Ethics to a board of appellate review

The Board adopted these changes to alert filers of the potential penalties for non-compliance. In addition, the revised rule reflects the Board's current practices and procedures and streamlines its role when the material facts are undisputed.

To download a copy of the Board's rules, visit the Board's [Publications](#) webpage.

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Ask the Ethics Officer: Can I Accept a Holiday Gift?

I have received a box of chocolates from a vendor that has a contract with my department. May I keep the gift?

City officials and employees may accept gifts of food and flowers on behalf of their agency when the gift is perishable, has a nominal market value, and is impractical to return. The gift must be placed in a public area where other employees or the general public can share it.

In general, the Code of Ethics prohibits city employees and officials from accepting gratuities or gifts from prohibited sources, which includes persons doing business with the City. Accepting a gift from a city vendor or contractor creates the perception that the employee's or official's independence is compromised. If an employee or official receives a gratuity, the recipient should return the gift to the donor, pay the fair market value of the item, or give it to a charity in the name of the sender. Because of the practical problems associated with gifts of food or flowers, the Board of Ethics adopted a holiday gift rule that permits the acceptance of occasional, modest, and perishable gifts that are shared within the office.

Send your question to ethicsofficer@atlantaga.gov.

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A Matter of Fact -- Voluntary Electronic Filing Doesn't Work

- 35% of city officials and employees electronically filed their city financial disclosure statement in 2005 when the City offered a voluntary electronic filing program
- 82% of city officials and employees electronically filed their city financial disclosure statement in 2006 when the City had mandatory electronic filing for employees and elected officials
- 25% of legislative and statewide candidates electronically filed their campaign disclosure reports in 2005 in the 13 states with a voluntary electronic filing program, according to a report of the Campaign Disclosure Project

To review the project's report, *Grading State Disclosure 2005*, visit www.campaigndisclosure.org.

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