

City of Atlanta



# Ethics Matters

An eNewsletter of the City of Atlanta Board of Ethics

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## Contact Us

City of Atlanta  
Ethics Office  
68 Mitchell Street, SW  
Suite 3180  
Atlanta, Georgia 30303  
Tel: 404.330.6286  
Fax: 404.658.7720  
[ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov)

[Integrity Line](#)  
1.800.884.0911

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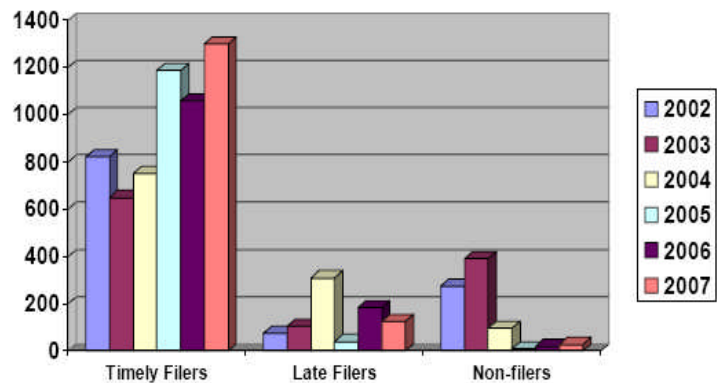
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## Filing Record Improves in 2007

More city officials and employees complied with the city's financial disclosure law this year than in any previous year. In 2007, nearly 1,500 persons were required to file, including 26 elected officials, 1,098 city employees, and 354 board members and neighborhood planning unit officers.

**Comparison of Disclosure Filings, 2002 – 2007**



The Ethics Office reported these improvements in filing rates:

- Nine of every 10 required filers met the February filing deadline, up from eight of 10 in 2006
- Ninety-five percent of all persons filed electronically, up from 82% in 2006
- Five agencies had all current and former employees comply 100% with the filing deadline
- Eight agencies had all current employees comply 100% with the filing deadline
- The percentage of late filers dropped by more than 5%

The Ethics Office plans to review the 2007 statements for potential conflicts of interest and audit a random sample of statements to determine whether the filers fully disclosed their financial interests and assets.

To download a copy of the 2007 Financial Disclosure Report, visit the Board's [Reports](#) webpage.

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### Board Names Honor Rolls

In March 2007, the Board of Ethics recognized 13 city agencies at an awards ceremony for their 100% compliance with the city's financial disclosure filing requirements.

The Board named the Departments of Corrections, Human Resources, and Procurement; the Municipal Court; and Office of City Internal Auditor to the Roll of Honor, the top award. The Board also awarded the Roll of Merit to eight other agencies: Atlanta Police Department; Departments of Aviation, Finance, Law, Public Works, Planning and Community Development, and Parks, Recreation and Cultural Affairs; and the Office of the City Solicitor.



*Left to right, Board Vice-Chair Kenyatta Mitchell with Roll of Merit departmental representatives Beth Chandler, David Scott, Darlene Jackson, and James Shelby.*

“We have spent a good bit of our time over the past four years trying to figure out ways to encourage city employees to take seriously financial disclosure,” John D. Marshall, Jr, board chair, said to the award winners. “You represent doing the right thing.”

Eight city boards also qualify for the Roll of Honor because every member met the deadline for filing their 2007 City Financial Disclosure Statement. The boards are:

- Atlanta Pension Fund Board of Trustees - Firefighters
- Atlanta Pension Fund Board of Trustees - Police
- Atlanta Public Safety Authority
- Atlanta Sister Cities Commission
- Audit Committee
- Board of Ethics
- Civil Service Board
- In Rem Review Board

In contrast, 30 boards had members who filed late or failed to file any statement.

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### **Board Recommends Removal of Four Officials**

The Board of Ethics has recommended the removal of three current board members and one neighborhood planning unit officer from office for their failure to comply with the city’s financial disclosure laws.

On March 30, 2007, the Board mailed letters to the appointing authorities recommending the removal of Mark Evans from the Tree Conservation Commission, Andrew McCaskill from the Civilian Review Board, Abbey Patterson from the Keep Atlanta Beautiful Board, and Reginald Rushin from his NPU office. The Board took this action after finding that these four city officials had failed to file any financial disclosure statement this year, despite

repeated notices.

In other enforcement actions, the Board named 30 individuals to its Roll of Delinquent Filers, posted the names of these delinquent filers on its website, and voted to impose fines on late filers for their failure to file by the end of the grace period on March 1, 2007. Addressing the failure of former employees to file, the Board sent a letter to the Commissioner of the Department of Human Resources recommending that 16 individuals be considered ineligible for rehiring by the City for one year.

Prior to the Board's actions, the Ethics Office sent several notices and warnings to persons required to file a financial disclosure statement in 2007. Every filer was mailed a courtesy copy of the statement in January, and filers with email addresses were sent email notices. Further, the Ethics Office mailed to every non-filer a reminder postcard, letter of non-compliance, delinquency notice by postcard, and delinquency notice by letter.

For more information, visit the Board's [Financial Disclosure](#) webpage.

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### **Board Members May Represent Private Interests before Council**

City board members may represent private interests before the City Council, but not the board on which they serve or the department with oversight responsibility for that board, according to a recent formal advisory opinion of the Board of Ethics.

The question arose when a city board member, who works for a non-profit housing organization, wanted to meet with elected officials and city employees to advise them on housing policies and seek city grants and housing subsidies for his organization's projects. He asked whether section 2-808 of the Code of Ethics prohibits him from appearing before city elected officials or city agencies other than the board on which he serves.

Section 2-808 states that no official or employee may represent private interests before any city agency. Based on this language, the Board concluded city board members may not personally represent private interests before their own board or the board's oversight agency due to potential conflicts of interest. In support, the opinion described the ways that other jurisdictions handle the issue and the policy reasons for the code provision.

Board opinion 2007-1 is the third in the past year dealing with appearances by city board members as the representative of a private interest. The Board's opinion provides the following guidelines for city board members on the representation of others before city agencies:

1. Board members **may not appear** before their own board on behalf of other entities or in the public's interest.
2. Board members **may not appear** on behalf of their own business, clients, or other private interests before the city office or department that is regulated by the public board on which they serve.
3. Board members **may not appear** on behalf of private interests before the department that is related to or provides oversight of the public board

on which they serve.

4. Board members **may appear** before any city agency in their own behalf in connection with their own property interests.
5. Board members **may appear** before the City Council and its committees in their own behalf and on behalf of private interests.

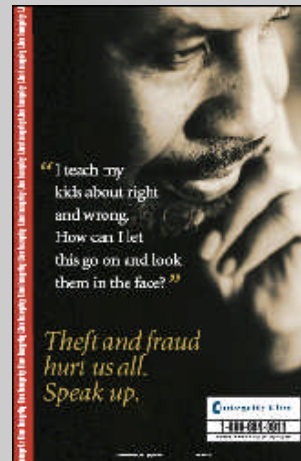
To read the full text of the opinion 2007-1, visit the Board's [Advisory Opinions](#) webpage.

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### Theft and Fraud Hurt Us All

*Theft and Fraud Hurt Us All* is the latest message in the Integrity Matters program for city officials and employees. The Ethics Office is distributing two hundred new posters to city offices this month for display on message centers, bulletin boards, and other work areas.

Employees and the general public may call the Integrity Line to report unethical, fraudulent, or illegal conduct in city government. The Integrity Line number is 1.800.884.0911 and is available 24 hours a day, 7 days a week.



Call the Ethics Office or write [ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov) to order posters for your office.

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### Ask the Ethics Officer: May I Ask a City Vendor for a Door Prize?

*I am helping to plan an Employee Appreciation Luncheon in my department. May I ask a vendor with whom I work for a cash donation or gift to give as a door prize?*

No. The Code of Ethics prohibits you from soliciting gifts directly from vendors and contractors with whom you regularly work. You may, however,

solicit donations for employee awards from anyone who is not a prohibited source or targeted solely because it does business with the City.

The Board of Ethics has established the following guidelines for employees to follow in soliciting money and in-kind donations from individuals and businesses:

- The official or employee must solicit in an official capacity
- The solicitation must be made for a city purpose, project, or program
- The fund-raising campaign should make a broad public appeal for support
- The solicitation should not target prohibited sources
- The gift must be given to the City of Atlanta or one of its agencies
- The gift must be publicly disclosed on an online gift report form
- The gift cannot be calculated to influence any vote, decision, or official action

Send your questions to [ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov).

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#### **A Matter of Fact – Five Percent of Filers Do Business with the City**

- Two elected officials, 47 board members, 23 city employees, and three NPU officers reported receiving income in 2006 from an entity doing business with the City
- Five elected officials and 86 employees reported that an immediate family member worked for the City in 2006
- Nine city employees reported that an immediate family member had engaged in business with the City in 2006

To review the city's financial disclosure statements, visit the [Electronic Filing System](#) webpage.

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