

City of Atlanta

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Ethics Matters

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Board Schedules First Hearing on Ethics Charge

The Board of Ethics has voted to hold an evidentiary hearing into allegations that a city council member used city property for private advantage in violation of the City's Code of Ethics. The hearing is the first of its kind since the city revised the Code of Ethics in 2002.

At the initial hearing, the board voted 5-0 that there was sufficient probable cause to move forward with an evidentiary hearing in a case involving City Council member Jim Maddox. The evidentiary hearing is scheduled for June 21, beginning at 2:30 p.m. in City Hall.

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How the Ethics Office Handles Complaints

“My neighbor is illegally parking in a handicapped parking space.”

“One of our new neighborhood planning unit officers does not live in our NPU.”

“Two witnesses committed perjury at my Civil Service Board hearing.”

Although each of these complaints was filed with the Ethics Office alleging unethical conduct within the City of Atlanta, the Board of Ethics does not have jurisdiction to investigate them. Instead, the board is limited to hearing complaints that allege violations of the City’s Code of Ethics, found in sections 2-801 to 2-824 of the City’s Code of Ordinances.

In the last two years, the Ethics Office has received 75 complaints, with two-thirds of the complaints concerning possible ethics code violations. These allegations cover a variety of subjects: use of city property, conflicts of interest, theft of time, gratuities, solicitations, confidential information, post-employment, representation of private interests, and financial disclosure.

Complaints. Persons may file complaints by calling or writing the Ethics Office, calling the Integrity Line, completing a complaint online in the Electronic Filing System, or downloading and completing an ethics complaint form. If the Board of Ethics has jurisdiction and the complaint has sufficient specificity, written notice is sent to the subject of the complaint by the next business day, asking for a response within 30 days.

Investigations. The Ethics Office has a staff investigator to conduct preliminary investigations and prepare investigative reports. When allegations involve a matter over which city departments have jurisdiction, such as theft of time, the investigative report may be sent to the employee’s department for possible disciplinary actions.

Probable cause decision. Following the preliminary investigation, the ethics officer recommends to the board whether there is probable cause to believe that the Code of Ethics has been violated. The probable cause hearing is akin to a grand jury proceeding and no evidence is taken. The board may dismiss the complaint or decide to hold an evidentiary hearing.

Evidentiary hearing. At the formal hearing, the person charged has the right to present evidence and be represented by counsel. If the board finds the Code of Ethics has been violated, it may issue a public reprimand, order the payment of an administrative sanction of not more than \$1,000 for each violation, and order the recovery of any gratuity transferred or received. In addition, the board may recommend disciplinary actions for employees and the suspension or disqualification of a contractor.

Enforcement. A person may seek review of the board’s decision by applying for a writ of certiorari to the Fulton County Superior Court. If a person fails to comply with the board’s decision, the Board of Ethics may refer the matter to the city solicitor for prosecution in Municipal Court.

To review the relevant code provisions, visit the [Code of Ethics](#) webpage.

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Ethics Matters in Brief

- Kenyatta Mitchell has been reappointed to the Board of Ethics as the nominee of the Atlanta Planning Advisory Board. Ms. Mitchell currently works as a business consultant; she was previously employed as an international economic development specialist for Fulton County and a policy analyst in the Governor's Office of Planning and Budget. Ms. Mitchell founded the Organized Neighbors of Summerhill and served as its first president. She has been a member of the Board of Ethics since 2005.
- Members of three new city boards – the Citizen Review Board, the Beltline Tax Allocation District Advisory Committee, and the Beltline Affordable Housing Advisory Board – are officials subject to the City's Code of Ethics. All members will be required to file annual city financial disclosure statements in 2008.
- The Integrity Line received 320 calls during its first year of operations.

To read the biographies of other Board of Ethics members, visit the [About the Board](#) webpage.

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Ask the Ethics Officer: How Do I Say No?

I received a \$50 gift certificate to a local restaurant with a note of thanks from a group that I have helped over the past two years. How can I explain that I can't accept the gift?

When you receive a gift card or certificate from a prohibited source, you have three choices: you may return the gift to the sender, pay the fair market value of the gift, or donate it to a charity in the name of the sender. Here are examples of how other employees have explained their reasons for returning a gift or donating it to a charity.

Example 1: It was wonderful to receive your letter today inviting me to visit [name of restaurant] this spring. Your menu lists a variety of delectable selections that I will keep in mind for me and my family when we occasionally dine out. I also want to thank you for the \$50 luncheon certificate. However, due to the current City of Atlanta Ethics policy, I am unable to accept this gift certificate (enclosed). Thank you again, and I wish you and [name of restaurant] continued success!

Example 2: Thank you very much for your holiday greetings. We have enjoyed our working relationship with [name of company] this year. We appreciate your generosity and thoughtfulness by sending us the gift cards, but though your intent surely springs from the spirit of the season, City policy prohibits us from accepting gifts of this nature. Please understand why we can't accept your gift. This being the case, and since we believe there are many in the City who have great needs at this time of year, we have donated the gift cards to the

Hosea Williams Feed the Hungry Campaign in your names.

Send your questions to ethicsofficer@atlantaga.gov.

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A Matter of Fact – Timely Answers to Ethics Questions

- The Board of Ethics and Ethics Office have received 300 requests for ethics advice since 2003
- 75% of all requests were answered within one week
- 90% of all requests were answered within one month



For more information, visit the [Advice](#) and [Advisory Opinions](#) webpages.

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