



Ethics Matters

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Board Reprimands Five Violators

The Board of Ethics at its August meeting publicly reprimanded five individuals for intentionally violating the Code of Ethics and voted to refer their cases to the city solicitor for prosecution in Municipal Court.

The Board found Peter Tinubu and Cynthia Woodley violated the city's financial disclosure laws by failing to file their 2007 City Financial Disclosure Statement. The Board also found David Cook, Zachery Davis, and Reginald Rushin violated the law by failing to pay the penalty for late filing. The fines imposed for late filing ranged from \$700 to \$1,000; the fines imposed on nonfilers was \$1,000.

A sixth case involving another nonfiler, former employee Kevin Holloway, will be heard on September 27.

In other action, the Board voted to dismiss ethics complaints filed against Mayor Shirley Franklin and Aviation General Manager Benjamin DeCosta. The ethics investigation found no evidence to support allegations that the Mayor approved airport contracts or legislation in which her immediate family had a financial interest.

The Board has exercised its authority to enforce the code in several new ways since June 2007 by:

- Making its first probable cause decision that a city official had violated the Code of Ethics;
- Approving its first consent order requiring payment of a fine;
- Issuing its first subpoena ordering an individual to appear and produce documents; and
- Voting to open an investigation of a former employee for violation of the one-year "cooling-off" period.

Currently, the Ethics Office has 17 open cases. The complaints allege personal use of city credit cards, the waiver of rental fees for personal use of the atrium, and the use of city property to operate a private foundation. The Board is expected to consider these matters before the end of the year.

To find out more about the Board's enforcement actions, visit the [Enforcement Decisions](#) and [Closed Complaints](#) webpages.

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Six Universities Select New Board Member

Cathy R. Daniels, Spelman College's Secretary of the College, joins the Board of Ethics this month as the nominee of the city's six major colleges and universities. She replaces John D. Marshall, Jr., who has served as chair of the Board since December 2004.

Ms. Daniels serves as the principal administrative officer to Spelman's Board of Trustees and assists the president on board matters and ceremonial activities. Prior to moving to Atlanta in 2006, she worked for 16 years with the Writers Guild of America in California as a member of its senior management team.

"As a relatively new resident, I welcome the opportunity to give of my time and skills to the place that I now call home," she said. Ms. Daniels' term of office runs through September 2010.

Mr. Marshall was Georgia State University's chief attorney for more than 30 years before retiring in March to start an education consulting firm with other lawyers in higher education. He was appointed in August 2002 after ethics reform legislation changed the Board of Ethics to a citizen-appointed board.

Board members honored Mr. Marshall in August with a resolution recognizing his sound judgment, steady presence, and strength of character as a colleague and praising his grace, skill, and good humor in presiding over board meetings.

Asked about progress he has seen during his tenure, Mr. Marshall said, "I think there is a greater sensitivity to ethical issues by city officials and employees, and the citizens of Atlanta believe that their city government is more concerned about both actual and apparent ethical conflicts as a result of the work of the Board and the Ethics Officer."

The six institutions involved in the selection process were Clark Atlanta University, Georgia Institute of Technology, Georgia State University, Morehouse College, Morris Brown College, and Spelman College.

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

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How the Board of Ethics Gives Advice

Advisory opinions are the most important responsibility of an ethics board, according to the Model Ethics Code Project: "The creation of a body of opinions can go far to providing concrete guidance to municipal officials and employees [and] also prevent many violations of the ethics code."

The Atlanta Board of Ethics has issued 23 opinions in the past four years and has two pending requests for opinions.

- Mayor Shirley Franklin has asked the Board to address when city officials should disclose travel expenses that are paid by organizations other than the City and which donors are prohibited sources.
- Chief of Police Richard Pennington has asked the Board whether it is a conflict of interest for city employees to work an extra job for a major airline and receive an hourly wage and flight benefits.

The Board will discuss these issues at its September 2007 meeting and then consider a draft opinion in October 2007. It takes 60 to 90 days for the Board to issue an opinion. Persons may submit written comments on the pending questions to ethicsofficer@atlantaga.gov.

Formal advisory opinions are distinguished from other types of advice in that:

- The request must be in writing.
- The request must come from a city official, employee, or board member who is personally involved in the matter.
- The request may be based on a real or hypothetical set of circumstances.
- Any person making a full and complete disclosure of relevant facts may rely on the opinion as a guide to conduct.
- Compliance with the opinion serves as mitigation in any proceeding brought against any individual for violating the Code of Ethics.
- All formal advisory opinions are posted at the Board of Ethics' website and distributed to the Mayor, City Council, and department heads.

Persons who have a simple question or need a quick answer may seek advice from the Ethics Officer, either verbally or in writing. The Ethics Officer writes an average of eight informal advisory letters each year and may bring any questions involving a novel, recurring, or unsettled issue before the Board for its consideration. A city official or employee who receives an informal advisory letter and acts in good faith on its advice shall not be subject to administrative sanctions.

For more information, visit the [Advisory Opinions](#) webpage.

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Filing the City's Other Financial Disclosure Forms

Aside from the annual financial disclosure statement, the Code of Ethics mandates disclosure of conflicts of interest, expense reimbursements, and gifts to the City of Atlanta. The Electronic Filing System has separate online forms for each disclosure requirement.

- Disclosure of Conflicts of Interest – discloses a financial or personal interest in a matter, legislation, or decision pending before the individual or his or her agency. Filed by officials and employees who are required to file the annual financial disclosure statement. Due within week of meeting.
- Expense Reimbursement Form – discloses travel, meals, lodging, and registration fees paid or reimbursed by a source other than the City of Atlanta. Filed by officials or employees who receive reasonable hosting expenses from non-city sources in connection with city-related duties performed in an official capacity. Due within 30 days of event.
- Gift to the City of Atlanta Report – discloses gifts accepted on behalf of the City of Atlanta from a prohibited source, as a result of soliciting a donation, as an honorarium, or for addition to the city's inventory of property. Filed by department heads, office managers, event coordinators, or other employees assigned responsibility for reporting gifts. Due on December 31 each year.

The Ethics Office is compiling questions about the disclosure forms to present to the Board of Ethics. The goal is for the Board to issue an advisory opinion that provides clear guidance on who is required to file, when filing is required, and what must be disclosed.

For more information about the forms, visit the [Guide to Disclosure Forms](#) webpage.

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Ethics Matters in Brief

- Nasceas Timms joined the Ethics Office staff this week. He will coordinate the financial disclosure program, assist with research and data analysis, and serve as office manager. For the past 18 months, he has worked as a paralegal with the Legislative Counsel program in the Department of Law.
- [Integrity Matters: A Report on the First Year of the Integrity Line](#) is now available online. The hotline report is a joint project of the Ethics Office, Department of Law Compliance Unit, and City Auditor's Office.

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Ask the Ethics Officer: Can a Former Employee Appear before a City Agency?

A former employee appeared before a city board last night representing a property owner. She left the City of Atlanta just a few months ago. Are employees allowed to represent someone before their former agency during the year after they leave city employment?

No. The City of Atlanta has a one-year "cooling-off" period for former city employees and officials. This provision is intended to prevent former employees from furthering their own or others' financial interests by using inside information obtained during city service, deriving personal benefits from actions made while employed with the City, or asserting undue influence on former colleagues who continue to work for the City.

The city's post-employment rule prohibits two kinds of representation by former employees:

1. Former employees are prohibited from appearing before city agencies for a year after they leave the City.
2. Former employees cannot for a period of one year be paid for services rendered on behalf of any person, business, or entity on matters about which they were directly concerned, personally participated, actively considered, or acquired knowledge or information while employed by the City.

In addition, employees who were required to file an annual financial disclosure statement while employed with the City are required to file a statement in the year after they leave city employment. On their statement, they must disclose if they have a source of income, such as an employer, who is doing business or engaged in a beneficial transaction with the City.

To review the Board's opinions on the post-employment rule, to to Formal Advisory Opinions [2005-5](#) and [2004-3](#) from the Advisory Opinions webpage.

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A Matter of Fact – Integrity Line Gets Results

- 36% of the 320 calls during the first year of the Integrity Line required investigations.
- 26% of the investigations resulted in disciplinary actions.
- Five employees were terminated, three employees retired, one employee was suspended, and four employees received written reprimands.

Summary of Investigative Cases and their Dispositions		
Disposition	Number of Cases*	Percentage
Not Sustained	86	74%
Employee Disciplined	15	13%
Departmental Policy Change	8	7%
Employee Terminated	7	6%

*Includes multiple calls on the same incident

Source: Integrity Line Resolution Tracking Report from 4.17.06 to 4.16.07

For more information, visit the [Reports](#) webpage.

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