




Ethics Matters

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Links

- [Board of Ethics](#)
- [Electronic Disclosure](#)
- [Search Disclosure Statements](#)

Matters Preview

- [Ethics Is the Only Deal](#)
- [Complaint Against Police Chief Dismissed](#)
- [Eight Departments Win Transparent Diamond Award](#)
- [Ethics News in Brief](#)
- [Board Advises Against Contract Participation](#)
- [Ask the Ethics Officer: Do I Have a Conflict?](#)
- [A Matter of Fact: Ethics Advice Given Quickly](#)

Ethics Is the Only Deal

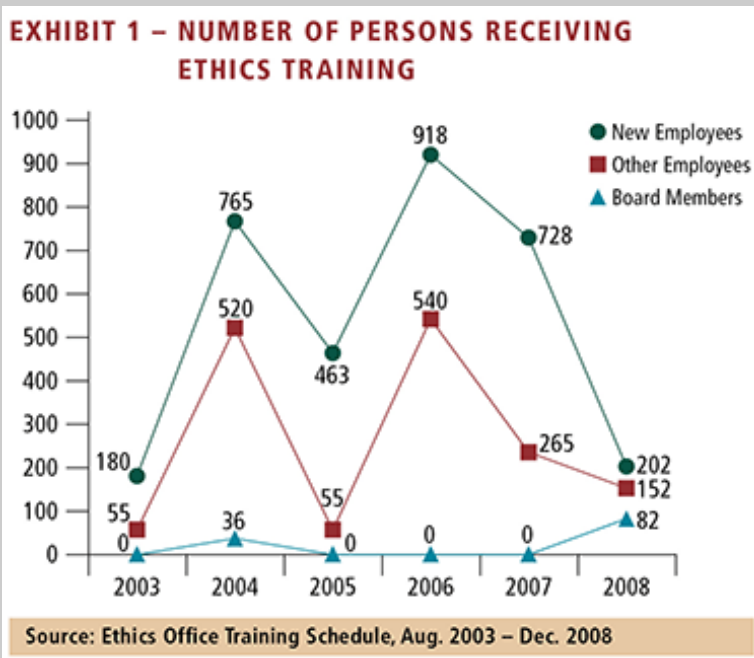
A report on the first five years of the Atlanta Ethics Office concludes that the City has made significant strides toward a robust and comprehensive ethics program. To continue the progress made, the report recommends that the Mayor and City Council enact civil remedies to enforce the decisions of the Board of Ethics and make ethics training mandatory for all city employees and board members.

Entitled [Ethics Is the Only Deal](#), the 32-page report also recommends that every city employee agree in writing to abide by the city's ethical standards while employed with the City and agree to comply with the city's one-year cooling off period when leaving city employment. At the agency level, the report recommends that departments annually request and review employees' outside employment forms for conflicts of interest, make evaluation of ethical conduct a part of their performance review of employees, and report to the Ethics Office when investigating allegations of ethics violations. Finally, the report proposes that all city agencies evaluate their existing policies and procedures and establish additional conflict-of-interest policies that help ensure that officials' and employees' independence of judgment in the performance of their official duties is not impaired.

Heading the report's list of the top 10 ethics achievements during the past five years is the adoption of legislation placing greater limits on the participation in contracts involving immediate family members, the defeat of legislation that would have permitted wider acceptance of gifts and meals, and the establishment of a web-based public disclosure system for financial disclosure statements.

The report describes in detail the work of the Board of Ethics and Ethics Office in training, advising, and enforcing the Code of Ethics. Among its findings:

- One-third of the city's workforce has received training as new employees on conflicts of interest, but half of all employees and two-thirds of all city board members have received no ethics training
- Ethics advice has been given in nearly 900 cases, which averages to three opinions a week, with 80 percent of all questions answered within one week
- Financial disclosure filing rates have increased to 98 percent annually
- Ethics violations were found in 15 cases and resulted in four fines, two employee suspensions, three employee reprimands, and the recovery of illegal gratuities in two cases



The free report may be downloaded at the Board's [Reports](#) webpage.

[\(top\)](#)

Complaint Against Police Chief Dismissed

An ethics complaint against Police Chief Richard Pennington was dismissed by the Board of Ethics at its March meeting for lack of probable cause. The complaint alleged that the chief requested the use of on-duty police officers in July 2008 to escort a private Corvette club motorcade in which he participated.

The ethics investigation found that city policy permits the use of police escorts for special events and groups, and the Special Operations Section commander had approved the use of motorcycle officers to escort the Corvette club motorcade for public safety reasons. A review of similar events shows that the department has provided on-duty officers to escort motorcades of other private groups. The Ethics Office's report recommended that the department review its policy to determine whether it should continue to provide police escorts for events where no public purpose is shown and further recommended that the department charge a fee for applications related to private events.

In cases involving council expense accounts, two City Council members agreed in January to pay \$5,750 in fines for ethics violations and repay the City an additional \$21,200 for improper

expenditures. At-large Council member Ceasar Mitchell admitted violating the city's ethical standards by hiring his brother's company to provide consulting services from July 2006 to March 2008 and by failing to disclose the contract on his annual financial disclosure statements in 2007 and 2008. He has agreed to pay \$15,000, which includes a \$5,000 fine. District 2 Council member Kwanza Hall admitted that he violated the provision against private use of public property by sending three emails of a political nature using an email service that was partially paid for with city funds. He paid a \$750 sanction and has agreed to repay \$11,200 to the City.

In other cases this year, the Board issued a public reprimand to former employee Cedric Means for using a city credit card to pay for personal expenses and dismissed ethics complaints filed against Council member Ivory Lee Young, Jr. and city employees Hubert Owens and Balam Bheodari. All three of the complaints dismissed had alleged the use of city property for private advantage.

Visit the Board's [Ethics Closed Cases](#) webpage for more information.

[\(top\)](#)

Eight Departments Win Transparent Diamond Award

The Board of Ethics honored eight city departments and six city boards this year for their exemplary financial disclosure filing records. At an awards ceremony on March 19, the Board gave the Transparent Diamond Award to the following agencies:

Roll of Honor (100% compliance with the filing deadline)

1. Atlanta City Council
2. Department of Corrections
3. Department of Human Resources
4. Department of Parks, Recreation & Cultural Affairs
5. Department of Procurement
6. Office of City Auditor

Honorable Mention

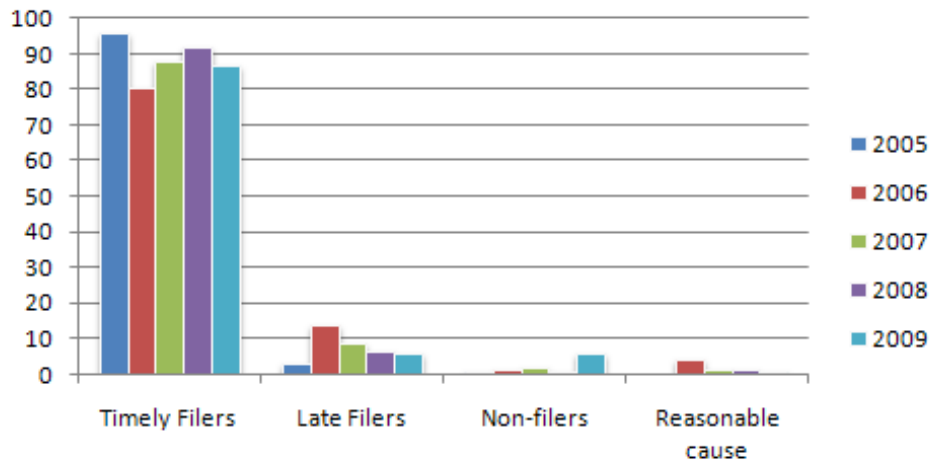
1. Department of Aviation - Best Filing Record for Department with More than 100 Filers
2. Department of Law – Best Filing Record for Department with 31 to 100 Filers

The Board also named six boards to its 2009 Honor Roll. To qualify, a board had to have a minimum of five members, and all of its members had to file their disclosure statement by the February 17th deadline. Of the 34 city boards eligible for the award, the following six made the Honor Roll:

1. Atlanta Development Authority
2. Atlanta Urban Design Commission
3. Board of Ethics
4. Commission on Aging
5. Judicial Commission
6. Zoning Review Board

For the first time since 2006, the rate of timely filers dropped in 2009 and 89 persons still had not filed their statement by late March. There are five percent fewer timely filers (87%) and five percent more non-filers (6%) compared to the same time in 2008, a record filing year. Besides the Honor Roll recipients, the Police Department is the only department that had a better filing record in 2009.

Percentage of Filers by Category by Year



To review the disclosure statements, go to the [Public Search](#) webpage in the [Electronic Disclosure System](#).

[\(top\)](#)

Ethics News in Brief

- The Board of Ethics on March 19 appointed Ethics Officer Ginny Looney to a second six-year term of office, effective on confirmation by the Council and approval by the Mayor.
- Caroline Johnson Tanner is the newest member of the Board of Ethics, nominated by the Atlanta Bar Association to the position that Susan Housen previously held. Ms. Tanner is a litigation partner at the law firm of Holland & Knight LLP.
- The Gate City Bar Association has reappointed John Lewis, Jr. to a second term on the Board of Ethics. Mr. Lewis has served as chair of the Board since September 2007 and is Senior Managing Litigation Counsel for The Coca-Cola Company.
- Jabu Sengova joined the Ethics Office in November as its first associate ethics officer. She investigates ethics complaints, coordinates the Integrity Line program, serves as the administrative hearing officer in financial disclosure cases, and provides ethics training.
- *Do the Right Thing: You Have a Big Influence on People* is the message of the newest poster in the Integrity Matters program. The City operates the Integrity Line, an ethics and compliance hotline, where city employees and the public may report unethical, fraudulent, or illegal conduct. The hotline's toll-free number is 1.800.884.0911.



[\(top\)](#)

Board Advises Against Contract Participation

The Board of Ethics adopted two formal advisory opinions in March concluding that the prohibition on contract participation prevents council members from hiring an immediate family member's firm to provide goods and services to the council member's office (2009-1) and prevents members of the Beltline Affordable Housing Advisory Board and their affiliated businesses from applying for Beltline Affordable Housing Trust Fund grants that are awarded in part based on BAHAB's policy recommendations (2009-2).

In the second opinion, the Board also addressed the effect of the one-year cooling off period on former members of BAHAB and their affiliated organizations. The Ethics Board advised that former BAHAB members should not personally be involved in applications for trust fund grants during the year after they leave the board, but their firm, company, or employer may apply for grants during the member's one-year cooling off period, provided it does not discuss, consult, or engage the former BAHAB member in the application.

In other recent opinions, the Board concluded that the ban on representing clients in matters against the City applies to the individual board member and not to his or her law firm (2008-8); city officials should not use official city letterhead or other city resources to raise funds on behalf of individuals or groups not affiliated with the City (2008-7), and supervisors should not solicit donations for private charities or engage in business transactions with subordinates in their office because these situations are inherently coercive and easily subject to abuse or misinterpretation (2008-6).

To read the full text of these opinions, visit the Board's [Advisory Opinions](#) webpage.

[\(top\)](#)

Ask the Ethics Officer: Do I Have a Conflict?

My wife is a paralegal at the local branch of a New York law firm that is one of three firms making a presentation to the board on which I serve in a bid for our business. Do I have a conflict-of-interest problem?

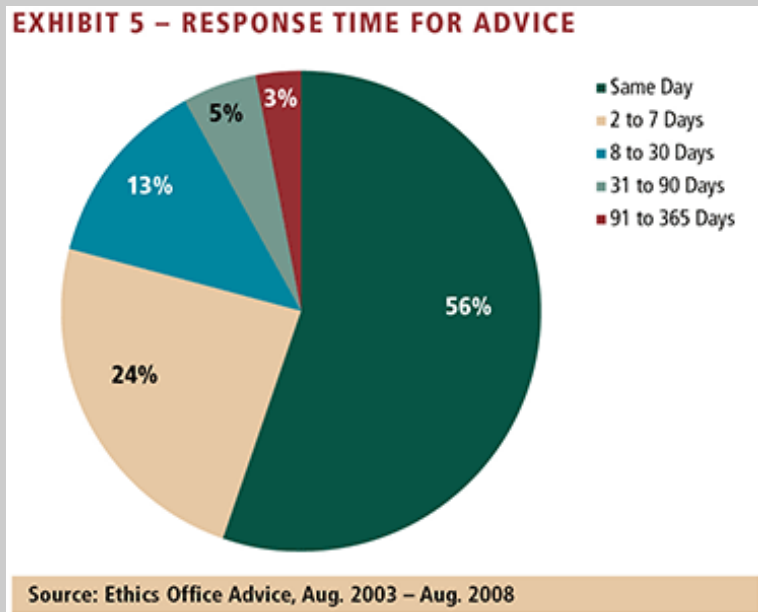
Yes. Because your wife is an employee in a firm seeking to do business with your board, you may not participate in the board's discussion or decision on who is awarded the contract. Board members are prohibited from participating in contracts, subcontracts, requests for proposals, or contract specifications when they know or should know that they, their employer, an immediate family member, or the family member's employer has a financial interest. You need to recuse yourself, decline to discuss or participate in the matter, and file an online Conflict of Interest Disclosure Report in the Electronic Disclosure System.

Visit the [Ask the Ethics Officer](#) webpage to review previously asked questions.

[\(top\)](#)

A Matter of Fact: Ethics Advice Given Quickly

- 56% of the 872 requests for advice during the first five years of operation were answered within one day, 80% within one week, and 93% within one month
- 66% of the 459 written responses were given within a week and 87% within a month



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