

City of Atlanta

INTEGRITY MATTERS

Ethics Matters

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Links

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

Ethics Workshops

Board Members

- 5/6/2010
- 10/16/2010

Employees

- 6/25/2010
- 9/1/2010
- 10/29/2010

Matters Preview

- [Employees Asked to Sign Ethics Pledges](#)
- [Transparent Diamond Award Given to Eight Departments](#)
- [Employee May Not Negotiate with His Former Company's Client](#)
- [Ethics News in Brief](#)
- [Ethics Workshops Resume](#)
- [Ask the Ethics Officer: Can I Accept this Lunch?](#)
- [A Matter of Fact: Fifty-eight Filers Do Business with the City](#)

Employees Asked to Sign Ethics Pledges

New employees are being asked to sign an Employee Ethics Pledge, and all departing employees will pledge to abide by the city's one-year cooling-off period under new city policies and procedures that take effect on April 1, 2010. The pledges seek to promote an ethical culture within city government and encourage compliance with the law.

In the ethics pledge, employees and officials agree to promote integrity in government and assure public confidence by placing the best interest of the City above their own financial or personal interests. They then commit to abide by 10 (employees) to 16 (elected officials) ethical standards. As one example, the provision on the use of city property states: "I will use public property, vehicles, equipment, labor, and services only for official city business and not request or allow its use for the private advantage of any individual or private entity."

The purpose of the ethics pledge is to inform newly hired employees and newly appointed officials about the city's Code of Ethics and to encourage them to seek advice when in doubt about a potential conflict of interest. The Pledge to Abide by the One-Year Cooling-Off Period reminds people who leave city employment about the restrictions on their work and the requirement that they file a financial disclosure statement in the year after they leave.

Setting the tone at the top, Mayor Kasim Reed and Council President Ceasar Mitchell signed the Elected Officials' Ethics Pledge following their ethics workshop in February, and members of the Board of Ethics have signed the Volunteer Officials' Ethics Pledge. Other city employees, board members, and neighborhood planning unit officers will be asked to sign a

pledge when they attend ethics workshops.

This new policy is a joint initiative of the Ethics Office, Department of Human Resources (DHR), and HR Policy Council. Human resources personnel in each department will be implementing the new procedure, and DHR is responsible for placing the pledge in the personnel file of new employees. The Ethics Office will maintain a database of all persons who sign the pledges and retain copies of the pledge to abide by the one-year cooling-off period.

To read the pledge, go to the [Education](#) page at the Board of Ethics website.

[\(top\)](#)

Transparent Diamond Award Given to Eight Departments

The Board of Ethics honored eight city departments and five city boards at the Fourth Annual Transparent Diamond Awards Ceremony on March 18, 2010. The awards are given every year to recognize the city departments and boards with the best records in filing the annual financial disclosure statement.

Named to the Honor Roll of Departments for 100 percent compliance with the filing requirements were the Departments of Human Resources, Law, and Procurement; the Municipal Court of Atlanta; and the Offices of City Auditor and Public Defender. To earn a place on the honor roll, all required filers in the department, including former employees, had to meet the March 1st filing deadline. The Department of Aviation won the award for the Best Filing Record for Departments with More Than 100 Filers, and the Department of Public Works received the award for the Best Filing Record for Departments with 50 to 100 Filers.



Recipients of Transparent Diamond Award
 (from left) Tawni Johnson, Eric Palmer, Sherri Dickerson, Roger Bhandari,
 Nina Stephen, Michael Cheyne, and Rosalie Joy

Out of 33 eligible boards, five made the Honor Roll for City Boards. The Atlanta Development Authority and Judicial Commission were repeat winners; the Atlanta Citizen Review Board, Civil Service Board, and Water and Sewer Appeals Board made the honor roll for the first time. The seven-member Board of Ethics also met the criteria for the honor roll. To be named

to the honor roll, a board must have a minimum of five members, and all members had to meet the filing deadline.

The overall filing record in 2010 is consistent with past years. Of the 1,515 required filers, 87 percent filed by the deadline, seven percent (102) filed late, four percent (64) were non-filers, and two percent (34) had reasonable cause for filing late. The most significant change is a rise in delinquent filers, defined as persons who fail to file by the end of the grace period. There were 50 delinquent filers in 2010, compared to 44 in 2009, 11 in 2008, and 33 in 2007.

To review the reports on filers, visit the Board's [Financial Disclosure](#) webpage.

[\(top\)](#)

Employee May Not Negotiate with His Former Company's Client

The Board of Ethics adopted a formal advisory opinion in March concluding that employees should not participate in contracts or decisions when they know or should know that the matter involves an active client of a company in which they have a financial interest (2010-1). Based on that financial interest, the Board concluded that an employee should decline to participate in any direct negotiations or discussions with his former company's client at the airport, such as the client's contract with the City, any official action that it seeks, or any action that the City seeks from it; the employee may meet with airport personnel to discuss budget issues that affect the airport's tenants and contractors, including the client.

For the first time, the Board considered the effort required to meet the "should know" standard located in section 2-812 on participation in contracts and section 2-813 on disclosure of interests. The Board concluded that a quarterly conflicts-of-interest check that compared active city vendors who received at least \$10,000 from the City in 2009 to the active clients of the company satisfied the code's requirement for a reasonable investigation.

In another advisory opinion involving section 2-813, the Ethics Officer concluded that it is not a conflict of interest under the Atlanta Code of Ethics for an individual to serve as a volunteer city official on two city boards. At stake were a \$1.4 million grant and a \$900,000 loan to the Atlanta Housing Authority from Empowerment Zone funds for a shopping center project in the Pryor Road corridor and Southside redevelopment program. The State Department of Community Affairs had found a direct conflict of interest because the project was approved by the Atlanta Renewal Community Coordinating Responsible Authority (ACoRA) while an ACoRA board member was serving on the Atlanta Housing Authority board. The City requested a formal exception, and the state required a written opinion that the Code of Ethics had not been violated. The Ethics Officer concluded that a city board member is not automatically prohibited from serving on a second city board, and the facts showed that the individual serving on the two city boards had not participated in any decision in which she had a financial or personal interest.

To read the full text of FAO 2010-1, visit the Board's [Advisory Opinions](#) webpage.

[\(top\)](#)

Ethics News in Brief

- The Board of Ethics at its March meeting found probable cause that Senior Assistant Attorney Robert Godfrey had violated the ban on gratuities when he allowed attorneys with the Martin & Jones law firm to pay for two dinners to discuss discovery disputes in lawsuits that the firm had filed against the City. In a written reply, Mr. Godfrey contended that the Board was improperly trying to regulate the practice of law, the law firm is not a prohibited source, and the dinner discussions had no effect on the outcome of the litigation. The Board will hold an enforcement hearing on May 20, 2010 to decide whether Mr. Godfrey violated the Code of Ethics.
- MaryAnne Gaunt, the Board's vice chair, has been reappointed to a second three-year term of office. Reappointed by the Atlanta-Fulton County League of Women Voters, her term runs until 2012.
- Sherry Dawson has joined the Ethics Office as a senior administrative analyst. She assists filers with financial disclosure forms, maintains the office's databases, and provides administrative support.

[\(top\)](#)

Ethics Workshops Resume

Starting in May, the Ethics Office will hold five ethics workshops in 2010 for city employees and city board members. The training enables city officials and employees to identify potential conflicts of interest, determine appropriate ways to avoid or resolve the conflict, and seek advice when in doubt about the best course of action.

Ethics training is encouraged for all city employees and volunteer city officials who are subject to the Code of Ethics. All workshops are held in the Historic City Council Chambers, and advance registration is required. Ethics training is also available for individual offices or boards on request.

The workshops address the city's rules on gifts and gratuities, financial disclosure, participation in decisions, doing business with the City, representation of private interests, and other potential conflicts of interest. The employees' workshop also covers the use of city property, outside employment, confidential information, and the post-employment restrictions.

The full schedule of city-wide workshops in 2010 is:

- *There's No Such Thing as a Free Lunch* (city employees)
 - Friday, June 25, 9 a.m. to 11:30 a.m.
 - Wednesday, September 1, 9 a.m. to 11:30 a.m.
 - Friday, October 29, 9 a.m. to 11:30 a.m.
- *Doing the Right Thing: Both Reality and Appearance Matter* (volunteer city officials)
 - Thursday, May 6, 5 p.m. to 7 p.m.
 - Saturday, October 16, 9 a.m. to 11 a.m.

To schedule or register for a workshop, call 404.330.6286 or write ethicsofficer@atlantaga.gov.

[\(top\)](#)

Ask the Ethics Officer: Can I Accept this Lunch?

Our department has hired a company that is the corporate sponsor for an upcoming awards ceremony. The company has invited me as its guest at the ceremony, which includes lunch. I would like to attend to see what is required to nominate the City of Atlanta for next year's award. Can I accept?

Yes. You may accept the invitation under the exception for reasonable meals at a public event. The Code of Ethics prohibits officials and employees from accepting things of value from a prohibited source. There are 11 exceptions to the ban. A major exception allows reasonable meals or refreshments furnished in connection with an employee's appearance in an official capacity at a "public, civic, charitable or non-profit ceremony, event, convention or conference whether the sponsor of the event does or does not do business with the city." Since the meal is reasonable, the ceremony is public, and you are appearing in your official capacity, you fall within the exception.

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

[\(top\)](#)

A Matter of Fact: Fifty-eight Filers Do Business with the City

- Two elected officials, 16 city employees, 36 board members, and four neighborhood planning unit officers (4% of filers) report that they received income in 2009 from a company that does business with the City
- One elected official, four employees, and six board members report that an immediate family member engaged in business with the City in 2009
- Nine board members report that they represented a private interest before a city agency in 2009

[\(top\)](#)

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