




Ethics Matters

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 12/31/2010

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Councilmember Agrees to Pay Fine

Councilmember Clela Winslow agreed to pay a \$1,500 fine and \$5,420 in restitution for using city funds to pay for campaign expenses during her 2009 re-election campaign. The Board of Ethics approved the settlement agreement at its October meeting.

Ms. Winslow sought reimbursement from the City for the design of her campaign newsletter, printing of her campaign flyer, and payments to 30 campaign workers who distributed the newsletter door-to-door in her district during the four days prior to the Nov. 3 general election. She was reimbursed \$835 for the newsletter, \$865 for the flyer printing, and \$3,720 for payments to the campaign workers.

A citizen filed the ethics complaint against Ms. Winslow on the day after the election, citing an ethics advisory on the use of city property during political campaigns. That advisory was mailed last year to all candidates for municipal office and advised that City Councilmembers may not hand out a city-funded newsletter while soliciting votes for office.

Voluntarily appearing before the Board, Ms. Winslow said she wanted to publicly apologize to citizens for making the mistake. She said she was hiring an organizer and instituting new office procedures to ensure that it will not happen again.

To review other ethics cases, visit the [Ethics Cases](#) webpage.

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Airport Employees Fail to Follow Solicitation Rules

An ethics report on the farewell dinner honoring retiring Aviation General Manager Ben DeCosta found that employees targeted companies doing business with the department in violation of ethics guidelines on solicitations. In addition, the report found that the use of an outside organization to handle the funds appeared to evade disclosure requirements for gifts to the City. The inquiry did not find evidence that employees improperly received any gifts or solicited the donations in exchange for a favorable action or decision.

The report recommended that the department file a gift report disclosing the donations received and require its employees to attend an ethics workshop every three years. Since accepting the report's recommendations, the department filed a Gift to the City Report and sponsored seven ethics workshops over the past two months for nearly 200 departmental employees.

Mayor Kasim Reed requested the review following news reports that the Department of Aviation was organizing a dinner funded by airport contractors, tenants, and other businesses. The dinner cost \$22,418 and was attended by 250 guests at the Georgia International Convention Center.

Visit the Board of Ethics [Home](#) webpage to obtain a copy of the full report.

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Board Seeks Comments on Personal Interests

The Board of Ethics is seeking comments on a proposed advisory opinion addressing when a personal interest requires city elected officials to disclose their interest and disqualify themselves from voting on a matter.

The opinion concludes that whether an official or employee has a personal interest that requires disqualification depends on the existence of a personal benefit to the official. Disqualification is more likely to occur when the matter directly affects the official, involves a reasonably foreseeable financial interest, and will result in a clear and certain personal benefit or loss. Other relevant factors are whether the benefit affects a small, identifiable group and the vote involves a specific contract or grant. On the other hand, disqualification is less likely when the official is not directly affected, there is no reasonably foreseeable financial interest, any potential benefit is uncertain and contingent on other acts, and the matter affects a large segment of the public or is part of the annual budget.

Written comments may be submitted to ethicsofficer@atlantaga.gov.

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Gate City Bar Selects New Member

The Gate City Bar Association has appointed its current president, Shukura L. Ingram, to serve on the Board of Ethics. She will fill the position now held by John Lewis, Jr., who has served as chair of the Board since September 2007.

Ms. Ingram is an associate at the law firm of Thomas Kennedy Sampson & Tompkins LLP. Previously she worked as a senior assistant district attorney in Fulton County for six years and as an assistant solicitor in the City Court of Atlanta for two years. She also serves on the Atlanta Judicial Commission and the Arthur M. Blank Family Youth YMCA Board of Directors.

The Board honored Mr. Lewis at its October meeting with a resolution acknowledging his sound judgment, thoughtful analysis, and strength of character and praising him for his grace, dignity, and care in presiding over board meetings. Board Vice Chair MaryAnne Gaunt told him, "Beyond the color yellow I see when you use the phrase 'bright line,' I will most miss your ethical values honed in your corporate life and how they influenced your choices and words on our board."

Mr. Lewis is the Senior Managing Litigation Counsel for The Coca-Cola Company in its global legal center. When asked about the biggest change he has seen, he said, "I am gratified to see that a great deal of progress has been made toward instilling a culture of ethics within the City over my five-year tenure on the Board. Financial disclosure compliance now exceeds 98 percent and, though we have implemented a robust enforcement process, we are well along the path where enforcement actions have, for the most part, given way to training, advisory opinions, and collaboration between the Board of Ethics and city leaders. Broad-based and high-level support for the work of the Ethics Board and Ethics Office has made this possible. I believe our City is better for it."

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

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Ask the Ethics Officer: Can We Hire a Former Employee?

Our department would like to rehire a former employee as a consultant to advise us on a project on which she worked while with the City. She left just three months ago, so she is still within her one-year cooling-off period. Can we hire her?

Yes. The Code of Ethics has an exception that permits the City to directly engage a former employee to provide services to or on behalf of the City during the one-year cooling-off period. This rule applies whether the individual is self-employed or has her own wholly-

owned consulting firm. This exception essentially postpones the former employee's cooling-off period, which would begin on the date that the former employee is no longer directly engaged by the City.

The rule on the cooling-off period prohibits a former employee from representing a private client before a city agency or receiving compensation for any services provided on behalf of a person, business, or association other than the City in connection with any matter in which the employee was directly concerned, personally participated, actively considered, or acquired knowledge. This prohibition means that the former employee cannot be paid by individuals, private companies, or non-profit organizations to represent them before a city agency or do work on a matter on which they worked while at the City.

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

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A Matter of Fact -- Late Filers Paid \$9,725 in Fines

- In the last five years, the Ethics Office has collected nearly \$10,000 in fines from persons filing their annual financial disclosure statement after the end of the filing grace period.
 - 48 persons paid \$3,300 in 2006
 - 13 persons paid \$1,450 in 2007
 - 5 persons paid \$1,450 in 2008
 - 13 persons paid \$2,125 in 2009
 - 12 persons paid \$1,400 in 2010

For more information, visit the [Financial Disclosure Cases](#) webpage.

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