

City of Atlanta

INTEGRITY MATTERS

Ethics Matters

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Links

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

Ethics Workshops

Board Members 4/30/2011
Employees 6/15/2011

Matters Preview

- [Board Honors a Record 11 Departments](#)
- [Employees Should Not Solicit from Prohibited Sources](#)
- [Councilmember Agrees to Pay a \\$3,500 Fine](#)
- [Board Names 16 Persons to Delinquent Filers Roll](#)
- [New Website Launched, \[www.atlantaethics.org\]\(http://www.atlantaethics.org\)](#)
- [Ethics News in Brief](#)
- [Ask the Ethics Officer: Can I Serve on a City Board?](#)
- [A Matter of Fact: Three Other Disclosure Forms Are Filed](#)

Board Honors a Record 11 Departments

The Board of Ethics honored 11 departments at the Fifth Annual Transparent Diamond Awards Ceremony on March 17, 2011. The awards are given each year to honor city departments and boards with the best financial disclosure filing records. Ten departments had every required filer, including former employees, file the 2011 City Financial Disclosure Statement by the filing deadline, topping the previous best record of six departments.

Five departments made the Honor Roll for the first time: the Departments of Police, Public Works, Finance, and Information Technology and the Executive Offices. Repeat winners are the Departments of Human Resources and Corrections, the Municipal Court, and the Offices of City Auditor and Public Defender. The Department of Planning and Community Development earned the Honorable Mention Award for the best filing record among departments with more than 100 filers; it had 94 percent timely filers.

Seven boards made the Honor Roll for Boards and Commissions. The first-time winners are the Atlanta-Fulton County Recreation Authority, the Keep Atlanta Beautiful Board, the License Review Board, and the Municipal Market Board. The repeat recipients are the Atlanta Citizen Review Board, the Atlanta Urban Design Commission, and the Board of Zoning Adjustment.

The 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 of its members must meet the filing deadline.

This year 91 percent of all filers met the March 1 deadline, and 99 percent filed by the end of the grace period, matching the previous best record set in 2008.

To review the financial disclosure reports for 2011, visit the [Reports](#) webpage.

[\(top\)](#)



Employees Should Not Solicit from Prohibited Sources

The Board of Ethics adopted a formal advisory opinion in March advising employees that they should not target prohibited sources for donations (FAO 2011-1). Specifically, employees should not engage in direct, one-on-one solicitations from a company or individual that is regulated by, doing business with, seeking business from, or has a specific matter pending before their department.

The Board declined to extend the prohibition to employees in other departments. They may solicit donations from prohibited sources as part of a broad public appeal that may include companies doing business with the City and seeking official action from it. The opinion defines a broad public appeal as a general request for support directed to the public or a large group of potential donors. Examples include mass mailings, speeches, press conferences, newsletters, press releases, public notices, advertisements, and media interviews.

The purpose of the rule against targeted solicitations is to prevent employees from engaging in fundraising activities that create an expectation of special access or preferential treatment or raise a question about the employee's impartiality.

Due to safeguards that the department has instituted to eliminate special expectations or treatment, the Board determined that the Airport's Annual Customer Service Employee Recognition Program is permissible. City employees are soliciting donations from companies at the airport whose employees are eligible for the awards; the city office that coordinates the program does not select, monitor, or regulate the businesses that donate to the program; and the City purchases any prize that is awarded to a city employee. In the future, the department needs to file a Gift to the City Report each year disclosing the donations received in support of the program.

Visit the [Formal Advisory Opinions](#) webpage to read the full text of FAO 2011-1.

[\(top\)](#)



Councilmember Agrees to Pay a \$3,500 Fine

City Councilman H. Lamar Willis has agreed to pay a \$3,500 fine for violating the ban on gratuities and use of city property for private advantage in connection with the operation of his foundation. The Board of Ethics approved the settlement agreement at its February meeting.

The Ethics Office's investigation found that Mr. Willis accepted checks, donations, and sponsorships on behalf of his foundation from 61 companies doing business with the City, seeking city business, or seeking official action. It also found that he operated the foundation primarily out of his office at City Hall from 2002 to 2007 and that neither he nor his staff was conducting official city business when they raised money, organized a golf tournament, awarded scholarships, and performed other work on behalf of the foundation.

For information about other cases, visit the [Ethics Cases](#) webpage.

[\(top\)](#)

Board Names 16 Persons to Delinquent Filers Roll

The Board named 16 persons to its 2011 Roll of Delinquent Filers for failing to timely file their 2011 City Financial Disclosure Statement. The number named to the roll dropped from a high of 50 in 2010.

Named to the roll are current employees Eugenia Preston, Lamont Sawyer, and Charlie Starr and former employees Larry Gardner, Bon Heng, Gene Maynard, and Alan Nutes. These individuals all filed after the end of the grace period. There are nine persons who still have not filed. They are former employees William L. Baker, Charles Ewing Sr., Maurice J. Hill, Eric Hull, Mark Mason, Oladele Olagbegi, and Stephen Power and former board members Marcos Figueroa III and Ron Smith.

Four cases were referred to the City Solicitor in 2010 for prosecution after the individuals failed to file their statement as required by law.

To review the rolls, go to the [Financial Disclosure Rolls](#) webpage.

[\(top\)](#)

New Website Launched, www.atlantaethics.org

The Board of Ethics has launched a new website at www.atlantaethics.org. The new site offers a clean, uncluttered design with eight core navigation items at the top of the page to enable easier use.

The information at the site includes:

- All formal advisory opinions issued by the Board since 2003
- Ethics enforcement decisions of the Board
- Financial disclosure cases for the past three years
- The Code of Ethics
- Reports, forms, and past newsletter issues
- Agenda and minutes for meetings since 2005

The site offers several new features to enable visitors to more quickly find information they need about ethics in city and state government. On the homepage, users can find Ethics Quick Links, read the latest news related to city ethics, sign up for this newsletter, and search for content within the site.

Since the new website was launched, the most popular page has been the one listing the names of city employees who are required to file a financial disclosure statement, followed by the page listing board members required to file.

Other city watchdog agencies have initiated their own websites. The City Auditor's office is located at www.atlaudit.org and the Atlanta Citizen Review Board can be found at www.acrbgov.org.

Visit the new Board of Ethics website at the [Atlanta Ethics](#) homepage.

[\(top\)](#)

Ethics News in Brief

- The Ethics Officer ruled recently that membership in the General Employees Pension Fund was not a financial interest that disqualified members of the City Council from voting on matters of public policy related to pension benefits when they share the same financial interest as city employees and other city officials. The opinion explained that disqualification would result in disenfranchising citizens and freeze the pension plan at its current level of benefits. Five Council members and one member's spouse belong to the plan.
- The Metro Atlanta Chamber has nominated Brent Adams to serve on the Board of Ethics. Mr. Adams is the Executive Vice President and Senior Banking Officer for the Private Bank of Buckhead and fills the position held by Charlie Crawford, whose term ends in April.
- An ethics workshop for new city board members and neighborhood planning unit officers will be held on Saturday, April 30, 2011, from 9 a.m. to 11:30 a.m. in the Historic City Council Chambers. A citywide workshop for employees will be held on Wednesday, June 15, 2011, from 9 a.m. to 11:30 a.m. To register, contact the Ethics Office.

[\(top\)](#)

Ask the Ethics Officer: Can I Serve on a City Board?

An employee who works in the human resources division in our department is interested in serving on an advisory committee related to the BeltLine. Can a city employee be appointed to serve as a volunteer on a city board?

Yes. A city employee who lives in the City of Atlanta may be appointed to a city board or participate in his or her neighborhood planning unit unless the enabling legislation expressly prohibits city employees from serving or the volunteer service is incompatible with the employee's official duties. For example, the legislation creating the Atlanta Citizen Review Board states that no member shall hold employment with the City of Atlanta; a staff member to a board would generally not be able to serve as a volunteer on that same board. City employees have served as president of the Atlanta Planning Advisory Board, as officers in their NPU, and as members of boards as diverse as the Municipal Market Board, the Tree Conservation Commission, and the Keep Atlanta Beautiful Board. In each case, the work they do for the City is not similar to the work of the city board.

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

[\(top\)](#)

A Matter of Fact: Three Other Disclosure Forms Are Filed

Besides the annual financial disclosure statements, the Code of Ethics requires three other forms to be filed disclosing conflicts of interest, city-related travel paid by non-city sources, and gifts received on behalf of the City. Since Jan. 1, 2010, the following reports have been filed:

- 40 Conflict of Interest Disclosure Reports
- 34 Gift to the City Reports
- 26 Travel Disclosure Reports

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

[\(top\)](#)

Ethics Matters is produced by the City of Atlanta Ethics Office.

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