

**BEFORE THE CITY OF ATLANTA
BOARD OF ETHICS**

In the Matter of:

Tracy Reed

Respondent

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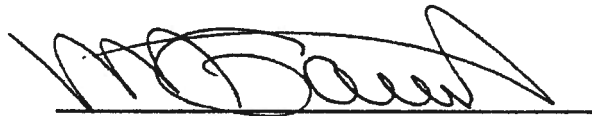
Case No. CO-11-006

DECISION AND ORDER

This matter came before the City of Atlanta Board of Ethics for a decision on September 20, 2012, prior to a probable cause determination. Having considered the attached settlement agreement, the City Board of Ethics approves the agreement and orders that Respondent Tracy Reed pay a fine of \$200 for his violation of section 2-811 of the City's Code of Ethics. The total sum of \$200 is due to the City of Atlanta within 10 days of the date of this decision.

So ordered this 24th day of September, 2012.

For the City of Atlanta Board of Ethics



MaryAnne Gaunt
Vice Chair, Board of Ethics

In the Matter of:)
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 Tracy Reed) Case No. CO-11-006
)
 Respondent)
)

SETTLEMENT AGREEMENT

This settlement agreement is made between Nina R. Hickson, the Ethics Officer for the City of Atlanta, and Tracy Reed, a former city employee charged with violating the Code of Ethics.

The parties agree and consent to the following terms to resolve this matter prior to an enforcement hearing before the City of Atlanta Board of Ethics. The Board of Ethics is responsible for administering, implementing, and enforcing the Standards of Conduct contained in the Atlanta Municipal Code.

FINDINGS OF FACT

1. Tracy Reed is a former Contract Compliance Specialist Principal in the Office of Contract Compliance, and that office is under the purview of the Executive Offices. Mr. Reed's responsibilities included assistance in the implementation of the City's Equal Business Opportunity Ordinance. He worked for the City from March 1999 to November 2011.
2. On November 1, 2011, a formal investigation was initiated by the Department of Human Resources into allegations pertaining to whether Mr. Reed had the requisite authorization to use a City vehicle and to take it home overnight.
3. The investigation revealed that Mr. Reed had appropriate authorization to operate a city owned vehicle during normal business hours; however, written authorization was not located which allowed Mr. Reed to drive a city vehicle home overnight.
4. On November 4, 2011 Mr. Reed resigned from the City. There were no further personnel disciplinary actions taken.
5. On May 3, 2012, the Ethics Office initiated an ethics complaint against Mr. Reed alleging that he violated section 2-811 of the Code of Ethics when he took a city vehicle home without the requisite written authorization.

CONCLUSIONS OF LAW

6. Tracy Reed is a former city employee who as Contract Compliance Specialist Principal was subject to the Code of Ethics found in section 2-801 to 2-824 in the City's Code of Ordinances.
7. Section 2-811 of the Code of Ethics states: "No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity."
8. Mr. Reed did not have the requisite written authorization to drive a city vehicle home overnight.
9. Taking the city vehicle home overnight without the requisite written authorization constitutes a violation of section 2-811 of the Code of Ethics.

AGREEMENT

10. Mr. Reed acknowledges that he violated Section 2-811 of the Code of Ethics by taking a city vehicle home overnight without the requisite written authorization.
11. He agrees to pay the City of Atlanta a civil penalty of \$200.00 (Two Hundred Dollars) from personal funds on or before approval of the settlement agreement by the Board.
12. The parties agree to enter this settlement agreement to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of an evidentiary hearing before the Board to determine Respondent's liability.
13. The Respondent understands and voluntarily waives all procedural rights under the Code of Ordinances, including the right to personally appear before the Board, subpoena witnesses to testify, confront and cross-examine all witnesses, and have the Board hear the matter at any enforcement hearing.
14. The Respondent acknowledges that this agreement is not binding on any other law enforcement or governmental agency and does not preclude the Board of Ethics from referring this matter to, cooperating with, or assisting any other law enforcement or government agency on this or any other related matter.
15. The Ethics Officer will submit this settlement agreement for consideration by the Board of Ethics at its next regularly scheduled meeting, and the Board must enter an order approving the agreement before it becomes the final decision and order in the case.
16. The parties agree that this agreement shall become null and void in the event that the Board refuses to accept it. The Respondent further agrees that no member of the Board of Ethics or its staff shall be disqualified from participating in any hearing before the Board because of prior consideration of this settlement agreement.

of Ethics or its staff shall be disqualified from participating in any hearing before the Board because of prior consideration of this settlement agreement.



Tracy Reed
Respondent

8/31/12
Date



Nina R. Hickson
Ethics Officer

31 August 2012
Date