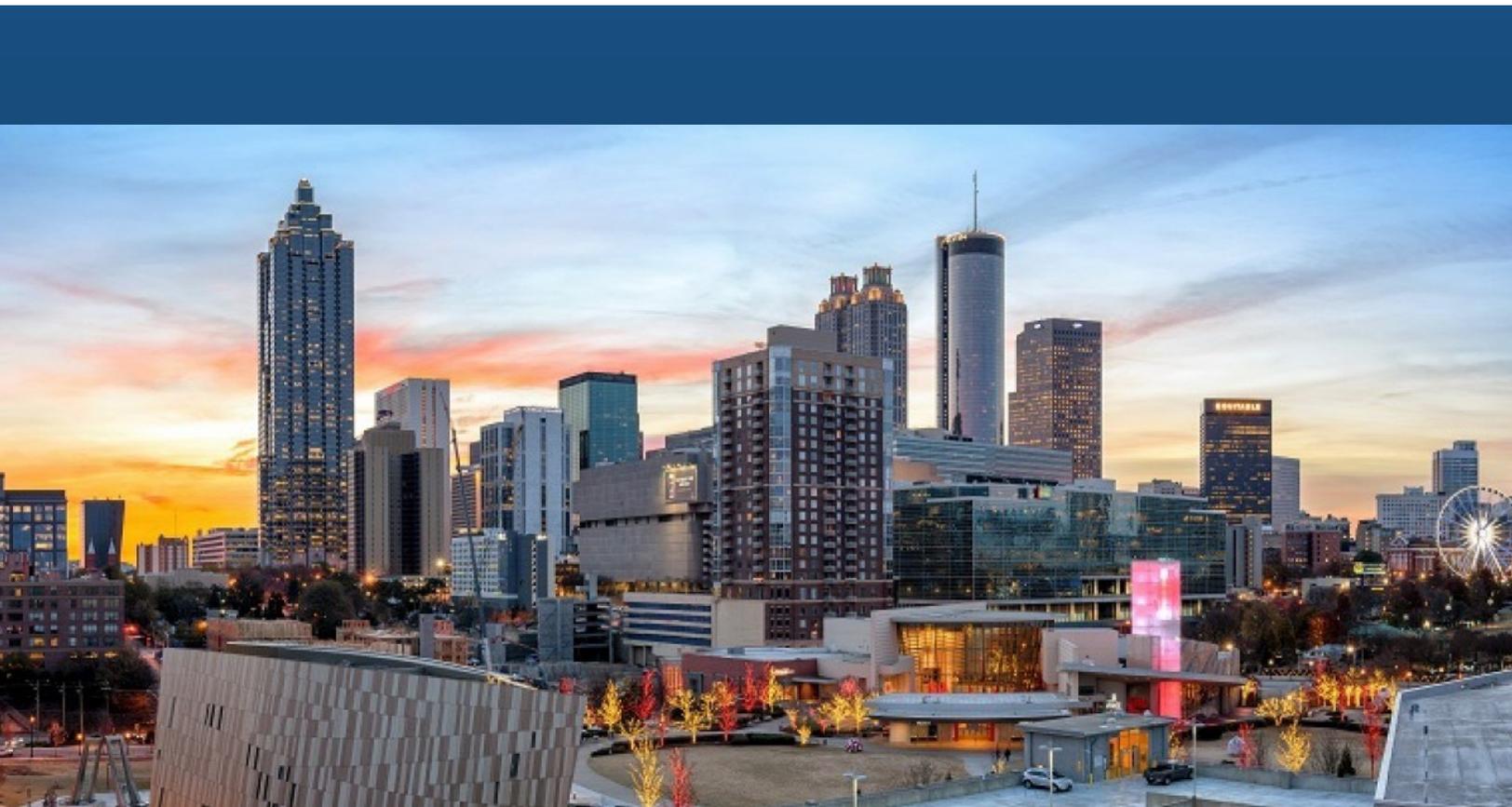




# **CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT**



[www.atlantaethics.org](http://www.atlantaethics.org)

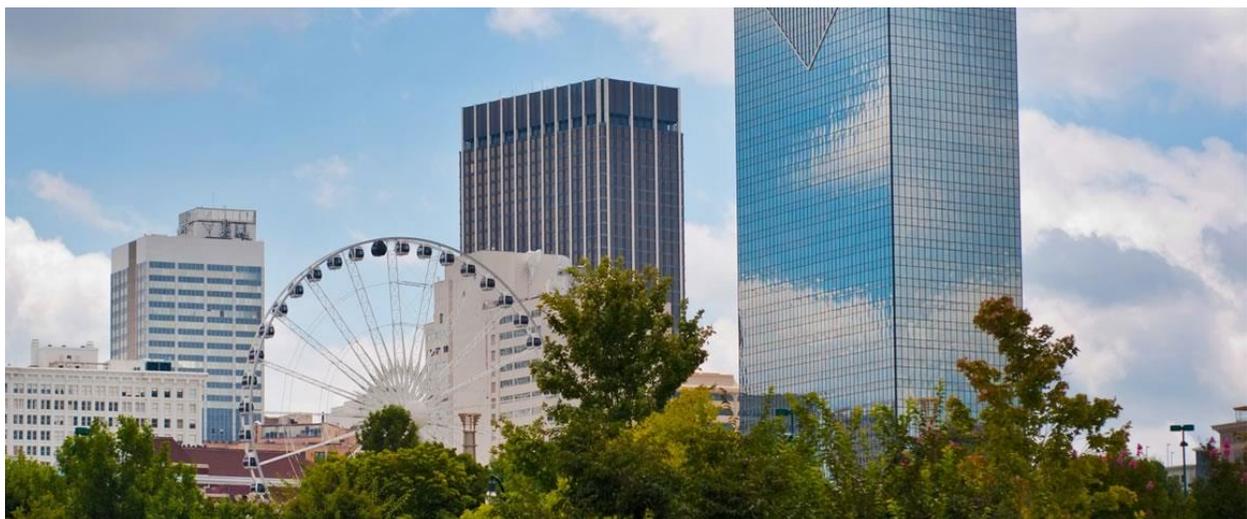
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# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## Table of Contents

<b>I. FROM THE ETHICS OFFICER.....</b>	<b>1</b>
<b>II. 2018 HIGHLIGHTS BY THE NUMBERS .....</b>	<b>2</b>
A. Advice.....	2
B. Financial Disclosure.....	2
C. Investigations and Enforcement .....	2
D. Operations.....	3
E. Public Education and Outreach .....	3
F. Training.....	3
<b>III. REPORT ON ETHICS ADVICE.....</b>	<b>4</b>
A. Written vs. Verbal Advice: 2016 – 2018 .....	4
B. Top Subjects for Written Advice: 2017 vs. 2018 .....	5
C. Type of Advice Provided: 5-year Totals .....	6
D. Top Subjects for Written Advice: 2014 – 2018 .....	6
E. Ethics Report.....	7
F. Formal Advisory Opinion.....	8
<b>IV. REPORT ON INTEGRITY LINE.....</b>	<b>9</b>





# **CITY OF ATLANTA BOARD OF ETHICS**

The Board of Ethics is an independent city board composed of seven city residents. They are recommended for appointment by legal, business, civic, and educational groups. Nominees are appointed and confirmed by the Mayor and Atlanta City Council to serve a three-year term of office.

The Ethics Office is an independent city agency that reports to the Board of Ethics and works to ensure honesty, integrity, accountability, and trust in city government through enforcing the city's ethical standards.

Headed by the Ethics Officer, the Office is responsible for bringing the City into compliance with the Code of Ethics and instilling a culture of ethics within city government. It educates and advises city officials, employees, board members, and citizens about conflicts of interest and gift rules; investigates ethics complaints and brings enforcement actions for violations of the Ethics Code; and administers the financial disclosure program.



# CITY OF ATLANTA BOARD OF ETHICS

## 2018 ANNUAL ETHICS REPORT

### I. FROM THE ETHICS OFFICER

Protecting the integrity of the government, promoting the public trust, and instilling a culture of ethics in city government are critical functions that require consistent and continuous education, open and transparent government, and monitoring at-risk areas to identify problems at an early stage. Absent a strong ethics program, the entire government-community relationship suffers from the misconduct of certain officials and employees.

Robert Wechsler, Director of Ethics for *City Ethics, Inc.*, says that government ethics is not about *being* “good” or “a person of integrity.” Wechsler finds that government ethics is about *acting* responsibly and professionally, as a government official or employee, and following rules and procedures. It is about preserving *institutional* rather than *personal* integrity.

Wechsler believes that government ethics laws provide minimum, enforceable guidelines to facilitate handling conflicts of interest. Government ethics programs provide training and advice to further facilitate the handling of conflict situations. Ethics programs also benefit from financial and relationship disclosures and identify potential conflicts so that they can be dealt with efficiently and responsibly.

According to Wechsler, government ethics laws are only minimum guidelines, and how a situation *appears* to the public is vital. Because no law can responsibly deal with the *appearance of impropriety* in enforceable provisions of any jurisdiction, ethics advice and training support the law and provide practical tools for officials and employees to make sound, ethical decisions.

The Ethics Office saw a significant increase in ethics advice in 2018 and is committed to building a culture that fixes problems before they arise which, in turn, protects the City’s image and bolsters the public’s trust. Ethics advice is important because it is not limited by laws and considers the *appearance of impropriety*. Education and training continues to be a major priority for the Ethics Board and Office, and in the past year we provided more tailored training to city departments as well as seminars for entities doing business with the City.

Without ethics, citizens lose confidence that government is acting in their best interests. Cynicism and suspicion replace trust and confidence in public officials. The City of Atlanta has earned the tough reputation of a model jurisdiction for ethics in local government and must remain a best practices City for ethics.

Jabu M. Sengova  
City Ethics Officer



# CITY OF ATLANTA BOARD OF ETHICS

## 2018 ANNUAL ETHICS REPORT

### II. 2018 HIGHLIGHTS BY THE NUMBERS

#### A. Advice

- Provided timely ethics advice in 156 requests for written and/or verbal advice, including two informal advisory letters, and responded to requests for general information on ethics.
- Responded to 100 percent of all requests for advice within seven days.

#### B. Financial Disclosure

- Recorded 72 financial disclosure cases involving delinquent or late filers for which enforcement was pursued. Of 28 late filers, administrative decisions were written in each case imposing a fine according to the fine schedule located in the rules of the Board of Ethics. Of 44 non-filers, administrative decisions were written in each case imposing a \$500 fine for their failure to comply with the city financial disclosure laws. Conducted 45 board hearings (29 non-filers and 16 late filers). Assessed \$14,375 and collected \$2,050 in fines in financial disclosure cases.
- Achieved a timely filing rate of 95 percent of the 2,765 persons required to file the 2018 City Financial Disclosure Statement.
- Awarded the Transparent Diamond Award to 11 city departments and 48 city boards and commissions with exemplary financial disclosure filing records.
- Audited City Financial Disclosure Statements for accuracy and completeness.

#### C. Investigations and Enforcement

- Received 95 Integrity Line Reports.
- Referred 58 Integrity Line Reports to other departments.
- Dismissed 22 non-ethics complaints for lack of jurisdiction.
- Opened 10 new investigations and filed four ethics complaints.
- Conducted investigation with City Auditor's Office into holiday bonuses and gifts distributed by prior administration.
- Closed four cases. Of the cases closed, one was closed after reaching a settlement agreement, one was dismissed following a probable cause hearing, and two were closed administratively.
- Issued one cease and desist order.
- Assessed and collected \$1,577.48 in fines in ethics cases.



# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## D. Operations

- Held six board meetings, two board retreats, and one staff retreat.
- Prepared and presented to City Council legislation enabling the use of funding earmarked for capital project upon selection of vendor.
- Legislation passed by City Council and signed by the Mayor amending appointment process for Board of Ethics.



*Ethics Officer, Jabu Sengova (Left) with former Board of Ethics Vice-Chair, Brent Adams.*



*City employees (above) participate in the Ethics Office's Fourth Annual Ethics Lunch and Learn Series in Old Council Chambers.*

## E. Public Education and Outreach

- Distributed 5,043 wallet cards, brochures, and other materials for the ongoing *Integrity at Work* campaign.
- Held lunch and learn session on ethical decision making for employees.
- Published Winter edition of the e-Newsletter *Ethics in Action*.
- Published Holiday Reminder Newsletter for city officials and employees.

## F. Training

- Provided ethics training to 1,212 employees, 59 board members and 545 vendors/contractors; received 578 signed ethics pledges.

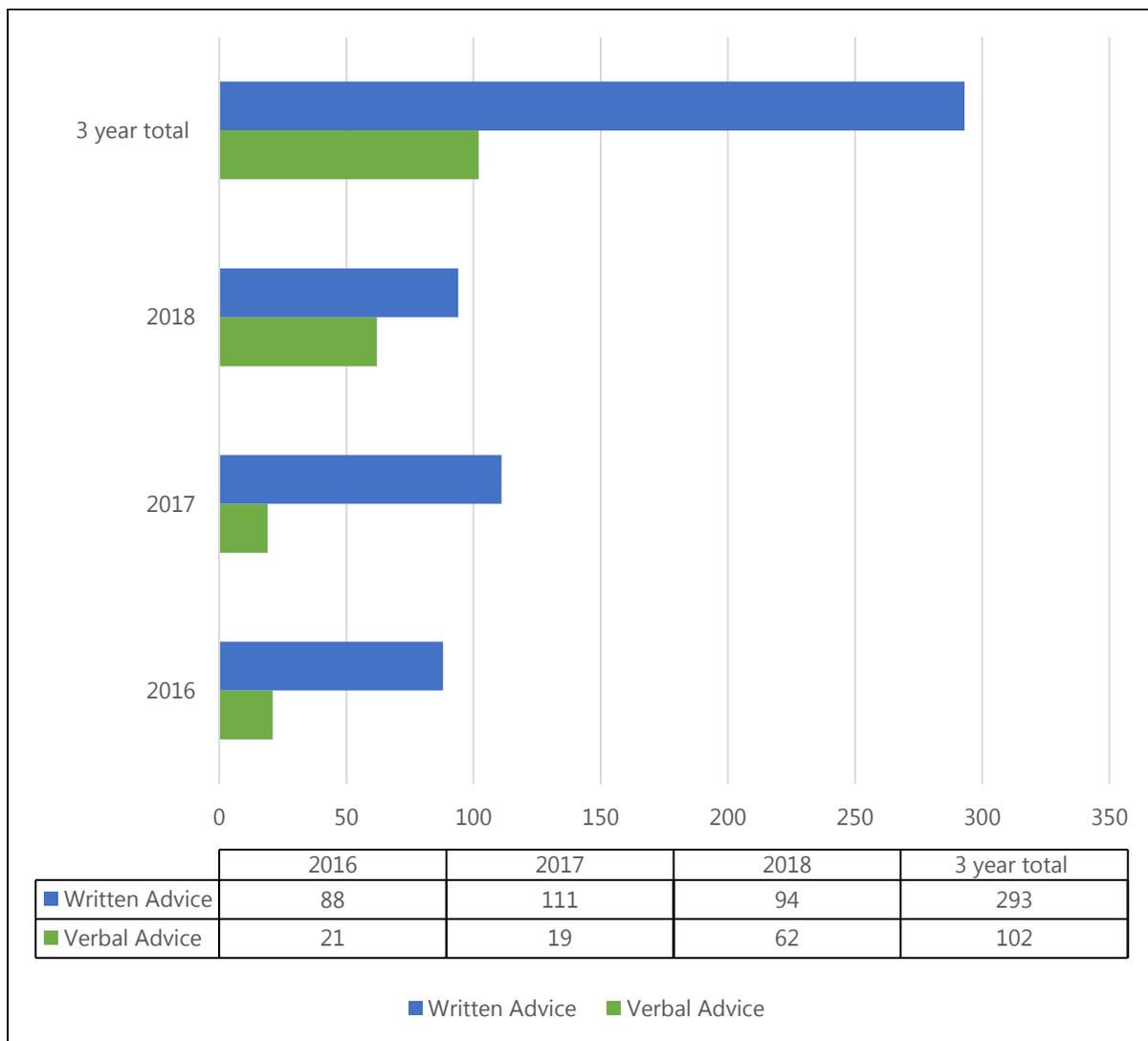


# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## III. REPORT ON ETHICS ADVICE

The Ethics Office wrote 94 advisory emails, letters or memos, and provided advice over the telephone or in person 62 times in 2018.

### A. Written vs. Verbal Advice: 2016 – 2018

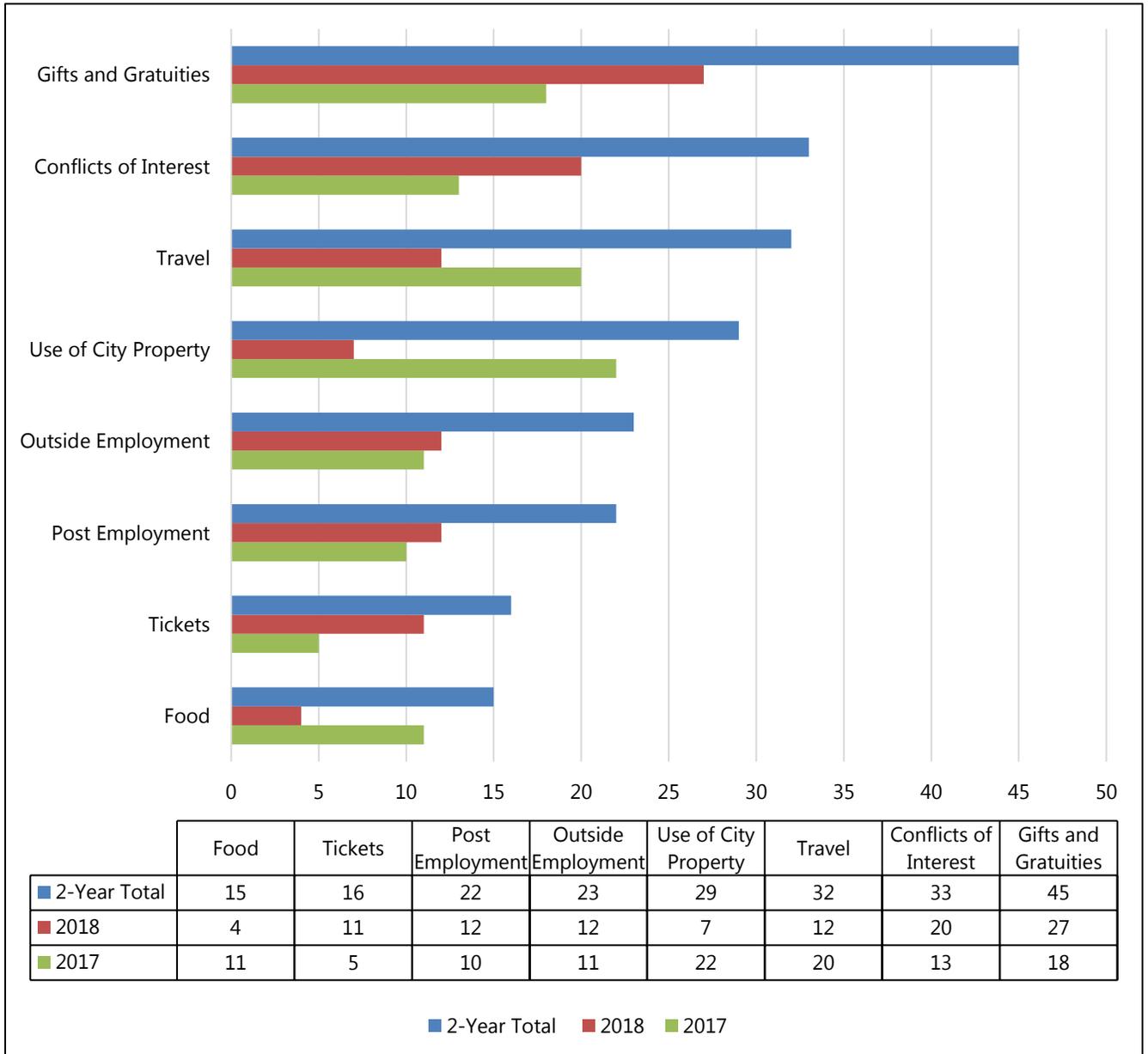


*Note: Written advice includes both formal and informal advisory opinions and letters*



# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## B. Top Subjects for Written Advice: 2017 vs. 2018





# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## C. Type of Advice Provided: 5-year Totals

All Advice	2014	2015	2016	2017	2018	5-year Total	5-year Total %
Verbal advice	45	17	20	19	62	163	27%
Written advice	54	81	87	107	92	421	70%
Informal advisory letter	1	4	1	3	2	11	2%
Formal advisory opinion	0	2	0	1	0	3	1%
<b>Total</b>	<b>100</b>	<b>104</b>	<b>108</b>	<b>130</b>	<b>156</b>	<b>598</b>	<b>100%</b>

## D. Top Subjects for Written Advice: 2014 – 2018

Subject	2014	2015	2016	2017	2018	2-year Total (2017-18)	2-year Total %
Conflicts of interest	<b>30 (1)</b>	11 (3)	8 (7)	13 (4)	20 (2)	33 (2)	14%
Gratuities/gifts	16 (2)	<b>23 (1)</b>	17 (3)	18 (3)	<b>27 (1)</b>	<b>45 (1)</b>	<b>20%</b>
Outside employment	3 (9)	5 (9)	6 (8)	11 (5**)	12 (3**)	23 (5)	10%
Use of city property	9 (4**)	20 (2)	<b>19 (1)</b>	<b>22 (1)</b>	7 (7)	29 (4)	12%
Food	10 (3)	9 (4**)	10 (6)	11 (5**)	4 (8)	15 (8)	7%
Travel	7 (6**)	9 (4**)	13 (4)	20 (2)	12 (3**)	32 (3)	14%
Contract participation	1 (11)	1 (11)		3 (11)	1 (9**)	4 (10**)	2%
Doing business with city/post-employment	7 (6**)	6 (6**)	18 (2)	10 (7)	12 (3**)	22 (6)	9%
Code of Ethics, Ethics Board, & disclosure Forms	2 (10)	3 (10)	4 (9**)	4 (10)	---	4 (10**)	2%
Financial Disclosure			1 (11)		---	---	---
Solicitation	6 (8)	6 (6**)	4 (9**)	5 (8**)	1 (9**)	6 (9)	3%
Tickets	9 (4**)	6 (6**)	11 (5)	5 (8**)	11 (6)	16 (7)	7%

Note: Numbers in parenthesis indicate subject rank during the time-period indicated (\*\*indicates tie)



# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## E. Ethics Report

### Best Practices: Ethics and Prohibited Sources

In January 2018, the Atlanta City Council passed a resolution requesting that the City of Atlanta Ethics Office conduct an ethics study on best practices as it relates to persons, businesses, and other entities seeking or currently doing business with the City (“Prohibited Sources”) to determine whether revisions were needed to the Atlanta Code of Ethics. The study focused on six key areas: (1) jurisdiction and enforcement power over Prohibited Sources, (2) ethics presence in procurement, (3) disclosure requirements for Prohibited Sources, (4) ongoing disclosure requirements for Prohibited Sources, (5) campaign disclosure requirements and contribution limitations for Prohibited Sources and (6) lobbyist requirements.

The Ethics Office reviewed and analyzed the Atlanta Ethics Code, Procurement Code, and the Campaign Finance Act of Georgia, with a focus on code provisions applicable to Prohibited Sources. This review also included an analysis of eight additional jurisdictions that have demonstrated mature reform in ethics and procurement, including Chicago, Dallas, Los Angeles, and New York City.

Based upon the research and report, the following set of recommendations were implemented by the City of Atlanta:

- Expansion of the Ethics Board’s jurisdiction and enforcement authority to conflict of interest laws as relates to Prohibited Sources through legislation;
- Development of an Ethics Pledge, similar to that used for city officials and employees, with the applicable ethics laws for Prohibited Sources, to be included in all bid packages; and
- Revision of the existing Contractor Disclosure Form to include pertinent provisions of the Code of Ethics.

Along with the above implementations, the City also included in its legislative packet for the 2019 session of the Georgia General Assembly, support for a bill to permit local governments to adopt their own lobbyist registration laws with more stringent regulations applicable to lobbying related to municipal affairs.

*Note: The full report is available for review at [www.atlantaethics.org](http://www.atlantaethics.org)*



# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## F. Formal Advisory Opinion

**FAO-2019-01:** Spouses and Domestic Partners of City Officials and Employees Doing Business with the City

**Opinion Summary:** The Ethics Code is designed to protect the integrity of city government by prohibiting city officials and employees from engaging in activities that could be construed as a conflict of interest. Specifically, the ethical standards prohibit officials and employees from participating in business activities, rendering services, or having contractual, financial, or personal interests that conflict with the individual's official duties or the city's best interest. See Atlanta, Ga. Code §§ 2-802, 2-812, 2-820. These standards also apply to situations that would create the *appearance of a conflict or impropriety* to the public and impair the individual's independence or objectivity in the performance of his or her official duties. See Atlanta, Ga. Code §§ 2-802, 2-813.

It is often difficult for an official or employee to ascertain whether there may be a conflict or appearance issue in situations involving his or her spouse or domestic partner who is engaged or seeking to do business with the City. The Ethics Board seeks to provide clear guidance to officials and employees to avoid such situations.



*Board of Ethics members and Ethics Office staff members (above) at a recent Board meeting in City Council Committee Room 1. All meetings of the Board of Ethics are open to the public.*



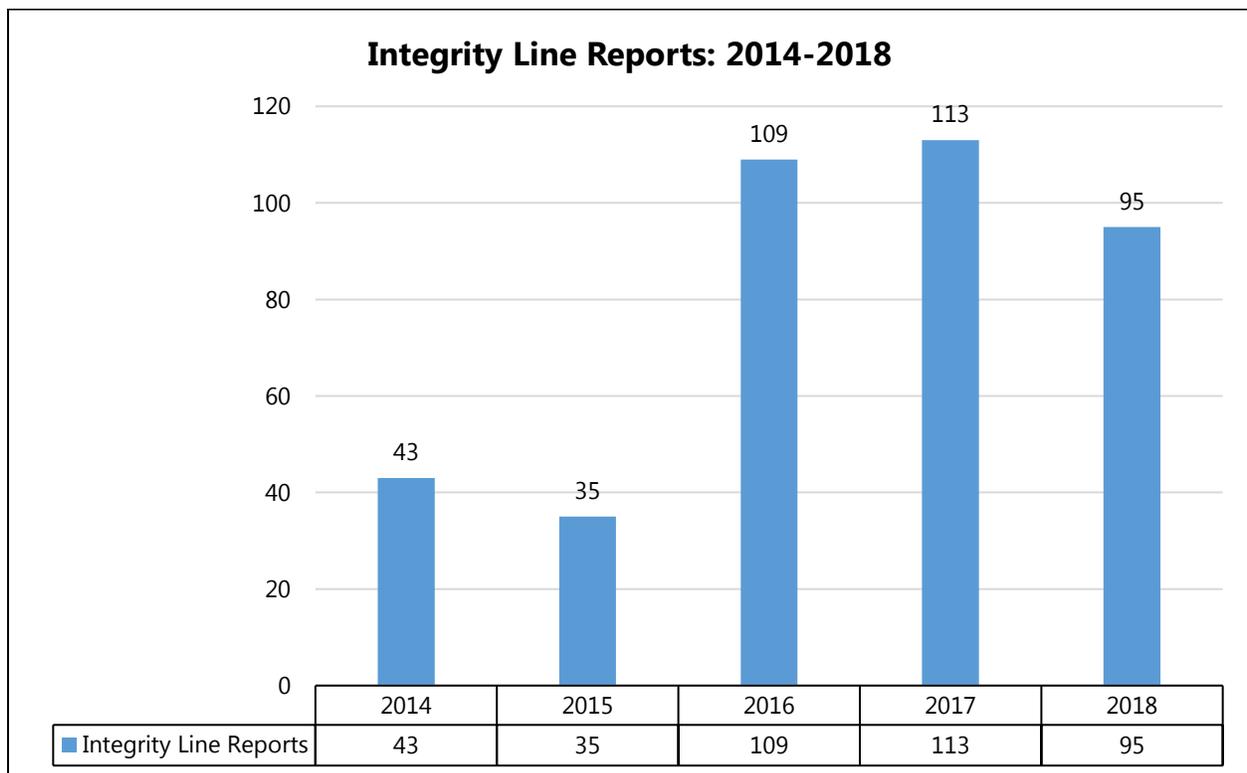
# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

## IV. REPORT ON INTEGRITY LINE

The City's Integrity Hotline was established in 2006 as a vehicle to report unethical, fraudulent or illegal activity. The hotline's steering committee includes representatives from the Ethics Office, City Auditor's Office and the Department of Law's Compliance Unit.

2018 saw a slight decrease in reporting volume for the Integrity Line. The decrease in overall volume may be the result of increased compliance with city law, policies, or procedures, as well as an increase in written and verbal advice sought by employees from the Ethics Office. The continued efforts of the Integrity Line Committee and other city departments to promote hotline awareness through new employee orientation, classroom training, and online training opportunities, likely contributed to the reporting volume remaining historically high.

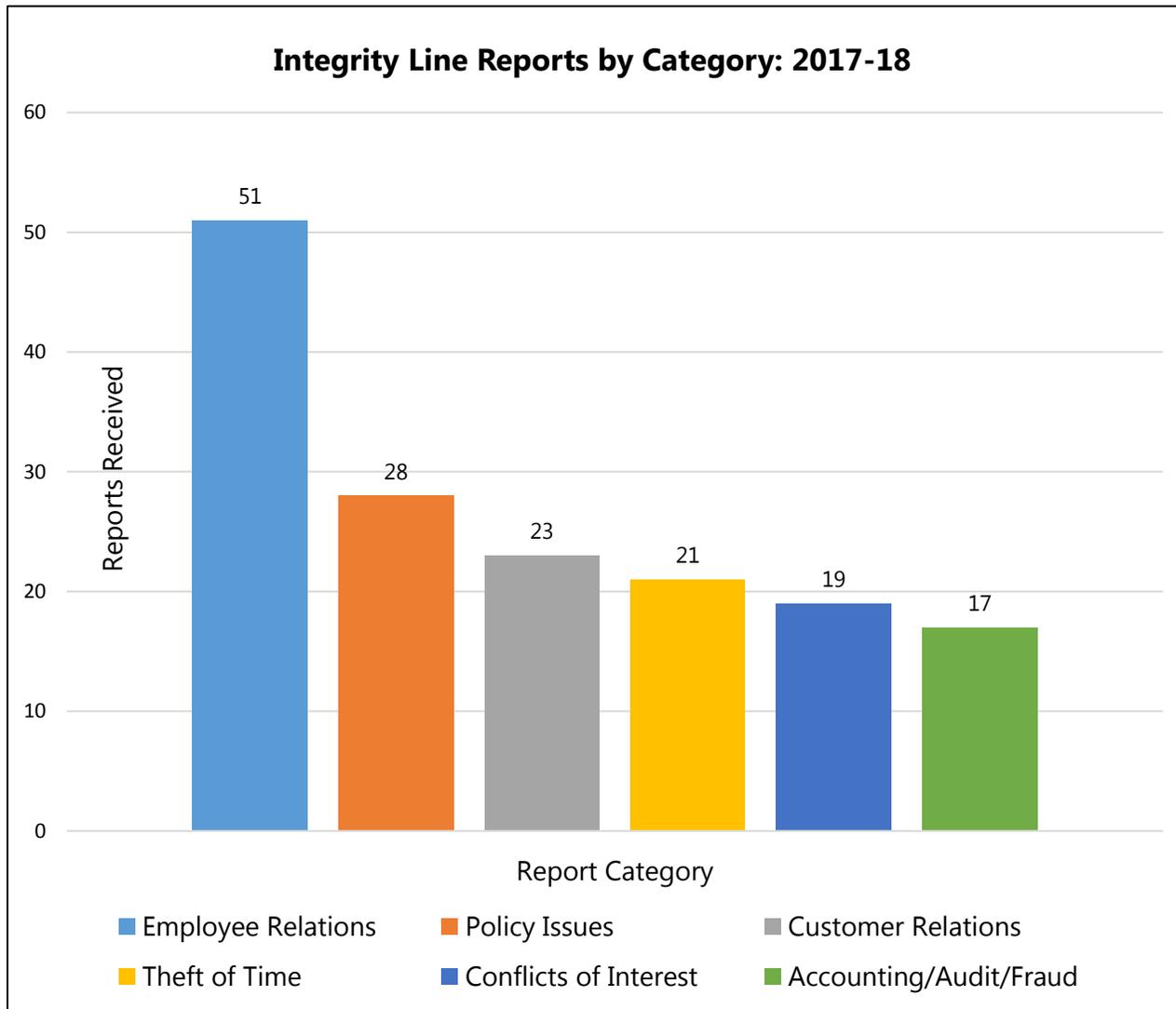
There were 95 Integrity Line Reports received by the Integrity Line Committee in 2018; a 16% decrease from the 113 Reports received in 2017. The chart below reflects the overall change in reporting volume for the past five years:





# CITY OF ATLANTA BOARD OF ETHICS 2018 ANNUAL ETHICS REPORT

The chart below reflects the number of Integrity Line Reports received by report category.



*Note: only the top six overall Integrity Line reporting categories are included in the above chart*

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# **CITY OF ATLANTA BOARD OF ETHICS**

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