

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

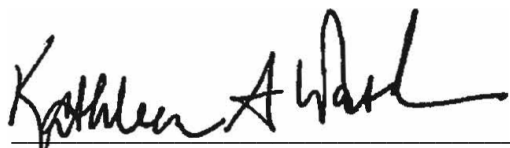
In the Matter of:)	
)	
Mernena Henderson)	Case No. CO-14-016
)	
Respondent)	
)	

DECISION AND ORDER

This matter came before the City of Atlanta Board of Ethics for a decision on November 19, 2015, following the Board's finding of probable cause and prior to an enforcement hearing. Having considered the attached settlement agreement, the City of Atlanta Board of Ethics approves the agreement and orders that Respondent, Mernena Henderson, pay a total fine of \$200 in ten monthly installments of \$20, which must be paid in full by October 15, 2016, for her violations of section 2-811 and 2-820 (b) of the City's Code of Ethics. The first payment of \$20 is due to the City of Atlanta on January 15, 2016. The Board further orders Ms. Henderson to perform 50 verified hours of community service by October 31, 2016. A copy of the attached settlement agreement and order should be forwarded to the Department of Human Resources for inclusion in Ms. Henderson's employment file.

So ordered this 19th day of November, 2015.

For the City of Atlanta Board of Ethics



Kate Wasch
Chair, Board of Ethics

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Mernena Henderson)	Case No. CO-14-016
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Respondent)	
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SETTLEMENT AGREEMENT

This settlement agreement is made between Nina R. Hickson, the Ethics Officer for the City of Atlanta, and Mernena Henderson, 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. Mernena Henderson is a former Office Support Assistant, Sr., who worked in the Office of Solid Waste Services for the Department of Public Works. Ms. Henderson was assigned to the Customer Call Center, located at 150 Garnett Street, SW, and later re-assigned to the Lakewood Solid Waste Substation in May of 2012. Her duties included: preparing, reviewing, disseminating and/or filing routine correspondence, documents and reports; assisting the public, public officials, departmental and other city personnel with various requests; answering the telephone; and greeting visitors. Ms. Henderson worked for the City from November 1997 to June 2014.
2. On August 29, 2012, the Ethics Office received an anonymous complaint alleging that city employees, Mernena Henderson and Pamela Lockett, were using city property and services to create illegal General Educational Development ("GED") certificates and City of Atlanta pay stubs. On September 5, 2012, the Ethics Office forwarded the complaint to the Department of Law's Compliance Unit for review.
3. During her first interview with Compliance Unit Investigators, Ms. Henderson indicated that she first became aware that Pamela Lockett was creating fraudulent GEDs and pay stubs for individuals at the city through a private business, Malone's House, Inc., when she was initially assigned to the Customer Call Center. Department of Law Compliance Unit.
4. Ms. Henderson stated that on at least five separate occasions she delivered envelopes containing fraudulent pay stubs to various locations, including Atlanta City Hall, during her regular 10:00 AM and 2:00 PM cigarette breaks and collected

payment from city employees and others on behalf of Ms. Lockett. Ms. Henderson also indicated that she made at least one additional delivery after she was re-assigned to the Lakewood Solid Waste Substation.

5. Ms. Henderson further stated to Compliance Investigators that she conveyed information and collected payment on behalf of Ms. Lockett for Ms. Henderson's mother, daughter, niece, cousin, family friends, as well as several temporary city employees for the creation of GED certificates, pay stubs and high school diplomas. According to Ms. Henderson, at least three temporary employees gained permanent employment with the City and her daughter secured a house as a result of paying Ms. Lockett for the certificates and pay stubs.
6. During her second interview with Compliance Investigators, Ms. Henderson admitted to knowingly referring individuals to Ms. Lockett, delivering fraudulent GED certificates and pay stubs, and receiving payment on behalf of Ms. Lockett.
7. Ms. Henderson also told Compliance Investigators that her daughter and cousin personally came down to her place of work to receive their fraudulent documents.
8. As part of her work duties at the Lakewood Substation, Ms. Henderson explained that she made copies of and affixed her signature to documents in order to help facilitate the interview process for prospective city employees. According to Ms. Henderson, she reviewed, made copies of, and affixed her signature to GED certificates, which she knew at the time to be fraudulent, on behalf of temporary employees seeking permanent employment with the City.
9. Compliance Investigators discovered a copy of a fraudulent GED with Ms. Henderson's signature in the office files of Berlinda Wilkerson, Human Resources Specialist at the Lakewood Solid Waste Substation. Further, Ms. Henderson's signature was similarly affixed to a copy of a fraudulent GED certificate located inside a folder at Ms. Lockett's former workstation.
10. During her interview with Compliance Investigators, Ms. Lockett admitted that she printed fraudulent GEDs using a city computer, printer and paper. Ms. Lockett indicated that she taught Ms. Henderson how to create GED certificates and that Ms. Henderson began selling them. Ms. Lockett further stated that Ms. Henderson was selling fraudulent GED certificates to city interns for \$400 because they needed to provide evidence of their level of education.
11. During her third interview with Compliance Investigators, Ms. Henderson disclosed that she first delivered a fraudulent document at the Municipal Court Building during one of her cigarette breaks to one of Ms. Lockett's regular customers who drove a silver/gray Malibu.
12. Ms. Henderson admitted that she continued to deliver fraudulent documents and receive payment on behalf of Ms. Lockett even after she became aware of what she was delivering and that the documents were not related to city business.
13. Ms. Henderson stated to Compliance Investigators that while she was at the Customer Call Center Ms. Lockett created fraudulent pay stubs for Ms.

Henderson's daughter and cousin and she paid Ms. Lockett \$50 for each pay stub. Ms. Henderson also indicated that Ms. Lockett created a GED certificate for her mother for which her mother paid \$25.

14. Ms. Henderson stated that while she was assigned to the Lakewood Substation, she knowingly made copies of fraudulent GEDs using a city copier for at least two temporary city employees seeking permanent employment with the city prior to their interviews. Ms. Henderson stated that she affixed her signature to the copies of the fraudulent GEDs indicating that she had copied the documents.
15. Richdene Smith, a Laborer with the City Department of Public Works, advised Compliance Investigators that Ms. Henderson delivered pay stubs to her created by Ms. Lockett and that these pay stubs were provided to help her son to "get an apartment."
16. The Compliance Unit's investigation found sufficient documentary and testimonial evidence to establish that Ms. Henderson created, sold and distributed fraudulent documents, including, but not limited to: GED certificates, high school diplomas, and check stubs.
17. Ms. Henderson was terminated from employment with the City on June 19, 2014.
18. On June 25, 2014, the Ethics Office initiated an ethics complaint alleging that Ms. Henderson created, sold and distributed fraudulent documents, including, but not limited to: GED certificates, high school diplomas, and check stubs. The complaint further alleged that Ms. Henderson did so while on city time using city property for her private advantage and the private advantage of others. Formal notice of the complaint was sent to Ms. Henderson by electronic and United States Mail.
19. On January 13, 2015, Ms. Henderson provided a written response to the ethics complaint explaining how she became aware that Ms. Lockett owned a business and the different documents Ms. Lockett was preparing and who she prepared them for. Ms. Henderson admitted that after she became aware of the nature of Ms. Lockett's business, Malone's House, Inc., she continued to refer individuals to Ms. Lockett and to deliver documents on Ms. Lockett's behalf to facilitate those individuals attaining fraudulent GEDs and pay stubs.
20. The Ethics Office interviewed Ms. Henderson with her representative present on February 2, 2015. During the interview, Ms. Henderson again admitted that she knowingly delivered fraudulent documents on behalf of Ms. Lockett following her conversations with Ms. Lockett regarding the nature of her business. Ms. Henderson also admitted to receiving a GED from Ms. Lockett for her mother during her city work hours.
21. On April 29, 2015, the Ethics Office amended the pending ethics complaint stating that the preliminary investigation found that Ms. Henderson sold and distributed fraudulent documents, including but not limited to, GED certificates, high school diplomas, and check stubs while on city time using city property and for the private advantage of herself and others. The complaint further alleged that Ms. Henderson rendered fraudulent services on behalf of Malone's House, Inc., a private interest,

which was incompatible with her assigned work duties. The Ethics Office could not determine from its investigation whether Ms. Henderson actually created any of the fraudulent documents and amended the complaint to reflect such.

22. Ms. Henderson was provided formal notice of the complaint in person on April 29, 2015. She did not provide a written response to the amended complaint.
23. On June 25, 2015 and September 3, 2015, the Ethics Office sent formal notice of a probable cause hearing to Ms. Henderson by electronic and regular mail. Ms. Henderson provided a written response to the Probable Cause Report on July 9, 2015.
24. On September 17, 2015, a probable cause hearing was conducted and the Ethics Board found that sufficient probable cause existed to set the matter down for an enforcement hearing. Ms. Henderson was not present at the probable cause hearing.
25. On October 2, 2015, the Ethics Office sent a formal request for a pre-trial conference to Ms. Henderson by electronic and regular mail.
26. On October 15, 2015, the Ethics Board issued a subpoena for Ms. Henderson to appear at the November 19, 2015, Public Enforcement Hearing. The Subpoena was sent to Ms. Henderson by regular mail on October 28, 2015.
27. Ethics Office staff met with Ms. Henderson and her representative on November 5, 2015 for a pretrial conference. At that time, Ms. Henderson indicated that she wished to resolve the matter short of an enforcement hearing.

CONCLUSIONS OF LAW

28. Mernena Henderson is a former city employee who as an Office Support Assistant, Sr., was subject to the Code of Ethics found in sections 2-801 to 2-825 of the City's Code of Ordinances.

COUNT I

29. Section 2-811 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."
30. Ms. Henderson misused city property in violation of Section 2-811 by using a city copier to copy fraudulent GED certificates. Ms. Henderson knowingly copied the documents and affixed her signature to them which enabled temporary city employees to gain permanent employment with the City.

COUNT II

31. Section 2-820 (b) states in relevant part: "No...employee shall engage in or...render services for private interests when such...service is adverse to and incompatible with the proper discharge of official duties of the...employee."
32. Ms. Henderson violated Section 2-820 (b) by rendering services on behalf of Ms. Lockett and her private business, Malone's House, Inc., for Ms. Lockett's private advantage and for the private advantage of others. These services included: referring clients, distributing documents, and collecting payment. Further, the rendering of these services was incompatible with her city duties because of the harm caused to the City. As a city employee providing office support, Ms. Henderson was responsible for reviewing and making copies of *legitimate* and not fraudulent documents.

PENALTY

33. In proposing a penalty, the Ethics Office has considered both mitigating and aggravating circumstances. As mitigating circumstances affecting the penalty, Ms. Henderson is currently unemployed.

AGREEMENT

34. Ms. Henderson acknowledges that she violated the city's ethical standards by referring individuals, distributing and collecting payment for fraudulent documents on behalf of a private business and for the private advantage of city employees, her family members and others; and by knowingly copying fraudulent documents using a city copier for the private advantage of temporary city employees who gained permanent employment with the City.
35. Ms. Henderson agrees to pay the City of Atlanta a civil penalty of \$200 in ten monthly installments of \$20 from personal funds beginning on January 15, 2016. The assessed fine must be paid in full by October 15, 2016.
36. Ms. Henderson agrees to appear at the November 19, 2015 regular meeting of the Board of Ethics in compliance with the subpoena to appear issued by the Board on October 15, 2015.
37. 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.
38. Ms. Henderson 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.
39. Ms. Henderson 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.

40. 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.
41. 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.
42. The failure of Ms. Henderson to comply with this agreement may result in initiation of an enforcement action for violation of its terms.

Mernena C. Henderson
Mernena Henderson
Respondent

11/9/15
Date

Nina R. Hickson
Nina R. Hickson
Ethics Officer

9 Nov 2015
Date