

they believed Floyd was not Wilkins' direct supervisor. However, the caller believes that Wilkins directed the caller to Floyd to prevent her supervisor from finding out about her behavior during the call.

- 5) On December 3, 2021, the Division initiated a preliminary investigation into the allegations made by the Reporter and begin gathering supporting documentary and testimonial evidence to substantiate the allegations.
- 6) The Reporter provided the Division with a Lyft receipt from December 1, 2021. The receipt, which included a photo of Wilkins, show that she drove for Lyft between 3:29 and 3:50 pm on that date.
- 7) The Division reviewed Wilkins' Kronos timecard for December 1, 2021, which show that Wilkins was paid by the City of Atlanta for hours worked from 8:15 am to 5:00 pm.
- 8) The Division reviewed Wilkins' and Floyd's Verizon city cellphone call detail records which reveal that on December 1, 2021, Wilkins answered a call at 3:31 pm on her city issued cellphone (470-218-2059) and placed a call to Floyd (470-261-7736) which lasted from 3:37 pm to 3:41 pm.
- 9) On January 6, 2022, Ethics Division staff interviewed Phil Barnett ("Barnett"). Barnett is a City of Atlanta vendor with IMIGIZ Enterprises. Barnett advised that he has been doing business with the City for more than 12 years. He stated that he called the Department of Procurement front desk on December 1, 2021, at 3:31 pm and Wilkins answered the phone. Barnett explained that he contacted the Department of Procurement to obtain copies of his old contracts with the City. Barnett provided the Division with a screen shot from his phone verifying that he called the City at 3:31 pm. According to Barnett, Wilkins was discourteous and rude during the phone call. He stated that she would not assist him with his request, and he felt as if she was "fighting with him." He asserts that Wilkins would not assist him, therefore, he sought another avenue to obtain this information.
- 10) On February 9, 2022, Ethics Division staff conducted an in-person interview with Denisha Wilkins. Division staff asked Wilkins about her job duties and responsibilities while working from home and upon her return to the office. In describing her city role, Wilkins referred to herself as the "face of the procurement department," stated that "the calls never stop" during the workday, and that she believes that her workload had increased during the pandemic because employees and vendors were not able to conduct business in person at City Hall. Division staff asked Wilkins if she was still operating a Mary Kay business and driving for Lyft, both of which were disclosed as outside sources of income on her 2021 City Financial Disclosure Statement. Wilkins stated that she was not currently operating the Mary Kay business. She explained that she only maintains her Mary Kay business account to continue receiving discounts on their products. Wilkins further explained that she only drives for Lyft before and after her city work hours and on the weekends. Division staff also asked Wilkins when her workday for the City of Atlanta begins. Wilkins responded that her work shift is from 8:30 am until 5:00 pm. During the interview, Division staff requested to review Wilkins' city-issued cell phone. Upon review, the Division discovered that Wilkins had erased all the call and text messages from the device. When asked why she erased the call and text logs from her city phone, Wilkins explained that she routinely deletes her call and text message log on Fridays. Wilkins further explained that she erases her device

every week to organize weekly calls and texts, and she retains a separate log of all incoming calls and texts as part of her internal record keeping. Wilkins' interview took place on a Wednesday, and the Division noted that the only call and text records located on the device at the time of the interview were two calls and an incoming text from the same day.

- 11) On February 18, 2022, Ethics Division staff conducted an in-person interview of Kevin Floyd, Innovation Resources Director with the Department of Procurement. During the interview, Division staff asked Floyd whether it was standard or acceptable practice in his department for employees to delete call logs and text messages from city issued cell phones. Floyd advised that this was not the practice of the Procurement department, and that he had never instructed any employee to delete call or text logs from their city devices. Division staff asked Floyd whether he was aware that Denisha Wilkins had an extra job driving for Lyft. Floyd stated he was not aware that Wilkins had an outside job. Floyd further advised that Wilkins' immediate supervisor is Buffy Gray, who in turn reports to Floyd. However, he indicated that Wilkins would often reach out to him directly concerning issues involving city vendors. Thereafter, Division staff reviewed Floyd's city issued cell phone. Division staff observed that while Floyd was not able to recall a specific phone conversation with Wilkins on December 1, a review of his text log revealed that Wilkins sent Floyd a text message on December 1, 2021, at 3:36 pm, while she was also driving for Lyft on city time. The text stated, "please call me." Floyd was asked whether Wilkins routinely addressed her city colleagues in an informal manner. Floyd explained that Wilkins may use informal language because she has worked with many of her colleagues for several years.

Conclusions of Law

- 12) Section 2-811 of the City's Standards of Conduct (Code of Ethics) states in relevant part that "no official or employee shall ...use... any publicly owned or publicly supported... labor or service for the private advantage of such official or employee or any other person or private entity..." Publicly supported labor or services include the salary paid pursuant to the City's publicly funded budget to an employee of the City of Atlanta while on city time and acting in an official capacity on behalf of the City.
- 13) On December 1, 2021, at 3:29 pm, City of Atlanta Department of Procurement, Procurement Assistant, Denisha Wilkins, picked up a rideshare passenger, the Reporter, through the Lyft application. During the trip, which lasted until 3:50 pm, Wilkins answered a call from a city vendor on her city-issued cell phone at 3:31 pm and openly discussed city business in front of the Reporter. Thereafter, Wilkins sent a text to Innovation and Resources Director with the Department of Procurement, Kevin Floyd, at 3:36 pm and spoke with him by phone from 3:37 pm to 3:41 pm. The ride ended at 3:50 pm and Wilkins and Lyft were paid for the rideshare through the Lyft application. However, due to Wilkins' unprofessional behavior during the trip, the Reporter requested and received a full refund of the fare from Lyft.
- 14) City records show that Wilkins was paid by the City for eight hours of city work in her official capacity on December 1, 2021. Her official city works hours are from 8:15 am to 5:00 pm. Therefore, based on the documentary and testimonial evidence reviewed during the investigation, Wilkins violated Section 2-811 of the Code of Ethics when she

drove for Lyft during her paid city work hours for her private financial advantage and for the financial gain of her outside employer, Lyft.

- 15) Wilkins' actions while driving for Lyft on city time raised an appearance of impropriety when she answered a city phone call from a city vendor, called and sent a text to a Procurement Director, and openly discussed city business in the presence of her Lyft passenger during the trip.

Sanctions

- 16) In proposing sanctions in this matter, the Ethics Division considered both aggravating and mitigating circumstances. While Wilkins voluntarily participated in an interview with the Division, she made misleading statements to the Division regarding the time of day she performed outside work as a Lyft driver. Further, Wilkins intentionally deleted the call and text logs from her city-issued device prior to appearing for the interview with the Ethics Division.
- 17) The Division orders Wilkins to pay an administrative sanction of \$500 for violating Section 2-811 of the Code of Ethics as outlined in paragraphs 1-15 of this Decision.
- 18) The Division issues a Public Reprimand to be included in Wilkins' personnel file due to her actions which were incompatible with her city duties and responsibilities and recommends disciplinary action where appropriate.
- 19) The Division orders Wilkins to cease and desist from driving for Lyft during her assigned city works hours and sign an acknowledgement letter issued by the Ethics Division agreeing to refrain from doing so.
- 20) Failure to comply with the orders listed in paragraphs 17-19 of this Decision may result in additional sanctions or referral of this matter to the City Solicitor's Office for prosecution.

Respondent has the right to appeal this Decision to the Governing Board of the Inspector General within 14 days of the date of receipt of the Decision. See Atlanta, Ga., Charter §8-103(a).

So ordered this 14th day of April, 2022.

For the City of Atlanta Office of the Inspector General, Ethics Division



Carlos R. Santiago
Deputy Ethics Officer