

# ATLANTA ETHICS

*In Action*



## 2022 City Financial Disclosure Season

Section 2-814 of the Atlanta Code of Ethics provides that certain city officials (which include appointees to boards, commissions and task forces) and employees are required to file a financial disclosure statement every year that they are serving, and for one more year after they leave. The statement requires disclosure of income sources, real estate interests, business transactions with the City, and family members' transactions with the City. The Ethics Division has a process which we use each year to determine which officials and employees are required to file. The process can be quite lengthy and tedious, and we start working on the list of filers several months before the filing season starts. We also work closely with the Department of Human Resources and respective departments, boards and commissions every year to determine who is required to file.

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Why is this disclosure statement important? The statement is important because it allows members of the public to view the business interests of elected public officials, city board members, and certain employees. Since it is a public document, it promotes transparency of city government and exposes potential conflicts of interest. The public should be able to review disclosure statements to ensure that officials and employees are not engaging in business, employment, contractual, or financial transactions that conflict with the city's best interests.

There are penalties for not complying with the requirement to file. The Ethics Division offers a brief grace period before it imposes sanctions which include fines, recommended disciplinary action, and possible public reprimand for not filing or filing late. At the close of the 2022 financial disclosure season, the Division had successfully achieved a 90% timely filing rate.

The Ethics Division staff works tirelessly during the financial disclosure season to assist filers who may have difficulty in filing their statement online.

Our office also offers options for filers who may face different technical problems to file a paper form, an option that is also available to senior filers. However, as a general practice, we strongly encourage filers to submit their statements electronically as that allows the public to easily review filed statements.

Former city officials and employees must file the year following that in which the official or employee leaves such position. Atlanta. Ga. Code of Ordinances §2-814(e). This provision applies whether the person resigned from service or was terminated from that position. The rationale is that such filing will reveal any possible conflicts or post-service problems after the official or employee leaves city service. Further, it is very useful for the public to have knowledge of any business relationships that these persons may have developed prior to leaving city service to prevent misuse of their former position or inappropriate future business dealings. See FAO-2015-1: Criteria and Process for Filing of Annual Financial Disclosure Statements. Unfortunately, the percentage of former officials and employees that file continues to decrease with low compliance rates.





# **PUBLIC ETHICAL BEHAVIOR: A MATTER OF CIVIC VIRTUE**

BY: GERRY NEUMARK

This essay begins with one very important point: any discussion concerning public ethical behavior is all about all of us and our knowledge of civic virtue. Civic virtue is doing the right thing in the public sector. It relates directly to public ethics, morals, and integrity (Rohr 1989, 285). Citizens also have a responsibility as we will discuss below. We expect our public employees to have the highest form of civic virtue. That responsibility starts with being aware of the behaviors of our local public officials.

Many of us have heard the statement that there seems to be more unethical behavior among public employees, particularly our local public employees. The sad fact is that many, if not most, Americans believe in this myth. How often does a local newscast have a story about public employee misdeeds? “Media reports of corruption may lead us to think honesty in government is at an all-time low” (Lorch 2001, 338). Or as Walzer puts it the conventional wisdom is that “politicians are a good deal...morally worse than the rest of us” (2010, 5). However, the fact is that public employees are not so much different than the rest of us.

Why does this perception exist? The answer comes down to a matter of trust. As a democratic society it is unfortunate when we do not trust our own government officials for any possible reason including this lingering perception. Feeding into the doubt that some of the public has is when we hear of a news story about a breakdown of some government official’s ethical behavior, that lack of trust becomes even more pronounced. As a result, there are consequences: without trust, “people tend not to participate in their government, even as voters...A democratic government does not thrive when there is a lack of trust in those who govern it” (Wechsler 2013, 4-5). The lack of trust can, itself, lead to a breakdown of services provided to the community: people in the community become cynical and just stop caring.



It is most important to point out that the vast majority of public employees are honest hardworking individuals. The millions of your fellow Americans working in the public sector are actually no different than those who work in the private sector: many of them are your relatives, your neighbors, and you! It is the behavior of a very few dishonest, unethical individuals who create this unfortunate perception.

**“ Protecting the integrity of government, promoting the public trust, and instilling a culture of ethics in city government are critical functions ”**

In reality, most local governments care very much about the ethical behavior of its employees and take steps to keep such behaviors under control. The majority of American local governments do indeed have some form of employee ethical behavior standards many of which have legal status through legislation: ethics codes. (Neumark 2016, 151). Fortunately, or unfortunately, the predominant belief among governments is that such codes are necessary. “Protecting the integrity of government, promoting the public trust, and instilling a culture of ethics in city government are critical functions” (Wechsler 2013, 4). Absent a strong ethics program, the entire government-community relationship suffers from the misconduct of those few unethical officials and employees” (Sengova 2019, 1).



We Americans expect their government to be transparent and trustworthy. But we can only do so much. In the end, it is up to all local citizens to partner with our governments. Local residents must go beyond simply being aware of the political structures of our city or county but also we must be aware of the behavior of our public employees. Awareness and participation are the most critical keys to controlling unwanted public behaviors. Those of us who are public employees fully understand this.

We are reminded that “ethical inquiry cannot be separated from the ‘publicness’ of the role and obligation to the citizenry” (Ventriss 1994, 199). The responsibility to promote honest and ethical behavior does not rest with our governments alone. The only way to root out public ethical failures is for everyone to have a deep understanding of what constitutes public ethics and how to address its failures head on when they should occur. This is why the essay began with the mention of all of us and our role in instilling civic virtue.



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# A GLIMPSE OF CONFLICTS OF INTERESTS AT A UNIVERSITY

**By Bing Wang**

To those who are unfamiliar with university operations, it is often surprising to learn that university employees, especially professors, do much more than teaching classes – that is the case at all research universities like Georgia Tech. A professor here needs to conduct research, advise doctoral students, publish papers, apply for funding, manage labs, and in some cases run a department or a college. Outside Georgia Tech, a professor often speaks at conferences, serves as a consultant to other organizations, owns their own companies, or testifies on certain topics. These external activities are necessary to enhance the reputation and visibility of both the professor and the university. However, there are times when a professor's extracurricular activities could interfere with their primary duties and commitments to the university. Their personal interests – family, friends, financial gain, prestige, or power – could compromise their professional judgment, decisions, or actions. Any ethical lapse due to conflicts of interests and/or commitments may create a ripple effect that goes far beyond the university.

As a reminder, Georgia Tech is a public university under the University System of Georgia (“USG”) and works as an agency of the State of Georgia. Georgia Tech is also a federal contractor receiving hundreds of millions of grants each year. Further, the university is a partner with many organizations around the globe on research development. Because of this environment, professors must disclose all external activities that may cause conflicts of interests and/or commitments. Failure to report those conflicts would run afoul with Georgia Tech and USG policies, potentially violate state and federal laws, and also expose the university to legal risks of breaching federal and private contracts.

Given the high volume and variety of professor activities, it is very challenging to have a one-size-fits-all approach to manage conflicts of interests and/or commitments. Therefore, universities typically adopt a Swiss army knife strategy, using state law, policies, processes, academic norms, departmental and central review committees.

For example, after review and approval, professors can sometimes enter into business transactions with Georgia Tech for products and services not available from other sources. This is permissible under special circumstances by Georgia law and Georgia Department of Administrative Services regulations. Professors may also teach at another university or consult for corporations within the boundaries prescribed by USG and Georgia Tech policies. Often times, professors publish books in highly specialized areas in which they also teach classes. Although there is a conflict of interest, the professor may assign their own book to the class but this must be approved by a committee.

In short, professors at research universities like Georgia Tech do not just stay in classrooms. Allowing professors to engage in external activities within the bounds of what is permissible is key to the success of the professor and the university.



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# Ethics Challenge: Test your knowledge!!!

## 1. It's Only a Ticket

**A city vendor that works closely with you and your division has offered you five discounted tickets to an upcoming Atlanta United soccer match to show their appreciation.**

**Is it ok to accept the tickets and go to the game?**

- A. Yes, since you will still have to pay for the discounted tickets.
- B. No, you cannot accept the discounted tickets.
- C. Yes, you may accept the tickets if you donate them to a charity.
- D. No, unless the vendor offers you free tickets.

### How To Play:

The first **20** people to email the correct answers to [ethicstraining@atlantaga.gov](mailto:ethicstraining@atlantaga.gov) by **June 3, 2022** will win **ETHICS SWAG!!!**

## 2. The Side Hustle

**Your co-worker owns a small and thriving business selling organic products outside of their work for the City. You notice that they sometimes use their city computer during their lunch hour and shortly after work to prepare invoices and reply to orders.**

**What do you do?**

- A. Nothing, it doesn't matter what people do on their own time.
- B. Report them to management.
- C. Talk to them about what they are doing.
- D. Ask if they can sell you some of their products.



### 3. Crew Work

A city employee supervises a crew that paves public streets. The crew finishes early one day and the supervisor asks the crew members to stop by their house to help finish paving their new driveway. The supervisor also offers to pay the crew "some money" for the additional work. The supervisor and the crew are riding in separate city trucks. Some of the crew members are angry about the situation, but don't know what to do. The others want to get "paid" and tell them to keep quiet and do the work. The Supervisor's house is on the way back to their city offices.

**Which of the following is correct?**

- A. The crew can do the job for the supervisor because they finished their city work early.
- B. The crew can do the work if the supervisor asks them to do the job on the weekend.
- C. The crew may do the work because the supervisor will pay them.
- D. None of the above.

### 4. Mixing Business

You are a project manager overseeing a construction company that is doing work for the City. During a casual conversation with the company's engineer at the job site, the engineer mentions that they are looking for a DJ for their daughter's upcoming "Sweet 16" birthday party. You tell them that your sister is a professional DJ and give them your sister's business card.

**Should you recommend your sister for the Sweet 16 birthday party?**

- A. Yes. If the company's engineer pays the normal DJ rate.
- B. No, probably not a good idea.
- C. Yes, it's only a recommendation.
- D. No, because your sister is not a good DJ.

# Reporting Misconduct in the City of Atlanta

Observing and reporting employee misconduct while working remotely may not seem as obvious as it is while working onsite. After all, if people are not in the office, they should not be doing anything unethical, right? Unfortunately, that is not always the case. Ethical misconduct and fraud can happen even in a remote workplace, and the opportunity to do so, rationalizing why it happens, as well as the pressure to behave improperly, remain present.

If you notice anyone engaging in ethical misconduct or fraud, misusing a city position or city funds or resources, it is important that you call the **Integrity Hotline** at **1-800-884-0911**. The complaints are sent directly to the **Office of the Inspector General** and thoroughly reviewed by the **Ethics and Compliance Divisions**. If you are not comfortable providing your name, you can file an anonymous complaint and your call will be confidential. You can also visit [www.atlantaga.ethicspoint.com](http://www.atlantaga.ethicspoint.com) to file a complaint online. The site is confidential and secure. We want to hear from you, and we take all complaints seriously.



## INTEGRITY HOTLINE

# Special Announcements

## **Ethics Division Secures Record \$84,537 in Restitution in Misuse of City Funds Case Against former City of Atlanta CFO...**

The Ethics Division recently recovered an office record \$84,537 in restitution for the City of Atlanta general fund after multiple State of Georgia courts upheld the former Board of Ethics' findings that a former Chief Financial Officer for the City violated the City's Code of Ethics by misusing city funds for private gain and failing to provide city business justifications for lavish spending on a city-issued credit card.

## **Jabu Sengova Reappointed to Second Term as City Ethics Officer...**

Following a unanimous vote of the City Council, Jabu M. Sengova was re-appointed on May 2, 2022, to a second five-year term as the City's Ethics Officer. Sengova's first term saw numerous successes, including the largest monetary recovery in the history of the office, Code of Ethics updates mandating annual ethics training for all city employees, an expansion of the Ethics Division's jurisdiction over city contractors and vendors, the creation of the financial disclosure audit program, and the addition of key personnel to the Ethics Division staff.

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