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Ethics Office
Investigative Report

Case Number: CO-13-013

**City of Atlanta Fire Inspectors:
Inspectors Providing Private Services to Establishments Where They Conduct City Inspections**

Atlanta Fire Rescue Department

September 23, 2014

Case Information

Case Number: CO-13-013

Persons under investigation: Atlanta Fire Inspectors

Department: Atlanta Fire Rescue Department

Allegation: Fire Marshalls and Inspectors within the City of Atlanta Fire Rescue Department may be providing private services to establishments where they conduct city inspections.

Applicable Law:

Sec. 2-820. Incompatible interests.

(b) No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is adverse to and incompatible with the proper discharge of official duties of the official or employee.

Persons interviewed:

1) Chief Gregory Favors, Community Risk Reduction Section Chief, Atlanta Fire Rescue Department

2) Lieutenant Torrone Thomas, Inspector, Atlanta Fire Rescue Department

Documents reviewed:

1) Atlanta, Georgia, Municipal Code, Part II, Chapter 2, Article VII, Division 2 § 2-805-825 (June 20, 2002).

2) Atlanta Ethics Office, Ethical Guidelines, *Ethical Standards for City Employees* (October 1, 2010).

3) Atlanta Ethics Office, *Transcript of Interview with Section Chief Favors* (July 2, 2014).

4) Atlanta Ethics Office, *Transcript of Interview with Lieutenant Torrone Thomas* (August 13, 2014).

5) Dale Russell, *Some Atlanta fire officials work for same clubs they inspect*, Fox 5 Atlanta (November 13, 2013), http://www.myfoxatlanta.com/story/23963368/some-atlanta-fire-officials-work-for-same-clubs-they-inspect.

6) Office of Professional Standards, *Internal Investigation Complaint Package* (February 27, 2014).

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I. Report Summary

There is sufficient evidence to show that Atlanta Fire and Rescue Department ("AFRD") employee, Edward Buford, violated Section 2-820 (b) of the Atlanta Code of Ethics on Incompatible Interests when he conducted a follow-up city inspection at Vanquish Nightclub; a venue where he also provides event management services on behalf of his private business.

II. Allegations

Fire Marshals and Inspectors within the City of Atlanta Fire Rescue Department may be providing private services to establishments where they conduct city inspections.

III. Background

On November 13, 2013, Fox 5 Atlanta ran a story alleging that certain off-duty AFRD Inspectors were working night jobs at local clubs in Midtown Atlanta; the same clubs where they were allegedly conducting city fire inspections. The story also reported that AFRD was conducting an internal investigation into these allegations.

Following a review of news media reports, the Ethics Office notified AFRD that it was initiating an ethics investigation. The Office issued a Cease and Desist notice to all fire marshals and inspectors informing them that if they were rendering private services to establishments where they conduct city inspections, or seeking to provide such services, they would be acting in violation of the Atlanta Code of Ethics. Thereafter, AFRD forwarded the results of its internal investigation to the Ethics Office and this Office conducted its own investigation.

IV. Findings

Office of Professional Standards Report

The Ethics Office reviewed the Office of Professional Standards Internal Investigation Report, issued on February 27, 2014 (the "Report"). The Report revealed that AFRD Community Risk Reduction Section Chief, Gregory Favors, filed a complaint with the Office of Professional Standards ("OPS") on October 28, 2013 alleging that Mr. Edward Buford, at that time an Inspector with AFRD, was in violation of Work Rule 2.25 on Outside Employment, Work Rule 2.26 on Conflicts of Interest, and AFRD Standard Operating Procedure on Extra Job Permits when he conducted an official City inspection at Vanquish Nightclub; a venue for which he also provides EMS, crowd control, security, and safety training services through his side business, Events Management Group. Following its investigation, OPS concluded that Mr. Buford violated Work Rule 2.26.

Interview with Section Chief Gregory Favors

Based on the review of the OPS Report, the Ethics Office scheduled an interview with Section Chief Gregory Favors on July 2, 2014. During the interview, Chief Favors says he discovered that Mr. Buford had conducted a follow up inspection at Vanquish Nightclub in 2011. Chief Favors explained that AFRD has a department policy regarding outside employment; where inspectors who perform services or have businesses outside of the fire department must seek permission to perform such outside employment.

Accordingly, all AFRD employees are to complete outside employment forms on an annual basis. Chief Favors discussed the internal policy on outside employment. He stated that when Mr. Buford sought permission to perform his side business, his form did not list any of the clubs for which he would provide event management.

Concerning the inspection of nightclubs, Chief Favors stated that AFRD instituted a night inspection program following the 2003 Rhode Island nightclub disaster. As part of this program, fire inspectors would randomly select several clubs on a specific weekend and go to these locations to conduct night inspections as part of their official duties. Chief Favors advised that Mr. Buford participated in this program and therefore, he would have conducted city inspections at clubs where he operated his side business.

In response to the OPS Report and ethics investigation, Chief Favors stated that he conducted a presentation on outside employment for all of the inspectors in his division. Further, he instituted a policy requiring all extra job certifications to be resubmitted. In addition, Chief Favors and Assistant Fire Chief, Bernard Coxton, created a new outside employment questionnaire for the lieutenants and the fire inspectors; which was subsequently completed by Mr. Buford and revealed the names of the clubs for which Mr. Buford provides event management services.

Regarding Mr. Buford's status with the City as of the time of the interview, Chief Favors advised that following the determination that Mr. Buford was in violation of Work Rule 2.26, Mr. Buford was temporarily assigned to the AFRD training center, he eventually bid out and was assigned to airport inspections. Chief Favors also stated that Mr. Buford was scheduled to receive a notice of proposed adverse action on July 24, 2014. The Ethics Office contacted Section Chief Jolyon Bundridge and confirmed that Mr. Buford was suspended for two days on August 26 and 27.

Interview with Lieutenant Torrone Thomas

On August 13, 2014, the Ethics Office conducted an interview of Lieutenant Torrone Thomas, an AFRD employee working in the Fire Marshals Office in the Inspections Division. According to Lieutenant Thomas, the owner of Vanquish Nightclub in Midtown contacted him about scheduling a follow-up to an earlier inspection that he had conducted. Lieutenant Thomas says he contacted Mr. Buford, whose assignment at the time was special events and liquor licenses, and asked him to conduct the follow-up inspection.

Lieutenant Thomas says he contacted Mr. Buford, rather than another available inspector, because Mr. Buford was familiar with the club. During the call, Lieutenant Thomas says that Mr. Buford informed him that Vanquish management had contacted him in regards to obtaining its liquor license. Lieutenant Thomas stated that Mr. Buford agreed to conduct the follow up inspection as requested. Mr. Buford wrote on the follow up inspection form that the inspection was conducted "per Lieutenant Thomas." Mr. Buford also noted on the inspection form that Vanquish passed its inspection and could proceed with obtaining the requisite liquor license.

Regarding Mr. Buford's outside business, Lieutenant Thomas explained that Mr. Buford provides life safety inspections to clubs to ensure that the establishments are not overcrowded. Lieutenant Thomas advised that no other fire inspectors own a private

business similar to that of Mr. Buford. Lieutenant Thomas believes that other AFRD employees may currently work for EMG, but to his knowledge, none of those employees conduct city inspections at the clubs EMG is doing business with.

V. Analysis

Mr. Buford violated Section 2-820 (b) of the Atlanta Ethics Code when he performed a follow up inspection at a venue where he provides private crowd control services.

Under the Atlanta City Code of Ethics, "no city official or employee shall engage in or accept private employment or render services for private interests when such employment or service is adverse to and incompatible with the proper discharge of official duties of the official or employee." See Section 2-820 (b) of the Ethics Code. For example, "the city's fire marshal with oversight authority over fire safety inspectors and permits at public venues may not accept an extra job as an in house fire marshal at one of those venues." See Ethical Standards for Employees, p.4. (October 1, 2010).

In the present case, Mr. Buford, a City of Atlanta employee with the Atlanta Fire Rescue Department ("AFRD"), owns a private company for profit named Events Management Group ("EMG"). See OPS Report, Sworn Deposition of Edward Buford (February 2, 2014). EMG provides crowd control, security, and safety training services to its clients. Id. On May 26, 2011, Mr. Buford, an inspector handling special events and alcohol inspections, performed an official AFRD follow-up inspection at Vanquish Nightclub, a venue located in Midtown Atlanta. See OPS Report, Follow-Up Inspection Form (May 26, 2011). Further, on the above date, EMG had a contract with this same establishment to perform crowd control, security, and safety training. See OPS Report, Outside Employment Questionnaire (October 18, 2013). Because Mr. Buford's official duties during the follow-up inspection at Vanquish included identifying fire code violations, a conflict of interest existed when he performed the inspection while his private business was under contract to perform related services at Vanquish.

VI. Conclusion

It was a violation of Section 2-820 (b) of the Ethics Code for Mr. Buford to perform the follow-up inspection at Vanquish Nightclub because doing so was incompatible with his official duties as a fire inspector.

VII. Recommendations

Because there sufficient evidence that Mr. Buford violated Section 2-820(b) of the Ethics Code and he only received a two day suspension for his violation from his department, the Ethics Office should issue a written reprimand and sanction of $500; which is consistent with sanctions assessed in past cases. Further, based on the interviews conducted with Chief Favors and Lieutenant Thomas, it is evident that the department should develop and employ a better process concerning outside employment forms submitted by its fire inspectors.

We would recommend that Atlanta Fire Rescue Department adopt the following measures:

1. Develop an outside employment form that is more detailed and comprehensive requiring its fire inspectors to disclose any potential conflicts as well as locations within the city limits where the inspectors may be conducting business.
2. Conduct thorough annual review of outside employment forms submitted by fire inspectors.
3. Schedule ethics training in the near future to avoid potential violations of the Ethics Code.

Submitted by: Jabu M. Sengova — September 23, 2014

Name: Jabu M. Sengova
Title: Associate Ethics Officer
Date

Name: Carlos R. Santiago — September 23, 2014
Title: Investigator
Date

Approved by: Nina R. Hickson — 23 September 2014

Name: Nina R. Hickson
Title: Ethics Officer
Date

VIII. Final Action Form

CASE NUMBER: CO-13-013

Please have a department representative explain and provide a copy to the Ethics Office of any action initiated by the department to address the recommendations included in this report. Please forward your response within 30 days after receipt of this report.

Action Taken:

Name _____ Date _____

Position _____