

City of Atlanta Board of Ethics Minutes – April 28, 2005

The monthly meeting of the City of Atlanta Board of Ethics was called to order by John D. Marshall, Jr., chairperson, on Thursday, April 28, 2005, at 6:03 p.m. in City Council Committee Room 2. Attending the meeting were board members Chuck Barlow, Kenyatta Mitchell, and Robert B. Remar; Ethics Officer Ginny Looney, and staff member Vickie Binns. Board members Leah Janus and Lawrence S. Levin were absent.

The board approved the minutes of the March 24, 2005, meeting.

The board held show cause hearings in matters involving current city employees who failed to comply with the filing requirements for the 2005 City Financial Disclosure Statements. The board took the following action in the individual cases:

05FD001. In the Matter of Arkiethon Harden.

Based on the evidence that Ms. Looney presented, which was undisputed, Ms. Looney recommended that the board find (1) Arkiethon Harden had notice of the hearing and an opportunity to respond, but did not appear; (2) he violated section 2-814 of the Standards of Conduct in the City's Code of Ordinances by failing to file an annual financial disclosure statement by the March 1, 2005, deadline; and (3) his failure to file by this year's deadline without reasonable cause rendered him delinquent. She further recommended as the administrative sanction that the board impose the maximum penalty of \$500 for the first offense, as provided in section 2-814, and order Mr. Harden to file his 2005 financial disclosure statement with the Municipal Clerk's office, but waive part of the fine if he paid \$200 on or before May 13. Finally, she recommended that the board issue a written reprimand and send a copy of that reprimand to the head of his department to be placed in his personnel file. Mr. Remar made a motion to adopt the Ethics Officer's recommendation, and Mr. Barlow seconded the motion, which the board adopted. Mr. Marshall then read the public reprimand of Arkiethon Harden for his failure to file his annual statement by the filing deadline without reasonable cause.

05FD002. In the Matter of Veronica Eagle.

Ms. Looney recommended that the board accept Ms. Eagle's payment of a \$50 fine for filing her statement eight business days late to dispose of the show cause order issued against her. Mr. Barlow moved to accept the recommendation, Ms. Mitchell seconded the motion, and the board adopted the motion unanimously.

05FD003. In the Matter of Arthur J. Earley.

Ms. Looney presented evidence that Mr. Earley filed on April 11, 2005, 41 calendar days after the filing deadline and 12 days after he spoke with the Ethics Office staff about his need to file. Mr. Earley testified that he did not receive the

form and he completed one as soon as his was notified by his supervisor and the Ethics Office of the requirement. Mr. Remar moved to accept Ms. Looney's recommendation that Mr. Earley be fined \$150, with half of it suspended if he paid \$75 by May 13. Mr. Barlow seconded the motion. Mr. Remar then rephrased his motion to adopt Ms. Looney's recommendation, but make the fine \$150 if paid by May 13. Mr. Barlow moved to accept Ms. Looney's recommendation of a fine of \$150, suspended to \$75 if paid by May 13 and to issue a public reprimand. Ms. Mitchell seconded the motion. Mr. Remar offered a substitute motion to fine Mr. Earley \$150, with \$100 suspended if he pays \$50 by May 13, with no public reprimand; Mr. Barlow accepted the substitute motion, but Ms. Mitchell refused the substitute. Mr. Barlow then seconded the substitute motion. The board adopted the substitute motion.

05FD004. In the Matter of Martina Miller.

Following testimony from Ms. Miller that she did not receive any correspondence about the financial disclosure statement and filed her statement on the day after she received a telephone call from the Ethics Office, Mr. Remar moved to fine her \$50, but suspend the fine and issue no reprimand. Mr. Barlow seconded the motion, which the board adopted unanimously.

05FD005. In the Matter of David Omodare.

Ms. Looney presented evidence that Mr. Omodare filed his statement six business days late, failed to disclose property he owned in another county, and failed to respond to an email asking him to amend his statement to disclose his property ownership. Mr. Omodare testified that he received no letters or emails, but had worked for the city for 17 years and filed the disclosure statement in the past through his department. Ms. Mitchell moved to fine Mr. Omodare \$150, suspended to \$75 if paid by May 13, with no public reprimand. Mr. Barlow seconded the motion. Mr. Remar presented a substitute motion to fine Mr. Omodare \$75, with \$25 suspended if he paid \$50 by May 13 and amended his form, with no public reprimand. Mr. Barlow seconded the motion. It failed by a 2-2 vote. The original motion passed 3-0 with Mr. Remar abstaining.

05FD006. In the Matter of Anderson Thomas.

Mr. Thomas testified that he did not receive any form in the mail, and the exhibits showed that the city had the wrong zip code for his address. Mr. Barlow moved that the board fine Mr. Thomas \$50, but that the fine be waived because the city did not have a correct address and Mr. Thomas filed promptly after being told of his obligation. Mr. Remar seconded the motion, which the board adopted unanimously.

05FD007. In the Matter of Charles C. Graves III.

The board received evidence that Mr. Graves, a former department head, did not file his financial disclosure statement under April 11, 2005, 41 calendar days after the filing deadline, or pay the fine imposed by the board at its March meeting and stated in the show cause letter. Mr. Graves did not appear at the hearing in

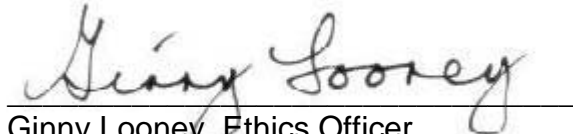
person or in writing. Mr. Barlow made a motion to fine Mr. Graves \$250, with half of the fine suspended if he paid by May 13. Mr. Remar seconded the motion. Ms. Mitchell moved to amend the motion to add a public reprimand, which Mr. Barlow seconded. The board adopted the amendment unanimously. As amended, the motion passed. Mr. Marshall read aloud the public reprimand of Charles Graves.

The board next considered the formal ethics complaint that Jack Jersawitz filed against People TV. Ms. Looney recommended dismissing the complaint due to lack of jurisdiction because People TV, Inc. is not a city agency under section 2-801 of the Code of Ordinances. In response, Mr. Jersawitz argued that the board had jurisdiction over People TV based on the contract between the City of Atlanta and the cable company, the contract between the City of Atlanta and People TV, and section 2-801. Mr. Remar moved to dismiss the complaint on the basis of lack of jurisdiction over People TV, Ms. Mitchell seconded the motion, and the board voted unanimously in favor of the motion.

On the issue of issuing show cause letters against two NPU officers who have not filed, Ms. Mitchell announced that she was not participating in one matter. Mr. Marshall moved to table the matter until the next meeting, Mr. Barlow seconded the motion, which the board adopted.

Following a discussion, Mr. Remar moved to adopt Formal Advisory Opinion 2005-2 on solicitations by city employees in an official capacity for employee prizes and awards. Mr. Barlow seconded the motion, which the board adopted.

There being no further business, the meeting was adjourned.



Ginny Looney, Ethics Officer
Approved May 19, 2005