

**City of Atlanta Board of Ethics Meeting  
Minutes of May 22, 2007**

The specially called meeting of the City of Atlanta Board of Ethics was called to order by Chair John Marshall at 6:00 p.m. in City Council Committee Room 2. Attending the meeting were board members MaryAnne Gaunt, Susan Housen, John Lewis, and Jacquee Minor. Board members Larry Levin and Kenyatta Mitchell were absent. Also in attendance were staff members Ginny Looney, Claudia Janka, and Trina Nkhazi; City Council member Jim Maddox; and Mr. Maddox's attorney, Roy Barnes.

**Case Number CO-06-006, In the matter of James F. Maddox, Sr.**

The Board conducted a probable cause hearing in Case Number CO-06-006, In re James F. Maddox, Sr. Ms. Looney presented the case alleging that there was probable cause to believe that Mr. Maddox violated section 2-811 of the City's Code of Ethics by using city equipment, labor, and materials for private advantage on terms not available to the public. Mr. Barnes represented Mr. Maddox at the hearing and denied that the facts showed probable cause. In addition, Mr. Barnes challenged the validity of the ordinance as a violation of substantive due process for failing to give sufficient notice. He argued that the phrase "Code of Ethics" is not a defined term in the code and therefore there is no Code of Ethics that has been adopted by the City of Atlanta, and Mr. Maddox is not covered by the definition of "official" because he is not a person "elected or appointed by the city." The chairman denied both arguments. On the first argument, Mr. Marshall ruled that the code makes clear that "Code of Conduct," "Code of Ethics," and "Standards of Conduct" are synonymous enough terms to put people on notice. On the second argument, he referred to the general rules of statutory construction that words are to be given their normal and ordinary meaning, and then cited Merriam Webster's Dictionary which defines the word "city" as meaning "the people of the city." Mr. Maddox then made a statement and answered questions from board members. Following additional arguments by Mr. Barnes and Ms. Looney, Ms. Housen made a motion that there was sufficient probable cause to move forward with an evidentiary hearing on this matter. Ms. Gaunt seconded the motion, and the Board adopted the motion by a vote of 5-0. The Board scheduled the evidentiary hearing for its next regularly scheduled board meeting on Thursday, June 21.

Having no further business, the meeting was adjourned at 7:00 p.m.



Ginny Looney, Ethics Officer  
Approved on June 21, 2007