

City of Atlanta Board of Ethics Meeting Minutes of September 17, 2015

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Board Chair Kate Wasch at 6:17 p.m. in the City Council Chambers, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Brent Adams, Carol Snype Crawford, Riah Greathouse, Jessica Stern, and Kai Williamson. Staff members Nina R. Hickson, Sherry H. Dawson, Carlos R. Santiago and Jabu M. Sengova also attended. Board member De'Lonn Brown was absent.

MINUTES

1. Ms. Stern moved to approve the minutes of the May 21, 2015 board meeting. The move was seconded by Brent Adams and unanimously approved by the Board. Mr. Adams made an amendment to a typographical error in a heading appearing in the minutes of the June 6, 2015 board retreat and made a motion to approve the minutes as amended which was seconded by Ms. Williamson. The Board unanimously adopted the motion.

ENFORCEMENT ACTIONS

2. **CO-14-016. In the Matter of Mernena Henderson.**
The Board conducted a probable cause hearing in Case Number CO-14-016 concerning former employee Mernena Henderson. Ms. Henderson provided a written response to the probable cause report; however, she was not present at the hearing. Mr. Santiago presented arguments for three counts to support a finding of probable cause that Ms. Henderson violated Section 2-811 of the Code of Ethics when she referred, distributed, reproduced and collected payment for fraudulent GED certificates, high school diplomas and pay stubs during her city work hours. Mr. Santiago presented Board Rules 5.6, 5.7 and 5.8 and applicable rules in the hearing. Mr. Santiago presented facts indicating that Ms. Henderson used a city copier to copy fraudulent GED certificates; further, she knowingly copied the documents and affixed her signature to them enabling city employees to gain permanent employment with the City. After presenting the argument, Mr. Santiago recommended that the Board find probable cause in all three counts and set the matter down for an evidentiary hearing based on sufficient facts that would induce a reasonably intelligent and prudent person to believe that Ms. Henderson violated the Ethics Code.

In regards to Count 1, Ms. Crawford made a motion to find probable cause that Ms. Henderson violated section 2-811 by using a city copier to copy fraudulent GED certificates, which was seconded by Mr. Greathouse. The Board unanimously adopted the motion. In regards to Count 2, Mr. Adams made a motion to find that Ms. Henderson violated code section 2-811 by misusing city time when she referred, reproduced, distributed and collected payment for fraudulent documents during her city work hours. Mr. Greathouse seconded the motion which was adopted by the Board with an abstention from Ms. Stern. In regards to Count 3, Ms. Stern moved to find probable cause that Ms. Henderson violated Section 2-820(b) by rendering services on behalf of Pamela Lockett and her private business, Malone's House, Inc. for Ms. Lockett's private advantage

and for the private advantage of others. Mr. Greathouse seconded the motion which the Board unanimously adopted.

FINANCIAL DISCLOSURE

3. Report on Enforcement Efforts

Ms. Sengova delivered a status report to the Board on enforcement efforts against the 71 persons listed on the current Roll of Delinquent Filers. Of the 50 late filers, 35 cases have been closed and 15 remain open. Of the closed cases, the Ethics Office is requesting removal of 10 late filers from the Roll of Delinquent Filers for just cause, 11 cases were administratively dismissed for cause and the fines waived, and payments totaling \$925 were received from 14 filers. Ms. Sengova reported that of the 21 non-filers, 9 cases have been closed and 12 remain open. The Ethics Office also requested removal of 4 nonfilers from the Roll of Delinquent Filers for just cause.

2015 Amended Roll of Delinquent Filers

Following the recommendation of the Ethics Office to remove 14 filers from the Roll of Delinquent Filers, Ms. Crawford moved to adopt the Amended Roll of Delinquent Filers which was seconded by Mr. Adams and the Board unanimously approved.

4. Financial Disclosure Hearings

No Appeals Filed – Late Filers

15-FD-021: In the matter of Deborah Lum

Ms. Sengova presented evidence that Ms. Lum failed to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause. Further, Ms. Sengova presented evidence that none of the mailings sent to Ms. Lum were returned. Ms. Sengova indicated to the Board that Ms. Lum filed a Notice of Appeal of the Administrative Decision finding her delinquent to the Board asserting that while she received the initial notice to file on February 27, she does not have a computer and was out of the country until April 17 when she filed. However, Ms. Sengova indicated to the Board that Ms. Lum failed to provide evidence that she had traveled out of the country; despite being asked on numerous occasions to do so. Therefore, Ms. Sengova recommended the Board impose an administrative sanction of \$50, issue a public reprimand, and that the City consider her ineligible for rehire for one year; and require her to pay the fine owed prior to any reemployment by the City.

Ms. Lum was present at the proceedings to contest the matter. She admitted that she received the notices yet the mail at her home was very unreliable. She asserted that she should have received notices by email or certified mail; rather than regular United States mail.

Following a brief discussion, Mr. Adams made a motion to find that Ms. Lum violated section 2-814(e) of the City Code of Ethics by failing to file the annual disclosure statement by the deadline without reasonable cause which was seconded by Ms. Stern and was unanimously approved by the Board. The Board next considered whether any administrative sanctions should be assessed

against Ms. Lum. Following a brief discussion, Mr. Adams moved in favor of an administrative sanction of \$50 and the motion was seconded by Ms. Stern. Ms. Crawford opposed the motion. The motion carried. The Board declined to issue a public reprimand against Ms. Lum.

Case 15-FD-004: In the Matter of Malukah Berry

Ms. Sengova presented evidence that Ms. Berry failed to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$250, issue a written reprimand, and recommend that a subpoena be issued ordering her to appear before the Board for failure to respond and non-compliance with financial disclosure laws. Following a brief discussion, Mr. Adams moved that a subpoena be issued ordering Ms. Berry to appear at the next regular meeting of the Board of Ethics, a written reprimand be issued and \$250 in administrative sanctions. Mr. Greathouse seconded the motion which was approved by the Board with an abstention from Ms. Williamson.

Case 15-FD-036 in the Matter of Chaohan Tseng

Ms. Sengova reported that this matter had been resolved between Mr. Tseng and the Ethics Office pursuant to an agreement with a reduction of the imposed fine. Mr. Tseng addressed the Board stating that the electronic system for filing financial disclosure needed some work since he tried multiple times to file and then to sign electronically but was not able to timely complete his filing.

Case 15-FD-001: In the Matter of Benny Allen

Ms. Sengova presented evidence that Mr. Allen violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$100 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation which seconded by Ms. Williamson and it was unanimously approved by the Board.

Case 15-FD-005: In the Matter of Michael Brainard

Ms. Sengova presented evidence that Mr. Brainard violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$250 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation which seconded by Ms. Stern and it was unanimously approved by the Board.

Case 15-FD-009: In the Matter of Valerie Fontaine

Ms. Sengova presented evidence that Ms. Fontaine violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$50 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation which seconded by Ms. Williamson and it was unanimously approved by the Board.

Case 15-FD-011: In the Matter of Gabriel Gordon

Ms. Sengova presented evidence that Mr. Gordon violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$250 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation seconded by Mr. Greathouse; and it was unanimously approved by the Board.

Case 15-FD-019: In the Matter of Susan Lampley

Ms. Sengova presented evidence that Ms. Lampley violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$50 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation seconded by Ms. Williamson. The motion was unanimously approved by the Board.

(The Board recessed at 7:37 p.m. and the board meeting resumed at 7:49 p.m.)

Case 15-FD-022: In the Matter of Quitail LaKiesha Mack

Ms. Sengova presented evidence that Ms. Mack violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$250 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation seconded by Ms. Crawford. The motion was unanimously approved by the Board.

Case 15-FD-025: In the Matter of Kimberly Parmer

Ms. Sengova presented evidence that Ms. Parmer violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$200 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Ms. Stern moved to accept the recommendation seconded by Ms. Crawford. The motion was unanimously approved by the Board.

Case 15-FD-027: In the Matter of Rockie Pitts

Ms. Sengova presented evidence that Mr. Pitts violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$200 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Ms. Stern moved to accept the recommendation seconded by Mr. Adams. The motion was unanimously approved by the Board.

Case 15-FD-029: In the Matter of Jacqueline Rogers

Ms. Sengova presented evidence that Ms. Rogers violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$250 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Ms. Stern moved to accept the recommendation seconded by Ms. Williamson. The motion was unanimously approved by the Board.

Case 15-FD-032: In the Matter of Delmon Damien Smith

Ms. Sengova presented evidence that Mr. Smith violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 City Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose a fine of \$250 in administrative sanctions, issue a written reprimand and pay the fine owed prior to any reemployment by the City. Mr. Adams moved to accept the recommendation seconded by Ms. Williamson. The motion was unanimously approved by the Board.

No Appeals Filed – Nonfilers

Case 15-FD-010: in the Matter of Tracy Gates

Mr. Santiago presented evidence that Ms. Gates violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand, recommend to the appointing authority that she be removed from office and issue a subpoena for her to appear before the Board for her failure to respond and non-compliance with the financial disclosure laws. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Following a brief discussion, Mr. Adams moved to adopt the Ethics Office's recommendation seconded by Ms. Williamson. The motion passed unanimously.

Case 15-FD-017: in the Matter of Brian Kincaid

Mr. Santiago presented evidence that Mr. Kincaid violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand, recommend to the appointing authority that he be removed from office and issue a subpoena for him to appear before the Board for his failure to respond and non-compliance with the financial disclosure laws. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Ms. Stern moved to adopt the Ethics Office's recommendation seconded by Mr. Adams. The motion passed unanimously.

Case 15-FD-026: In the Matter of Evonne Perdue

Following a brief discussion, Ms. Hickson recommended that the case be stayed until the next Board meeting. Ms. Stern made a motion to stay the case seconded by Ms. Williamson and unanimously approved by the Board.

Case 15-FD-028: In the matter of Don Reynolds

Mr. Santiago presented evidence that Mr. Reynolds violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board

impose an administrative sanction of \$500, issue a public reprimand, recommend to the appointing authority that he be removed from office and issue a subpoena for him to appear before the Board for his failure to respond and non-compliance with the financial disclosure laws. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Mr. Adams moved to adopt the Ethics Office's recommendation seconded by Ms. Stern. The motion passed unanimously.

Case 15-FD-030: In the Matter of Dana Scott

Mr. Santiago presented evidence that Ms. Scott violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand, recommend to the appointing authority that she be removed from office and issue a subpoena for her to appear before the Board for her failure to respond and non-compliance with the financial disclosure laws. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Ms. Stern moved to adopt the Ethics Office's recommendation seconded by Mr. Adams. The motion passed unanimously.

Case 15-FD-006: In the Matter of Natasha Daniels

Mr. Santiago presented evidence that Ms. Daniels violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand and require payment of the fine prior to any reemployment by the City. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Ms. Williamson moved to adopt the Ethics Office's recommendation seconded by Mr. Adams. The motion passed unanimously.

Case 15-FD-008: In the Matter of Nyahuma Azania Fort

Mr. Santiago presented evidence that Ms. Fort violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand and require payment of the fine prior to any reemployment by the City. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Mr. Adams moved to adopt the Ethics Office's recommendation seconded by Ms. Stern. The motion passed unanimously.

Case 15-FD-023: In the Matter of Judah S. Mahekeya

Mr. Santiago presented evidence that Ms. Mahekeya violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand and require payment of the fine prior to any reemployment by the City. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Ms. Stern moved to adopt the Ethics Office's recommendation seconded by Mr. Adams. The motion passed unanimously.

Case 15-FD-031: In the Matter of Nicholas Arthur Shearer

Mr. Santiago presented evidence that Mr. Shearer violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by

the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand and require payment of the fine prior to any reemployment by the City. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Ms. Stern moved to adopt the Ethics Office's recommendation seconded by Mr. Greathouse. The motion passed unanimously.

Case 15-FD-033: In the Matter of Alfreda Stukes

Mr. Santiago presented evidence that Ms. Stukes violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand and require payment of the fine prior to any reemployment by the City. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Mr. Adams moved to adopt the Ethics Office's recommendation seconded by Mr. Greathouse. The motion passed unanimously.

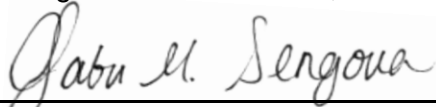
Case 15-FD-035: In the matter of Kenneth W. Tittle

Mr. Santiago presented evidence that Mr. Tittle violated Section 2-814(e) of the Code of Ethics by failing to file the 2015 Financial Disclosure Statement by the filing deadline without reasonable cause and requested that the Board impose an administrative sanction of \$500, issue a public reprimand and require payment of the fine prior to any reemployment by the City. Mr. Santiago also recommended referral of the case to the City Solicitor's Office. Ms. Crawford moved to adopt the Ethics Office's recommendation seconded by Mr. Greathouse. The motion passed unanimously.

OTHER MATTERS

Ms. Hickson requested that the Board move the remaining action matters to the next board meeting to include the request for a formal advisory opinion on further guidance regarding post-employment activities, adoption of Formal Advisory Opinion 2015-1, and the resolution honoring former Ethics Board Chair Shukura Ingram Millender. Ms. Crawford moved to approve Ms. Hickson's request seconded by Ms. Williamson and the motion carried.

Having no further business, the meeting adjourned at 8:23 p.m.



Jabu M. Sengova, Associate Ethics Officer
Approved October 15, 2015.