

**City of Atlanta Board of Ethics Meeting
Minutes of September 21, 2017**

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Board Chair Kate Wasch at 6:08 p.m. in the City Council Committee Room 1, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Todd Gray, Riah Greathouse, Nichola Hines, Gerry Neumark and Jessica Stern. Ethics Officer Jabu M. Sengova and staff members Carlos R. Santiago, Sherry H. Dawson and Janet R. Keene also attended.

MINUTES

1. Ms. Stern moved to approve the minutes of the July 20, 2017 board meeting with a second by Mr. Neumark. The Board unanimously adopted the minutes.

FORMAL ADVISORY OPINIONS

2. **Request from Invest Atlanta to reconsider and rescind Formal Advisory Opinion 2013-1; and issue new formal advisory opinion regarding premium seating at the new Mercedes-Benz Stadium.**

Following the July 20, 2017 presentation to the Board by Invest Atlanta and a lengthy discussion, the Board deferred its decision to the September meeting.

Ms. Sengova presented a recommendation that Invest Atlanta's request to reconsider and rescind FAO 2013-1 was not timely. In addition, she stated that FAO 2013-1 correctly found that the contract provision governing the use of premium seating at the new stadium violated Section 2-816 of the City's Code of Ethics. Ms. Sengova further stated that the official duty exception did not apply under these facts. She asserted that on these grounds, Invest Atlanta's request should be denied. Ms. Hines made a motion to adopt Ms. Sengova's recommendation. Mr. Neumark seconded the motion and it was approved by the Board. Ms. Stern abstained from the vote.

3. **Request to amend Formal Advisory Opinion 2005-7: Use of City Property by Candidates for City Office**

Ms. Sengova outlined a proposed change to the 2005 Formal Advisory Opinion to address the use of social media during campaigning. Mr. Gray moved to amend the opinion as recommended. Mr. Neumark seconded the motion which was unanimously approved by the Board.

FINANCIAL DISCLOSURE

4. **2017 Roll of Delinquent Filers**

Mr. Santiago proposed the removal of two individuals, Mr. Kirk Wilks and Ms. Theora Powell, from the 2017 Roll of Delinquent Filers for just cause. Mr. Greathouse moved that the two persons named be removed from the Roll of Delinquent Filers. Ms. Stern seconded the motion which was unanimously approved by the Board.

FINANCIAL DISCLOSURE HEARINGS

5. Late Filers – no appeals filed.

Mr. Santiago presented evidence for 11 individuals who violated Section 2-814(e) of the Code of Ethics by failing to file the 2017 City Financial Disclosure Statement by the filing deadline without reasonable cause; and requested that the Board issue a written reprimand and impose a fine of \$50 or more in administrative sanctions and require that the fine be paid prior to any reemployment by the City.

Mr. Santiago presented Exhibits 1 through 5 as documentary evidence of notices sent to individuals informing them of the requirement to file the 2017 Financial Disclosure Statement. Ms. Stern made a motion to approve Exhibits 1 through 5 as being proper notice of the requirement to file. Ms. Hines seconded the motion which was unanimously approved by the Board.

The late filer names and fines requested are as follows:

- FD-17-015 In the Matter of Chenee Joseph**
City Board Member filed 4/18/17 Sanction requested \$50
- FD-17-021 In the Matter of Fred Martin**
Current City Employee filed 4/18/17 Sanction requested \$50
- FD-17-005 In the Matter of Sharon Douglas**
Former City Employee filed 5/30/17 Sanction requested \$200
- FD-17-009 In the Matter of Vince J. Hall, Jr.**
Former City Employee filed 4/21/17 Sanction requested \$50
- FD-17-012 In the Matter of David Allen Henderson**
Former City Employee filed 8/31/17 Sanction requested \$250
- FD-17-023 In the Matter of Johnny A. Milsap**
Former City Employee filed 6/1/17 Sanction requested \$200
- FD-17-024 In the Matter of Kwesi Natambu**
Former City Employee filed 8/22/17 Sanction requested \$250
- FD-17-027 In the Matter of Jason L. Redmond**
Former City Employee filed 8/28/17 Sanction requested \$250
- FD-17-028 In the Matter of Joshua A. Reed**
Former City Employee filed 8/15/17 Sanction requested \$250
- FD-17-038 In the Matter of Christopher David Watson**
Former City Employee filed 6/1/17 Sanction requested \$200
- FD-17-042 In the Matter of Larry Williams**
Former City Employee filed 6/27/17 Sanction requested \$250

Ms. Stern moved to find the 11 late filers outlined by Mr. Santiago in violation of Section 2-814 of the City of Atlanta Code of Ordinances and to adopt sanctions as presented. Mr. Greathouse seconded the motion and it was unanimously approved by the Board.

6. Late Filer – appeal filed.

FD-17-026 In the Matter of John Ratchford

Former City Employee filed 8/21/17 Sanction originally requested \$250; request reduced to \$100.

Mr. Santiago reported that Mr. Ratchford contacted the Ethics Office and filed an appeal stating that he had moved from his residency and received notifications after the filing due date. Because he had a history of filing disclosures in a timely manner, Mr. Santiago recommended a reduction of his fine to \$100.

Ms. Stern moved that the fine for Mr. Ratchford be reduced to \$100. Mr. Gray seconded the motion and it was unanimously approved by the Board.

7. Nonfilers – no appeals filed.

Mr. Santiago presented evidence that 14 nonfilers, consisting of board members and former employees as listed below, violated section 2-814 of the Code of Ethics by failing to file the 2017 Financial Disclosure Statement without reasonable cause. Having no opposition, Mr. Santiago submitted that the facts as stated in the administrative decisions should be admitted as evidence and form the basis for penalties imposed in the cases. Mr. Santiago proposed penalties for each case as follows: administrative sanctions of \$500, issuance of a written public reprimand, recommendation that for those who are former employees that the City consider them ineligible for rehire for one year and for those who are board members that the City consider them ineligible to serve on a City Board for one year, and the requirement to pay any fines owed prior to reemployment by the City or reappointment to a City Board.

The nonfilers who are current or former board members are as follows:

FD-17-002 In the Matter of James Bailey (current board member)

FD-17-029 In the Matter of Don Reynolds (current board member)

FD-17-035 In the Matter of Donna Stephens (current board member)

FD-17-036 In the Matter of Jason Ward (former board member)

The nonfilers who are former employees are as follows:

FD-17-003 In the Matter of Terri-Nichelle L. Bradley

FD-17-008 In the Matter of Kojo Gyan

- FD-17-016 In the Matter of Grace Lyee Lampton**
- FD-17-019 In the Matter of Brian C. Love**
- FD-17-022 In the Matter of Sitko Dominic McCoy**
- FD-17-030 In the Matter of Crystal Lynnette Richardson**
- FD-17-031 In the Matter of Karen Melissa Schroeder**
- FD-17-033 In the Matter of AnneMarie V. Sortilleo**
- FD-17-040 In the Matter of Ronnie Lee White**
- FD-17-043 In the Matter of Vonda Arnetta Wray**

Mr. Greathouse made a motion to adopt the penalties proposed by Mr. Santiago for the respondents listed. The motion was seconded by Mr. Neumark and unanimously approved by the Board.

ETHICS OFFICER'S REPORT

8. Status Report on Activities Performed Under Work Plan

Ms. Sengova reported on activities that support the Ethics Office Work Plan in the following areas: operations, training, advice, public education and outreach, investigations and enforcement actions and financial disclosure / electronic disclosure system. In the area of operations, Ms. Sengova reported that the Ethics Officer appeared on a panel at a campaign candidate briefing where she spoke about the use of city property in a municipal campaign. The Office is continuing to work on the new the efile system which will be launched before the 2018 filing season.

9. FY18 Budget Report

Ms. Sengova reported that the Ethics Office was spending as budgeted for FY18.

Having no further business, the meeting adjourned at 6:51 p.m.

Jabu M. Sengova, Ethics Officer
Approved October 19, 2017