

**City of Atlanta Board of Ethics and Independent Compliance
Meeting Minutes of November 21, 2019**

The monthly meeting of the City of Atlanta Board of Ethics and Independent Compliance was called to order by Board Chair Kate Wasch at 6:06 p.m. in the City Council Committee Room 1, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Chris Gilmore, Todd Gray, Matt Grosvenor, Nichola Hines, Lisa Liang and Gerry Neumark. Ethics Officer Jabu M. Sengova and staff members Carlos R. Santiago, Sherry H. Dawson, Janet R. Keene, Larry Mason and Ibidapo Onabanjo also attended. Board Member Wesley Tharpe was absent.

MINUTES

1. Mr. Gray moved to approve the minutes of the October 17, 2019 board meeting. The motion was seconded by Ms. Hines and unanimously approved by the Board.

ENFORCEMENT

2. CO-18-004 In the Matter of Jimmie A. Beard

Ms. Wasch presided over an enforcement hearing in the matter of CO-18-004 regarding Jimmie A. Beard. Neither Mr. Beard nor his attorney were present. Ms. Wasch stated that on May 16, 2019, the Board of Ethics and Independent Compliance conducted a probable cause hearing and found that probable cause existed to conclude that Mr. Beard violated Ethics Code Section 2-811. She stated that the standard of review in the hearing is a preponderance of the evidence and introduced Mr. Santiago to present the case.

Mr. Santiago stated that the matter before the Board is to determine whether the Respondent Jimmie A. Beard, former Chief Financial Officer for the City of Atlanta, violated Section 2-811 of the Code of Ethics by using his city-issued credit card for a large number of charges where he failed to demonstrate city business justification for the charges. Mr. Santiago presented the evidence to the Board as Exhibits and recommended sanctions of \$17,950 based on the amounts represented and recommended an order for restitution in the amount of \$84,322.60, also based on the exhibits. The following sequence of motions were made and adopted:

- Dr. Neumark made a motion to enter Exhibits A through G2 into the record as evidence. Mr. Gray seconded the motion which was unanimously approved by the Board.
- Ms. Hines made a motion to enter Exhibits Q1 and Q2 into evidence. Mr. Gilmore seconded the motion which was unanimously approved by the Board.
- Mr. Gilmore made a motion to admit Exhibits H, I, J, JJ, K, L1, L2, M, N1, N2, O, P1, and P2 into evidence. Dr. Neumark seconded the motion which was unanimously approved by the Board.
- Mr. Gilmore made a motion to admit Exhibits R and S into evidence. Ms. Liang seconded the motion and it was unanimously approved by the Board.

- Mr. Gilmore made a motion to enter into the record Exhibits T1A through T41KK. Ms. Hines seconded the motion and it was unanimously approved by the Board.

Ms. Hines then made a motion to find Mr. Beard in violation of Code Section 2-811 and to impose the Ethics Office's recommended sanction of \$17,950 and to order restitution in the amount of \$84,322.60. Dr. Neumark seconded the motion.

Ms. Wasch initiated a discussion by outlining three issues: 1. jurisdiction, 2. respondent's access to evidence, and 3. whether charges are proven by a preponderance of the evidence. Regarding jurisdiction, Ms. Wasch stated this issue had been deliberated during the probable cause hearing and it was determined that the Board has jurisdiction in this matter. Regarding access to evidence, Ms. Wasch stated that any emails and statements regarding these issues are likely stored in the City Cloud and are subject to the Open Records Act. She also stated that Mr. Beard has refused to participate in this process and did not request any copies of documents. Regarding whether the charges have been proven by a preponderance of the evidence, Ms. Hines outlined various infractions that are specifically stated as not being allowed in the Atlanta Code. She then proposed an amendment to the sanction recommended by the Ethics Office to raise the amount of the sanctions for Exhibits T27, T32, and T34 because they each represent credit card charges of excessive amounts.

The following sequence of amendments to the proposed motion were made and seconded:

- Ms. Hines proposed an amendment to increase the sanctions by \$250 per credit card charge in excess of \$2,000 for a total increase of \$750 to the proposed sanction. Mr. Gilmore seconded the amendment to the motion.
- Mr. Gilmore proposed an amendment to include a public reprimand, to forward any violation found to the City Solicitor's Office for prosecution, and a final order of public reprimand to be filed with the Department of Human Resources. Ms. Hines seconded the amendment.

Ms. Hines made an amended motion to impose sanctions of \$18,700, issue a public reprimand, forward a final order of reprimand to the Department of Human Resources, recover the value of gratuities transferred or received in violation of Section 2-811 in the amount of \$84,322.60, and forward the order to the City Solicitor's Office for prosecution if the Respondent fails to pay the imposed fine. Dr. Neumark seconded the motion and it was unanimously approved by the Board.

FINANCIAL DISCLOSURE

3. Mr. Santiago presented an update on the 2019 Financial Disclosure enforcement season. He stated that delinquent filers who are current employees and have outstanding fines due have executed a payroll reduction form to satisfy those obligations.

ETHICS OFFICER'S REPORT

4. Status Report on Activities Performed under the 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.

5. FY2020 Budget Report

Ms. Sengova reported that the Ethics Office was spending as budgeted for the 2020 fiscal year.

Having no further business, the meeting adjourned at 7:32 p.m.



Jabu M. Sengova, Ethics Officer
Approved January 16, 2020.

EXECUTIVE SESSION AFFIDAVIT

CITY OF ATLANTA
BOARD OF ETHICS AND INDEPENDENT COMPLIANCE
AFFIDAVIT OF CHAIRPERSON KATE WASCH

Kate Wasch, Chairperson of the City of Atlanta Board of Ethics and Independent Compliance, states under oath that the following is true and accurate to the best of her knowledge and belief:

1.

The City of Atlanta Board of Ethics met in a duly advertised meeting on October 17, 2019.

2.

During such meeting, the Board voted to go into executive session.

3.

The executive session was called to order at 6:40 p.m.

4.

The subject matter of the executive session portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Personnel matters

This 17th day of October, 2019.

KA Hadad, Chair, City of Atlanta Board of Ethics and Independent Compliance.

Sworn to and subscribed before me this 17th day of October, 2019.

Sherry H. Dawson, Notary Public

SHERRY HALSEY DAWSON
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
MY COMM. EXPIRES APRIL 30, 2020

My commission expires: April 30, 2020