BEFORE THE CITY OF ATLANTA BOARD OF ETHICS

In the matter of:

Cleta Winslow Respondent Case No. CO-13-011

FINAL OPINION AND ORDER

This matter came before the City of Atlanta Board of Ethics on November 21, 2013, for the Board to impose sanctions on Respondent, City Councilmember Cleta Winslow, for violating section 2-811 of the Code of Ethics which pertains to use of city property for private gain. Ms. Winslow received proper notice by electronic mail and hand delivery and did not appear before the Ethics Board. She did submit a written response to the allegations, which was presented to the Board.

Findings of Fact

- On October 25, 2013, Torrey Lewis filed a formal ethics complaint against Cleta Winslow, the Councilmember for District 4, alleging a violation of Section 2-811 of the Ethics Code. The complaint specifically alleges that Ms. Winslow used city funds to provide transportation services of seniors in her district to her campaign kick-off which was held at her campaign headquarters located at 591 Lowery Boulevard, Atlanta, Georgia. Mr. Lewis provided an invoice for Proview Tours LLC, the vendor who provided the transportation services.
- 2. Ms. Winslow provided a formal response to the complaint on October 29, 2013. In her response, she asserts that her former staff member, Arianna Sikes, incorrectly submitted the invoice in question. Ms. Winslow states that Ms. Sikes did not have authorization to sign her name to the request for payment to the vendor or submit the request to the Department of Finance. Lastly, Ms. Winslow asserts that she had no knowledge of the invoice prior to filing of the complaint. Ms. Winslow provided a canceled copy of a check for \$390 which she submitted to the City on October 30, 2013 to reimburse the City for the alleged error.
- 3. The Ethics Office conducted a preliminary investigation of the allegations, and obtained city records showing that \$390 was paid to the vendor, Proview Tours LLC, from Ms. Winslow's city account for services rendered.

- 4. Cleta Winslow is a city elected official and has represented Council District 4 since 1994. She has been reelected to office five times; in 1997, 2001, 2005, 2009, and recently in 2013.
- 5. In 2013, the Ethics Office distributed ethical guidelines on Use of City Property during Political Campaigns to elected City officials and candidates for municipal office in April, July, August, and September. The guidelines state that: "City funds may not be used for campaign purposes."
- 6. Ms. Winslow violated the Code of Ethics in a prior 2009 case and was assessed sanctions of \$1,500 for the violations. At that time, the Board believed that this fine would be a deterrent to future violations of the Ethics Code.
- 7. On November 12, 2013, the Ethics Office sent a notice to Ms. Winslow of its intent to present the matter to the Ethics Board to seek a finding of probable cause. Further, if Ms. Winslow did not intend to dispute the finding of probable cause, the matter could be presented at the next board meeting to impose sanctions.
- 8. Ms. Winslow responded and agreed to the matter being presented to the Board at its November 21, 2013 meeting for the imposition of sanctions.
- 9. She has reimbursed the City \$390 for the funds paid to the vendor, Proview Tours LLC.

Based on these findings of facts and a lengthy discussion on the matter, the Board makes the following conclusions of law:

Conclusions of Law

- 10. Ms. Winslow is a city official subject to the Code of Ethics found in sections 2-801 to 2-824 in the City's Code of Ordinances.
- 11. Section 2-811 of the Code of Ethics states: "No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity."
- 12. Formal Advisory Opinion 2004-1 states that official city business "does not include an activity or event done solely for the personal benefit of an individual official or employee, such as a political campaign activity, a private business transaction, or an event sponsored by a private or non-city group."
- 13. The use of city funds to pay for transportation of senior citizens to attend a campaign event involves the personal use of city funds.
- 14. Ms. Winslow violated section 2-811 when she requested, used, and permitted the use of city funds to pay for expenses she incurred as a candidate in connection with the transportation of senior citizens to her official kick-off event held during her 2013 campaign for reelection on August 24, 2013.

15. The Board finds that Ms. Winslow is responsible for all payments that are disbursed from her council office.

Based on these findings of fact and conclusions of law, the Board of Ethics concludes:

- 16. Ms. Winslow is ordered to pay an administrative sanction of \$2,000 to the City of Atlanta from her personal funds on or before December 31, 2013.
- 17. Ms. Winslow is ordered to cease and desist from any and all violations of the City of Atlanta Code of Ethics and to comply with all its provisions.

If the Respondent, Cleta Winslow, fails to comply with this opinion and order, she may be

subject to prosecution in Municipal Court for a violation of the Code of Ethics.

So ordered, this 21st day of November, 2013.

For the City of Atlanta Board of Ethics

Show Turmer

Caroline Johnson Tanner Board Chair

CERTIFICATE OF SERVICE

I, Nina R. Hickson, certify that on this ____ day of November, 2013, I served a copy of the

Final Opinion and Order on the following party by way of email and hand delivery:

Honorable Cleta Winslow Atlanta City Council 55 Trinity Avenue Atlanta, Georgia 30303

Nina R. Hickson

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