

**BEFORE THE CITY OF ATLANTA
BOARD OF ETHICS**

In the Matter of:

Cleta Winslow

Respondent

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Case No. CO-14-010

DECISION AND ORDER

This matter came before the Board of Ethics for a decision on February 18, 2016, prior to a probable cause determination. Having considered the attached settlement agreement, the City of Atlanta Board of Ethics approves the agreement and orders that Respondent Cleta Winslow pay a civil penalty of \$3000 for her violations of Section 2-811 of the City's Code of Ethics and submit a quarterly report of expenditures from her District 4 City Council funds to the Ethics Officer in a mutually agreeable form for a period of one calendar year with the first report due on May 31, 2016. Should Council Member Winslow fail to comply with the quarterly filing requirement in either form or timeliness, a fine of \$1000 will be imposed for each month that she is out of compliance.

The Board further directs the Ethics Officer to prepare a written Public Reprimand to Council Member Winslow based on the violation of the Ethics Code. The Board also directs the Ethics Officer to transmit a copy of the Order and Public Reprimand to all Members of the Atlanta City Council.

So ordered this 18th day of February, 2016.

For the City of Atlanta Board of Ethics



Kate Wasch
Chair, Board of Ethics

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AMENDED SETTLEMENT AGREEMENT

This amended settlement agreement is made between Nina R. Hickson, the Ethics Officer of the City of Atlanta, and Cleta Winslow, a city official charged with violating the Code of Ethics, pursuant to a hearing conducted by the City of Atlanta Board of Ethics on February 18, 2016.

The parties agree and consent to the following terms to resolve this matter prior to a probable cause determination by the City of Atlanta Board of Ethics. The Board of Ethics is responsible for administering, implementing, and enforcing the Standards of Conduct contained in the Atlanta Municipal Code.

FINDINGS OF FACT

1. Cleta Winslow is a city elected official who has represented Council District 4 since 1994. She was reelected in 1997, 2001, 2005, 2009 and 2013.
2. During the 2013 re-election campaign, Ms. Winslow attended a "Men's Day Celebration" at Shiloh Missionary Baptist Church for which she wrote a check from her campaign account, "Friends of Cleta Winslow" and later sought reimbursement of the \$100 check from the District 4 City Council account. Ms. Winslow admitted that although she appeared in her capacity as a City Council member, she also discussed and had literature distributed related to her campaign, in violation of the City of Atlanta Ethics Code, Sec. 2-811.
3. In June of 2013, Ms. Winslow purchased tickets with District 4 Funds for the West End Jazz Festival and extended several invitations to including at least 2 individuals to whom she asked to "keep an eye on things" related to her campaign. This was not a city function. Ms. Winslow has submitted a check of \$200 in reimbursement for 8 of the tickets, which were \$25 each.
4. Between May 2013 and May 2014, Council Member Winslow sought reimbursement from District 4 funds for gas purchased by her staff member, Marshall Thomas, who transported her to city -related functions as well as campaign events. Ms. Winslow was prohibited from driving during that time. However, neither Mr. Thomas nor Ms. Winslow maintained records which would designate on what occasions she was being transported for city business as opposed to when she was being transported for campaign events.

5. In an Order dated November 21, 2013, the City of Atlanta Board of Ethics ordered Ms. Winslow to "cease and desist from any and all violations of the City of Atlanta Code of Ethics and to Comply with all its provisions."

CONCLUSIONS OF LAW

6. 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.
7. 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."
8. 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."
9. In Formal Advisory Opinion 2005-7, the Board of Ethics concluded that a City Councilmember may not hand out a city-funded newsletter during a campaign event or while soliciting votes during an election year after filing as a candidate for municipal office.
10. The use of city funds to pay for campaign t-shirts, campaign staff, tickets for the benefit of campaign supporters and transportation to campaign events is prohibited by Sec. 2-811 of the Atlanta Code of Ethics.
11. Ms. Winslow violated section 2-811 when she requested, used, and permitted the use of city funds to reimburse her for expenses she incurred as a candidate.

AGREEMENT

12. Ms. Winslow acknowledges that she violated the city's ethical standards by using city funds to pay for campaign related expenses.
13. Ms. Winslow further acknowledges that this action violated the Order of the Board of Ethics to cease and desist from further violations of the City of Atlanta Code of Ethics.
14. She agrees to pay the City of Atlanta a civil penalty of \$3000 , as approved by the Board of Ethics in its February 19, 2016 meeting. She will also receive a Public Reprimand which will be posted on the City of Atlanta Ethics Board website and distributed to members of the City Council.
15. Additionally, Ms. Winslow agrees to provide to the Ethics Board, through the Ethics Officer a quarterly report outlining her use of District 4 funds with the first report due May 31, 2016. This requirement will be imposed for 12 months. This written report will be prepared in a format that is mutually agreeable to Ms. Winslow and the Ethics Officer.

16. Failure of Ms. Winslow to comply with this portion of the settlement agreement requiring quarterly reporting will constitute a violation of the Code of Ethics with Ms. Winslow accruing a fine of \$1000 for each month that she fails to comply with the timely and complete filing of this quarterly report.
17. The Board acknowledges Council Member Winslow's actions since the filing of the Complaint in this matter including her return of \$200 for tickets for a non-city function for which she had received reimbursement, her participation in as well as her staff's participation in Ethics Training provided by the Ethics Office and her cooperation with the Ethics Office's efforts to obtain emails from her City Council email for the period from September 2013 to December 2014.
18. The parties agree to enter this settlement agreement to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of an evidentiary hearing before the Board to determine Respondent's liability.
19. The Respondent understands and voluntarily waives all procedural rights under the Code of Ordinances, including the determination of probable cause and the right to personally appear before the Board, subpoena witnesses to testify, confront and cross-examine all witnesses, and have the Board hear the matter at any enforcement hearing.
20. The Respondent acknowledges that this agreement is not binding on any other law enforcement or governmental agency and does not preclude the Board of Ethics from cooperating with or assisting any other law enforcement or government agency on this or any other related matter.
21. The Ethics Officer has amended the original settlement agreement pursuant to the terms directed by the Board of Ethics.
22. The Respondent agrees that no member of the Board of Ethics or its staff shall be disqualified from participating in any hearing before the Board because of prior consideration of this settlement agreement.



Cieta Winslow
Respondent



Date



Nina R. Hickson
Ethics Officer



Date

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PUBLIC REPRIMAND OF COUNCIL MEMBER CLETA WINSLOW

The Board of Ethics reprimands you for violations of Sections 2-811 and 2-816(b) of the City of Atlanta Code of Ethics.

The Ethics Board has found that you sought reimbursement for a \$100 contribution made to a non-city sanctioned event where you also engaged in the prohibited distribution of campaign materials; sought and received reimbursement for tickets to the West End Jazz Festival, a non-city sanctioned event, where you provided two tickets to two constituents for campaign purposes; sought and received reimbursement for gas which was used to fuel a vehicle driven by one of your staff members to transport you on a 24 hour basis from May of 2013 to May of 2014, with no accounting for which occasions you were being transported for city business, campaign activities or personal business; and that you violated a previous Order of the Ethics Board by these violations of the Atlanta City Code of Ethics.

The Board directs the Ethics Officer to transmit this Reprimand to you and to all Members of the Atlanta City Council.

Issued this 18th day of February, 2016.



Kate Wasch
Chair, Board of Ethics