

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


In the Matter of:)	
)	
Michael Hopkins)	
)	Case No. CO-13-009
Respondent)	
)	

DECISION AND ORDER

This matter came before the City of Atlanta Board of Ethics for a decision on March 20, 2014 prior to a probable cause determination. Having considered the attached settlement agreement, the City Board of Ethics approves the agreement and orders that Respondent Michael Hopkins participate in at least one training event conducted by the Ethics Office for either an NPU or APAB during which he will make a presentation about his experience as the subject of an Ethics Complaint and inform his colleagues about the applicability of the City's Code of Ethics to NPUs and their members.

So ordered this 20th day of March, 2014.

For the City of Atlanta Board of Ethics



Caroline Johnson Tanner
Chair, Board of Ethics

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

In the Matter of:

Michael Hopkins

Respondent

)
)
)
)
)
)

Case No. CO-13-009

SETTLEMENT AGREEMENT

This settlement agreement is made between Nina R. Hickson, the Ethics Officer for the City of Atlanta, and Michael Hopkins, an NPU officer charged with violating the City's Code of Ethics.

The parties agree 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. Michael Hopkins served as Vice Chair of NPU-X at the time of the event which is the subject of the Ethics Complaint.
2. On September 25, 2013 the Ethics Office received a complaint (the "Complaint") from Mr. A. Chase Randall, NPU-X Co-Secretary alleging that Mr. Hopkins violated Section 2-817 of the city of Atlanta Ethics Code when a charter school seeking a letter of approval from NPU-X paid for him to travel to Wisconsin after the school sought and received support from NPU-X for its Atlanta Public Schools ("APS") application. Mr. Randall further alleged that Mr. Hopkins also violated Section 2-813 of the Ethics Code because the same charter school placed Mr. Hopkins on its board of directors while the school's application was pending before the APS.
3. The Ethics Office conducted a preliminary investigation and determined that Mr. Hopkins took a trip to Wisconsin, which was sponsored by the charter school which had appeared at an NPU-X meeting seeking the NPU's support. The trip was offered to the members of the NPU-X in a meeting which occurred after the NPU-X had voted to support the charter school. Mr. Hopkins abstained from the vote supporting the school. At the subsequent meeting, Mr. Hopkins was the only attendee who was available to attend the trip. He sought the advice of the NPU-X chair, Mr. Burney, who indicated that he did not think it would be a problem for Mr. Hopkins to take to trip to learn about the operations of Montessori schools.
4. The Ethics Office also determined that Mr. Hopkins was never appointed to the Board of Directors of the charter school which sought the NPU-X's support.
5. Mr. Hopkins acknowledged that he accepted the trip and relied on the advice of the NPU-X president, Ruben Burney, when he did so. Also as a point of mitigation, the trip occurred after the NPU-X had voted to support this charter school.

6. Mr. Burney admitted that he advised Mr. Hopkins that there would not be a problem with him accepting the opportunity to take this trip at the expense of the charter school.
7. Mr. Hopkins cooperated with the investigation of this matter.

CONCLUSIONS OF LAW

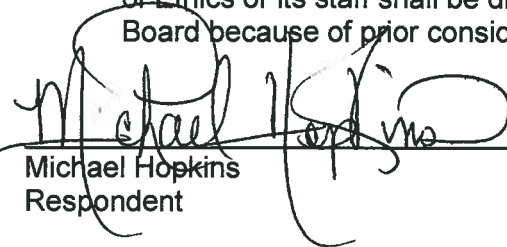
8. Mr. Hopkins is a member of a city-created entity, a Neighborhood Planning Unit, and served as an officer during the time of the event which is the subject of the Ethics Complaint; therefore, he is considered a city official for purposes of the Ethics Code and is subject to the Code of Ethics, found in sections 2-801 to 2-824 in the City's Code of Ordinances. See Atlanta, Ga., Code § 2-801.
9. Section 2-817 prohibits any city officials from soliciting or accepting anything of value from a prohibited source. Section 2-801 defines a "gratuity" as "anything of value given by or received from a prohibited source." A prohibited source includes any person, business, or entity that an employee knows is seeking to do or does business with the City.
10. The acceptance of the trip which was paid for by the charter school funds from prohibited sources constitutes a violation of section 2-818 and 2-817 of the Code of Ethics.
11. Mr. Hopkins accepted a thing of value from a prohibited source when he took the trip to Wisconsin at the expense of the charter school which had previously sought and was given the support of the NPU-X., although the trip occurred after the support was given by the NPU.

AGREEMENT

12. Mr. Hopkins acknowledges that taking the trip to Wisconsin violated the city's ethical standards.
13. In lieu of a fine, Mr. Hopkins agrees to participate in at least one training event conducted by the Ethics Office for either an NPU or APAB during which he will make a presentation about his experience as the subject of an Ethics Complaint and informing his colleagues about the applicability of the City's Code of Ethics to NPUs and their members.
14. The parties agree to enter this settlement agreement to resolve all factual and legal issues in this matter and to reach a final disposition without the necessity of an evidentiary hearing before the Board to determine Respondent's liability.
15. 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.

16. 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 referring this matter to, cooperating with, or assisting any other law enforcement or government agency on this or any other related matter.
17. The Ethics Officer will submit this settlement agreement for consideration by the Board of Ethics at its next regularly scheduled meeting, and the Board must enter an order approving the agreement before it becomes the final decision and order in the case.
18. The parties agree that this agreement shall become null and void in the event that the Board refuses to accept it. The Respondent further 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.



Michael Hopkins
Respondent

3/31-2014
Date



Nina R. Hickson
Ethics Officer

31 March 2014
Date