

## **City of Atlanta Board of Ethics Minutes – February 17, 2005**

The monthly meeting of the City of Atlanta Board of Ethics was called to order by John D. Marshall, Jr., chairperson, on Thursday, February 17, 2005, at 6:30 p.m. in City Council Committee Room 2. Other members attending were Chuck Barlow, Lawrence S. Levin, and Robert B. Remar. Ginny Looney and Vickie Binns of the Ethics Office were also present.

Municipal Clerk Rhonda Johnson gave the oath of office to Dr. Levin, who was attending his first meeting as a new board member, and to the other three board members present at the meeting.

The board approved the minutes from the January 6, 2005, meeting. Mr. Remar moved and the board agreed to change the order of the agenda to consider first the proposed formal advisory opinion on police auctions.

Ms. Looney presented Proposed Formal Advisory Opinion 2005-1 on police auctions, which concluded it would be a conflict of interest for police department employees to participate in the department-sponsored public auctions to dispose of property seized by the department. Mr. Barlow recommended that the opinion prohibit representatives of employees from participating, Mr. Marshall suggested also barring family members, and Mr. Remar requested that the opinion provide a rationale for the across-the-department ban on any employee participation in the auctions. Mr. Remar moved that the board adopt the one-paragraph opinion summary, as amended, and that Ms. Looney bring back the revised opinion with the added rationale for the board's approval at the March board meeting. Mr. Barlow seconded the motion, and the board voted in favor of it. As adopted, the summary opinion states that the Code of Ethics prohibits all City of Atlanta Police Department employees, their family members, and their representatives from buying seized, abandoned, or other property at police auctions because it would create an actual conflict of interest for employees involved in the seizure, maintenance, disposal, or sale of the property and the appearance of impropriety for other department employees.

Concerning the 2004 City Financial Disclosure Statements, Ms. Looney reported that all current officials and employees had filed a disclosure statement and that the remaining nonfilers were former officials and employees who had received the equivalent of a public reprimand. Mr. Barlow moved that the board formally conclude its enforcement actions concerning the 2004 financial disclosure process, Dr. Levin seconded the motion, and the Board voted unanimously in favor of it.

On the 2005 financial disclosure process, Ms. Looney reported that there had been problems with the registration system that prevented many individuals from filing online, especially during the final three days before the initial filing deadline.

Therefore, she recommended that the Board grant an extension of time to persons required to file. Mr. Remar moved to extend the deadline for filing to March 1, and Dr. Levin seconded the motion. After Mr. Marshall clarified that the extension would apply to all filers, whether they file a paper form or file online, the motion passed. The board next considered Ms. Looney's request that it adopt a policy alleviating the filing requirement for former officials or employees who move outside the State of Georgia, but the board rejected the proposal as outside its authority. Mr. Remar moved that, as a matter of preserving limited staff resources and consistent with the intent of the financial disclosure requirements, it would not be necessary for the Ethics Officer to send enforcement letters to former board members and NPU officers who moved outside the state in 2004. Mr. Barlow seconded the motion, which passed. Next, Mr. Marshall presented a letter from Greg Pridgeon, the Mayor's Chief of Staff, stating that the Civilian Review Board did not meet in 2003 or 2004. As a result, Mr. Remar moved that the board consider the Civilian Review Board as a dormant city board and, therefore, its members are not required to file in 2005. Mr. Barlow seconded the motion, and the board adopted it.

Mr. Marshall presented a request from a deputy city attorney who, based on section 2-820 (d), seeks the board's permission to teach a course at Spelman College during the 2005 spring semester. Mr. Barlow moved that the board approve the outside employment, and Dr. Levin seconded the motion, which all members approved.

Having no further business, the meeting adjourned at 7:18 p.m.

A handwritten signature in cursive script that reads "Ginny Looney". The signature is written in dark ink and is positioned above a horizontal line.

Ginny Looney, Ethics Officer  
Approved March 24, 2005