

City of Atlanta Board of Ethics Meeting Minutes of August 24, 2006

The regular monthly meeting of the City of Atlanta Board of Ethics was called to order by Chair John Marshall at 6:06 p.m. in City Council Committee Room 2. Attending the meeting were board members MaryAnne Gaunt, John Lewis Jr., Jacquee Minor, and Kenyatta Mitchell and staff Ginny Looney, Claudia Janka, and Trina Nkhazi. Board members Susan Housen and Lawrence Levin were absent.

1. Mr. Lewis made a motion to adopt the minutes of the May 18, 2006 meeting, with a second by Ms. Minor. The minutes were approved as presented.
2. After discussing the circumstances under which board members may do business with the City, Ms. Gaunt made a motion that the Ethics Officer draft a formal advisory opinion interpreting section 2-820 (c) as outlined in her informal opinions. Those opinions state that the Code of Ethics prohibits city board members from doing business with the board on which they serve, except through a sealed competitive bid process. Ms. Mitchell seconded the motion, which passed unanimously.
3. The Board next considered Ms. Looney's monthly report on the financial disclosure process. Addressing the five current board members who have not filed any statement, Ms. Minor made a motion, with a second by Ms. Mitchell, that the Ethics Officer take the necessary steps to notify the five individuals that the Board finds them delinquent for their failure to file and issue a written letter of reprimand, with a copy to the appointing authority and the Mayor; further, as a result of their delinquency, the Board believes that they are no longer eligible to serve on their board and recommends their removal from office. This Board will state this recommendation in a letter from the Board chair to the appointing authority with a copy to the Mayor's office. The motion passed unanimously.
4. Following a discussion of 19 former board members, officers, and employees who have not filed a financial disclosure form in 2006, Mr. Lewis moved, with a second by Ms. Mitchell, that the Board take the following action:
 - a. Find that these nonfilers are delinquent within the meaning of the ordinance
 - b. Issue a letter of reprimand from the Board signed by Mr. Marshall with copies to the Mayor and the appointing authority, if a former board member, or Department of Human Resources, if a former employee
 - c. Have the names of those persons listed as delinquent filers on a webpage maintained by Ethics Office and
 - d. Notify all boards and departments subject to the reporting requirement that, in the view of the Ethics Board, delinquent filers are ineligible for reappointment to any city board or rehiring for city employment due to their continuing noncompliance with the financial disclosure requirements

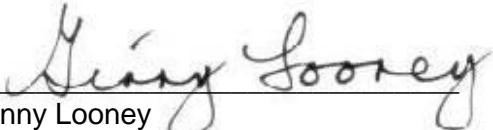
The motion passed unanimously. The consensus of the Board was that boards should be advised to review the lists of filers at the Board's website and delinquent filers should be ineligible for reappointment for a period of time equal to their term of office and that the same rule should apply to former employees who reapply for employment with the city.

5. Of the late filers, nine current city employees have not paid their fine and one person has failed to make the installment payments to which he agreed. The board

members, except for Ms. Minor who left during the discussion, adopted a motion to take the following actions against employees who have failed to pay their civil remedy for their late filing:

- a. Find that they are delinquent for their intentional failure to pay the civil penalty imposed
 - b. Send a certified letter ordering them to pay their civil penalty within seven days or appear on September 21 to show cause why they should not be required to pay the penalty
 - c. Include in the letter that the Ethics Office will recommend additional penalties for any person who fails to pay their civil penalty without reasonable cause and
 - d. Impose additional penalties on any person found in violation of section 2-814 at the hearing. The Board decided that appropriate penalties are to fine the violators an amount that is double the original penalty and recommend to the employee's department a day's suspension without pay.
6. Ms. Mitchell moved that the Board not impose any additional fine or penalty for the filers who have already paid their late filing fine, but to list them on the website as late filers. Mr. Lewis seconded the motion, which passed.
 7. The Board postponed until October a proposal to change its rules for dealing with violators of the financial disclosure process in 2007.
 8. The Ethics Officer reported on four proposed Charter amendments that the City Council and Committee on Council adopted on August 21 in regard to the definition of immediate family, relatives employed by the city, and online disclosure of conflicts of interest.
 9. The Board agreed to a process for evaluating the work of the Ethics Office. Ms. Looney presented a list of 21 categories or names of persons that she recommended board members call. Mr. Marshall asked members to identify five persons they are willing to call, and will assign two to three persons to each board member. The deadline for completing the interviews is September 30.
 10. Investigator Janka reported on complaints she closed in the past month.

Having no further business, the meeting adjourned at 7:20 p.m.


Ginny Looney
Approved September 21, 2006