

City of Atlanta Board of Ethics Meeting Minutes of September 21, 2006

The regular monthly meeting of the City of Atlanta Board of Ethics was called to order by Chair John Marshall at 6:10 p.m. in City Council Committee Room 2. Attending the meeting were board members MaryAnne Gaunt, Susan Housen, John Lewis Jr., Jacquee Minor, and Kenyatta Mitchell and staff members Ginny Looney, Claudia Janka, and Trina Nkhazi. Board member Lawrence Levin was absent.

1. Ms. Mitchell made a motion to approve the minutes of the August 24, 2006, meeting, with a second by Mr. Lewis. The motion was adopted.

2. The board held hearings in three contested cases and two uncontested cases regarding the failure of city officials and employees to timely file a financial disclosure statement in 2006.

06FD002. In the Matter of Tonya Shy. The board entered a default judgment against Ms. Shy, a senior assistant solicitor, based on evidence presented by Ms. Looney, the ethics officer, that the 2006 City Financial Disclosure Statement was mailed to Ms. Shy in January at her home address, she did not file her statement until March 6, and she did not pay any fine for her late filing. Evidence was also presented that Ms. Shy was given notice of the show cause hearing date by certified mail, she failed to appear to contest the matter, and she did not present any argument or evidence showing that she had reasonable cause for her late filing or failure to pay her fine. Ms. Minor moved to accept the ethics officer's recommendation on penalties, with a second by Ms. Mitchell. The board voted unanimously to impose a \$200 fine, a public reprimand, and a recommendation to her supervisor that the public reprimand be placed in her personnel file and she be suspended for one day without pay.

06FD013. In the Matter of R.R. Harris. The board heard testimony from Ms. Looney and Ms. Harris, the chair of NPU-H, concerning Ms. Harris's request that the board rescind its decision in August regarding her failure to file her 2006 City Financial Disclosure Statement. The evidence showed that on August 24 the board found Ms. Harris delinquent, issued a public reprimand, and recommended that she be removed from office and that she be ruled ineligible to run for an NPU office in 2007; Ms. Harris filed her statement on September 15. Mr. Lewis moved to adopt the ethics officer's recommendation that Ms. Harris be allowed to complete the remainder of her term of office, but that the balance of the previously recommended sanctions for late filing be sustained. Ms. Housen seconded the motion, and the board approved it unanimously.

06FD016. In the Matter of Jomeka Burgess. Ms. Gaunt moved to accept the ethics officer's recommendation to deny without prejudice the motion for reconsideration by Mr. Burgess, a former city employee, and to direct him that he may present additional evidence to the board in support of his claim that he had reasonable cause for his late filing. Mr. Lewis seconded the motion, and it was approved.

06FD014. In the Matter of Shadon Shadow. Based on evidence that Mr. Shadow, a former NPU vice chair, filed his statement on August 16, Ms. Looney recommended that the board rescind its finding at its August 24 meeting that he was a delinquent filer. Ms. Housen moved, with a second from Ms. Mitchell, to accept the recommendation to remove Mr. Shadow from the delinquent filers list. The motion passed.

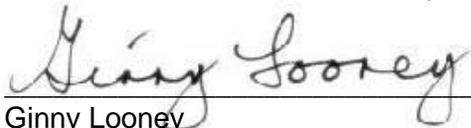
06FD015. In the Matter of Larry Weems. The board considered evidence provided by Mr. Weems, a former city employee, that showed his home mailing address in January 2006 was different from the one to which his form was mailed. Ms. Looney testified that she had found reasonable cause for a late filing in similar situations. Ms. Mitchell made a motion, which Ms. Minor seconded, to accept the ethics officer's recommendation that Mr. Weems be removed from the list of delinquent filers.

3. Ms. Looney presented the 2006 Financial Disclosure Report to the board. The report shows that the number of electronic filers had increased to 82 percent, but the percentage of timely filers had dropped to 81 percent and that one-fourth of the persons serving on boards or as NPU officers were late in filing their statement. The report recommends that (1) the board expand the requirement for online filing of the 2007 Financial Disclosure Statement to include city board members and NPU officers and (2) the Code of Ethics should be amended to enable the City to collect fines imposed by the Board of Ethics after a hearing, remove city board members and NPU officers when they fail to file a disclosure statement, and disqualify any city board member from reappointment and any NPU officer from reelection when the official fails to file a financial disclosure statement. The board discussed the online filing requirement, but did not vote on the recommendation.

4. The board reviewed the proposed 2007 City Financial Disclosure Statement, which has changes based on amendments to the code that redefine "immediate family." With the deletion of the "all filers must file online" at the top of the form, Ms. Mitchell moved to accept the changes in the form for 2007, with a second by Mr. Lewis. The board adopted the form as revised.

5. A proposed formal advisory opinion on board members who do business with the city was distributed for review and consideration at the next board meeting.

After public comment, and having no further business, the meeting was adjourned.



Ginny Looney

Approved November 16, 2006