

City of Atlanta Board of Ethics Meeting Minutes of August 23, 2007

The regular monthly meeting of the City of Atlanta Board of Ethics was called to order by Chair John Marshall at 6:00 p.m. in City Council Committee Room 2, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members MaryAnne Gaunt, Susan Housen, Jacquee Minor, and Kenyatta Mitchell and staff members Ginny Looney and Claudia Janka. Board members Larry Levin and John Lewis were absent.

MINUTES

1. Approval of Minutes

The board approved the minutes of the June 21, 2007, meeting on a motion by Ms. Gaunt and a second by Ms. Mitchell.

HEARINGS

2. CO-07-003, CO-07-013, CO-07-015. In the Matter of Shirley Franklin.

Ms. Mitchell moved to dismiss the three ethics complaints filed against Mayor Shirley Franklin based on lack of probable cause. Ms. Minor seconded the motion, and the board adopted it unanimously.

3. CO-07-014. In the Matter of Benjamin DeCosta.

Ms. Mitchell moved to dismiss the ethics complaint filed against Aviation General Manager Benjamin DeCosta for lack of probable cause. Ms. Housen seconded the motion, and the board adopted it unanimously.

4. 07FD007. In the Matter of Kevin Holloway.

1. Ms. Housen made a motion to open an investigation of Kevin Holloway for violation of the city's post-employment rule under the authority granted the board in Section 2-804 (k), and to direct the ethics officer to carry the investigation forward. Ms. Gaunt seconded the motion, which passed unanimously.
2. Ms. Gaunt made a motion to issue a cease and desist order reminding Mr. Holloway that he is not allowed under the Code of Ethics to appear before the Department of Planning and Community Development and receive compensation for those services. Ms. Mitchell seconded the motion, which passed unanimously.
3. Ms. Minor made a motion to send a letter and a copy of the order asking the Department of Planning and Community Development to enforce the post-employment rule and a letter and a copy of the order to any employer who apparently has employed Mr. Holloway to appear before the city since his city employment ended. Ms. Mitchell seconded the motion, which passed unanimously.

4. Ms. Gaunt made a motion to issue a subpoena directing Kevin Holloway to appear before the Board of Ethics at its next meeting on September 27, 2007, and to bring records that are pertinent to his appearances before the city, receipt of compensation, and evidence that he filed or attempted to file his financial disclosure statement. Ms. Minor seconded the motion, which passed unanimously.

5. 07FD011. In the Matter of Peter Tinubu.

Following evidence presented by Ms. Looney, Ms. Minor moved that the board accept the ethics officer's recommendations and find Peter Tinubu in violation of section 2-814 and impose a \$500 fine for his violation, find him in violation of section 2-807 (a) and impose a \$500 fine for the violation, issue a public reprimand, and send a copy of the board's decision and order to the city solicitor. Ms. Mitchell seconded the motion, which passed unanimously. Mr. Marshall read the public reprimand into the reprimand.

6. 07FD014. In the Matter of Cynthia Woodley.

Following evidence presented by Ms. Looney, Ms. Mitchell moved that the board find that Ms. Woodley violated section 2-814 for her failure to file by March 1 without reasonable cause and to impose a \$500 fine for this failure, find her in violation of section 2-807 (a) for her intentional refusal to pay the fine and impose a \$500 fine for the violation, issue a public reprimand, and send a copy of the board's decision and order to the city solicitor. Ms. Housen seconded the motion, which passed unanimously. Mr. Marshall read the public reprimand into the record.

7. 07FD005. In the Matter of David Cook.

Following evidence presented by Ms. Looney, Ms. Mitchell moved to find Mr. Cook in violation of section 2-814 for his failure to file by March 1 without reasonable cause and pay the \$250 fine that goes along with that violation, and further moved that the board fine him \$500 for his violation of section 2-807(a) based on his intentional refusal to pay the fine owed, issue a public reprimand, and send a copy of decision and order to the city solicitor. Ms. Minor seconded the motion, and it passed unanimously. Mr. Marshall read the public reprimand into the record.

8. 07FD006. In the Matter of Zachery Davis.

Following evidence presented by Ms. Looney, Ms. Housen moved to accept Ms. Looney's recommendations that the board find Mr. Davis in violation of sections 2-814 and 2-807 and impose a fine of \$500 for the violation of 2-814 and a fine of \$500 for the violation of 2-807 (a), issue a public reprimand, and send a copy of decision and order to the city solicitor for prosecution. Ms. Gaunt seconded the motion, which passed unanimously. Mr. Marshall read the public reprimand into the record.

9. 07FD022. In the Matter of Reginald Rushin.

Following evidence presented by Ms. Looney, Ms. Housen moved to impose a fine of \$200 for the respondent's violation of section 2-814, impose a fine of \$500 for his violation of section 2-807 (a), issue a public reprimand, and send a copy of the decision and order to the city solicitor and to the department head and NPU

coordinator. Ms. Mitchell seconded the motion, which passed unanimously. Mr. Marshall read the public reprimand into the record.

OTHER ITEMS

10. Report on Closed Financial Disclosure Cases

Ms. Looney reported that she closed 25 of the delinquent filer cases through administrative actions, including seven persons who timely paid the late filing penalty, six persons who paid fines to settle, and one person who constructively abandoned his position. One person was granted complete relief on appeal.

11. Report on Complaints & Investigations

Ms. Mitchell reported that the Ethics Office opened five cases in the past five months and had 17 open cases as of August 15, 2007.

12. Draft Revisions to Board Rules

After reviewing a draft revision to the board rules, the consensus of the board was to add amendments requiring the ethics officer to report to the board on all complaints that are dismissed administratively, to require respondents to state in writing the facts and issues on which they disagree with the probable cause report before being allowed to address the board on the issue, and to reserve the right for the board to impose fines greater than \$500 for second offenses in financial disclosure cases.

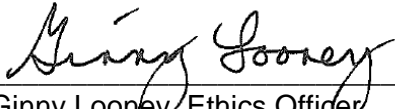
13. Board's Approval of Settlement Agreements

The board voted on a motion by Ms. Gaunt, with a second by Ms. Minor, to carry out the settlement agreement format presented, which would include a description of the parties, findings of facts, conclusions of law, and the agreement of the parties. The agreement portion would include language that the agreement becomes null and void in the event that the Board refuses to accept it, the terms of the agreement do not preclude disciplinary action by a department, and the agreement does not preclude the board from referring a matter to law enforcement or another authority.

14. Resolution Honoring John Marshall

The board by acclamation approved a resolution honoring Mr. Marshall for his five years of service on the Board of Ethics.

Having no further business, the meeting was adjourned.



Ginny Looney, Ethics Officer
Approved September 27, 2007