

**City of Atlanta Board of Ethics Meeting
Minutes of July 18, 2013**

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Chair Caroline Johnson Tanner at 6:17 p.m. in the City Council Committee Room 2, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Brent Adams, De'Lonn Brown, Carol Snype Crawford, Shukura Ingram Millender, Kai Williamson and Kate Wasch. Staff members Nina R. Hickson, Jabu M. Sengova and Sherry H. Dawson also attended.

MINUTES

1. The Board approved the minutes of the May 16th regular meeting and the June 8th board retreat on a motion by Mr. Adams and a second by Ms. Millender.

ENFORCEMENT ACTIONS

2. CO-11-004. In the Matter of Kelvin Gray and James Mitchell

Ms. Sengova presented the investigative findings in this case to the Board. The complainant, Keith Jones, alleged that his contact information was provided to a plumber by a city employee; and this was allegedly done by either Kelvin Gray or James Mitchell. Ms. Sengova reported that there was insufficient evidence to show that either Kelvin Gray or James Mitchell referred a plumber to Keith Jones, in violation of Section 2-819 on Disclosure of Confidential Information; however, there was some evidence that employees in their division were referring private businesses to city residents. The Ethics Office dismissed the matter with recommendations provided to the division regarding the practice of referring private services to citizens.

3. CO-12-007. In the Matter of Stanley Domengeaux

Ms. Sengova presented a request for a subpoena to the Board. She advised the Board that Mr. Domengeaux had failed to respond to any of the notices sent to him and needed to be interviewed regarding the pending ethics case. Ms. Millender made a motion to approve the request, seconded by Ms. Wasch, and the motion was unanimously approved.

FINANCIAL DISCLOSURE HEARINGS

4. Appealing penalties – Late filer (contested matter)

13-FD-009 In the Matter of David Holder – Ms. Sengova reported that the matter was no longer contested and was resolved shortly prior to the board meeting. A consent order would be presented to the Board for consideration at its September meeting.

5. Appealing penalties – Late filers (pending matters)

13-FD-001 In the Matter of Brian Justin Aaron

13-FD-025 In the Matter of Christian Wooten

13-FD-014 In the Matter of John Kennedy

Ms. Sengova requested that these matters be held until the September board meeting for possible resolution. Mr. Adams made a motion to approve the associate

ethics officer's request which was seconded by Ms. Williamson, and the motion passed unanimously.

6. No Appeals Filed – Late Filers

13-FD-022 In the Matter of Ronald X Smith

13-FD-007 In the Matter of Sharyl Chatman

13-FD-017 In the Matter of Cecily McLeod

13-FD-023 In the Matter of John Stupka

13-FD-024 In the Matter of Pino Venetico

The first group of individuals involved late filers, which includes one former employee and four current board members. None were present at the hearing. Because there was no opposition, Ms. Sengova submitted that the facts as stated in the administrative decisions should be admitted as evidence and formed the basis for the Board to impose penalties in the case. Concerning the former employee, Ronald X. Smith, Ms. Sengova requested that the Board impose the assessed fine, issue a reprimand, and recommend to the Department of Human Resources that Mr. Smith pay the fine prior to any re-employment by the City. Concerning the current board members, Ms. Sengova requested that the Board impose the assessed fines, issue written reprimands, and send copies of the final orders to the respective appointing authorities. Ms. Wasch made a motion to approve the request, which was seconded by Ms. Brown. Ms. Wasch then moved to amend the motion to add that the final orders and reprimands be sent to the current board chairs as well as appointing authorities. The Board accepted the modification as presented, and the motion passed unanimously.

7. No Appeals Filed – Nonfilers

13-FD-005 In the Matter of Malukah Berry

13-FD-015 In the Matter of Brian Kincaid

13-FD-006 In the Matter of James Bethea

13-FD-018 In the Matter of Dennis Nash

13-FD-020 In the Matter of Patrice Richard

13-FD-021 In the Matter of Rodney Simon

Ms. Sengova presented the second group; comprised of current board members and former employees. None were present at the hearing. Because there was no opposition, Ms. Sengova submitted that the facts as stated in the administrative decisions should be admitted as evidence and formed the basis for the Board to impose penalties in the cases. Following a brief discussion by the Board, Mr. Adams made a motion to adopt Ms. Sengova's recommendation to uphold the administrative decisions concerning the former employees, imposing an administrative sanction of \$500 and issuing a public reprimand; as well as recommend to the City that it consider the former employees ineligible for rehire for one year and require them to file their statements and pay the fines owed prior to reemployment by the City. Ms. Sengova requested that the Board impose an administrative sanction of \$500 and issue written reprimands against the current board members; and recommend to the respective appointing authorities that the current board members be removed from office for their failure to file. Ms. Crawford seconded the motion, and it passed unanimously.

ETHICS OFFICER'S REPORT

8. FY14 Budget Report

Ms. Hickson presented the approved FY14 Budget which allocates \$344,729 in personnel expenses and \$69,942 in operating expenses for a total budget of \$403,561. She also reported that the Ethics Office had submitted its explanation to the Department of Finance each month of fiscal year 2013 concerning the deficit in the personnel portion of the budget; which is due to the pay-in-class salary increases.

9. 2012-2013 Work Plan

Ms. Hickson reported on activities that support the 2013-2014 Work Plan in the following areas: operations, training, activities, advice, public education and outreach, investigation and enforcement actions, financial disclosure, and legislation and lobbying. Ms. Hickson stated that she had been successful in receiving additional funds for the Ethics Office's 2014 budget.

10. Opinion regarding City Solicitor's Office

Ms. Hickson presented an opinion prepared by former Judge William B. Hill, Jr., attorney with the law firm Rafuse Hill & Hodges LLP, which addresses whether the City Solicitor's Office is barred from prosecuting ethics or financial disclosure cases against city officials and employees. The opinion provides that no conflict of interest exists and no double jeopardy is attached regarding any of these cases, and the City Solicitor's Office is not barred from prosecuting cases forwarded by the Ethics Office. Ms. Millender stated that the opinion appeared to be well thought out and reasoned. Ms. Hickson advised the Board that the next steps would be to share the opinion with Raines Carter, the City Solicitor, and schedule a meeting with him.

EXECUTIVE SESSION

11. Ms. Crawford moved to recess into executive session regarding a personnel matter and the Board voted unanimously in favor of the motion. The Board returned from its executive session at 7:32 pm. Ms. Tanner reported that based on the Board's annual review of the Ethics Officer, Ms. Hickson, the board members were very pleased with her performance and believed that she had accomplished all the set goals. The Board was happy with how the office was being run and recommended that Ms. Hickson's salary be increased to \$140,000; effective July 1, 2013. Ms. Millender made a motion for the salary increase, which was seconded by Mr. Adams, and the Board unanimously approved the motion.

Having no further business, the meeting adjourned at 7:43 p.m.



Jabu M. Sengova, Associate Ethics Officer
Approved September 19, 2013