

**City of Atlanta Board of Ethics Meeting
Minutes of May 15, 2014**

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Chair Caroline Johnson Tanner at 6:08 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, Sherry H. Dawson also attended. Contract Investigator Carlos Santiago was also present.

MINUTES

1. Ms. Millender moved to approve the minutes of the March 20th board meeting with a correction to the last name of Michael Hopkins which was misspelled; and the motion was seconded by Ms. Wasch. The Board unanimously adopted the minutes.

ENFORCEMENT ACTION

2. **CO-12-007. In the Matter of Stanley Domengeaux**
Associate Ethics Officer Jabu M. Sengova presented evidence that former city arborist, Stanley Domengeaux, violated Section 2-820, 2-819, 2-811 and 2-814 of the City of Atlanta Code of Ethics. Ms. Sengova presented evidence and testimony that Mr. Domengeaux presented business proposals to city residents on behalf of his company, Treepointe LLC, on city time. She also presented evidence that he failed to disclose the business on his annual city financial disclosure statements. Ms. Sengova argued that it was a conflict of interest for Mr. Domengeaux, as a city arborist at that time, to present Treepointe LLC business proposals to city residents. Further, she argued that because he did so on city time, he misused city time for his private advantage. Ms. Sengova also argued that Mr. Domengeaux used confidential information acquired while he was performing city inspections to advance his own financial interests. Mr. Domengeaux was not in attendance at the hearing.

Following a lengthy discussion regarding the evidence and testimony presented, the Board proceeded to vote on each code section. The Board unanimously voted in favor finding that Mr. Domengeaux violated Section 2-811 when he used city services that gave him a private advantage gained in the course of providing a city service. The Board found that Mr. Domengeaux violated Section 2-814(a)(1) when he failed to disclose his private business, Treepointe LLC, on his city financial disclosure statements for the time period 2010 and 2012. The Board found that there was insufficient evidence to support violations of Sections 2-814(a)(2) and 2-814(a)(3). The Board voted unanimously in favor of finding that Mr. Domengeaux violated Section 2-819 when he used confidential information not available to the general public for his financial gain. Finally, the Board found that Mr. Domengeaux violated Section 2-820 when he rendered private services on behalf of his company, Treepointe LLC, which was incompatible with his official job duties as an arborist.

After further discussion about a fine, the Board issued a public reprimand for Mr. Domengeaux which should be forwarded to the Department of Human Resources for inclusion in his employment file. Ms. Millender made a motion for friendly amendment to send a copy of reprimand to the Department of Procurement which

was seconded by Ms. Wasch. The Board then imposed an administrative sanction of \$1,000 against Mr. Domengeaux for each violation of the four code sections for a total of \$4,000. Finally, the Board ordered that the matter be referred to the City Solicitor's Office for prosecution if Mr. Domengeaux failed to pay the imposed fine within 30 days of the order issued in the case.

3. CO-13-014. Office of Buildings Investigation

Ms. Sengova next presented the findings from the Ethics Office concerning its investigation into fundraising and solicitation practices which were allegedly occurring between employees and permit expeditors doing business with the City. She reported that the Ethics Office administratively dismissed the matter upon sending a formal warning to the Office of Buildings prohibiting fundraising and solicitation activities and acceptance of gratuities from prohibited sources.

4. CO-14-001. In the Matter of Charlotte Collins.

Ms. Sengova reported that Ms. Collins violated Section 2-817 when she accepted two Falcons tickets from a prohibited source. The Ethics Office administratively dismissed the complaint against Ms. Collins because the tickets were not used and recommended that the Board issue a public reprimand for her violation. Following a brief discussion, Ms. Millender made a motion to approve the request to issue a public reprimand which would be sent to the Department of Human Resources and the motion was seconded by Ms. Wasch. Ms. Brown asked whether Ms. Collins had received any prior ethics training which she apparently had not. The Board voted on the motion which carried with six board members in favor and one opposed (Ms. Brown).

5. CO-14-003, CO-14-004, and CO-14-007 (three cases). In the Matter of Kasim Reed Ms. Hickson next presented three complaints involving Mayor Kasim Reed brought by George Anderson, a citizen watchdog. Mr. Anderson alleged that Mayor Reed received preferential treatment from Fulton County regarding taxes that were owed and not timely paid. Ms. Hickson stated that based on review of the facts and evidence in the case there was inadequate information to support a violation of the Ethics Code.

The second complaint alleged that Mayor Reed violated the Ethics Code when he traveled through the emergency lanes of traffic to appear on the weather channel during the ice and storm incidence. Ms. Hickson stated that the Mayor's actions were considered a public safety emergency and there was no evidence of facts that would support an Ethics Code violation. Therefore, this complaint was dismissed.

The third and final complaint alleged that the Mayor had violated the Ethics Code because he received campaign contributions from persons who have concessions contracts at the airport; that he acted improperly regarding the new stadium deal concerning the Atlanta Falcons, and that he had violated the gratuities clause. The complaint also alleged that the Ethics Officer and Ethic Board Chair were in violation of the Ethics Code arising from conflicts. Ms. Hickson reported that none of Mr. Anderson's allegations could be supported and there was no violation of the Ethics Code. This complaint was also administratively dismissed.

FINANCIAL DISCLOSURE

6. Report to Board on 2014 Filing Season

Ms. Dawson delivered the May 2014 report to the Board on persons required to file an annual financial disclosure statement, those who complied with the filing requirements, and those who failed to file in 2014 as required by law. Ms. Dawson noted that the percentage of timely filers was 96% this year, consistent with 2013, the best filing year.

7. Roll of Delinquent Filers

The Board next considered the Roll of Delinquent Filers that lists 32 persons who have not filed a 2014 City Financial Disclosure Statement and 10 persons who filed after the April 18 grace period without reasonable cause. Mr. Adams moved to adopt the Roll of Delinquent Filers, which was seconded by Ms. Millender, and the Board unanimously adopted the motion.

8. Adoption of Resolution for Transparent Diamond Awards

Mr. Adams moved to adopt a resolution recognizing the Transparent Diamond Award winners with a second by Ms. Brown, and the Board adopted it unanimously.

The Board recognized the following city departments for 100% compliance with the filing requirement: Atlanta Fire and Rescue, Atlanta Workforce Development Authority, City Solicitor's Office, Department of Corrections, Department of Procurement, Department of Watershed Management, Municipal Court of Atlanta, Office of City Auditor and Public Defender's Office. The Honorable Mention list included departments who filed after the filing deadline but before the grace period ended and those recognized were: City Council, Atlanta Police Department, Department of Information Technology, Department of Law, Department of Parks and Recreation, and Department of Planning and Community Development. These departments would be formally recognized on June 2, 2014 during the City Council meeting.

ETHICS OFFICER'S REPORT

9. Work Plan

Ms. Hickson reported on activities that support the Ethics Office Work Plan in the following areas: operations, training, activities, advice, public education and outreach, investigation and enforcement actions, financial disclosure, and legislation and lobbying.

10. FY14 Budget Report

Ms. Hickson presented the approved FY14 budget which allocates \$344,729 in personnel expenses and \$58,832 in operating expenses for a total budget of \$403,561. She also reported that the Ethics Office was spending as budgeted for the remainder of fiscal year 2014.

Having no further business, the meeting adjourned at 8:03 p.m.



Jabu M. Sengova, Associate Ethics Officer

Approved July 17, 2014