

**City of Atlanta Board of Ethics Meeting
Minutes of January 15, 2015**

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Board Chair Shukura Ingram Millender at 6:30 p.m. in the City Council Chambers, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Carol Snype Crawford, Jessica Stern, Patricia Upshaw-Monteith and Kate Wasch. Board members Brent Adams and Kai Williamson were absent. Staff members Nina R. Hickson, Jabu M. Sengova, Sherry H. Dawson and Carlos R. Santiago also attended.

FINANCIAL DISCLOSURE

1. Ms. Hickson reported briefly on the 2015 Financial Disclosure filing season. She reported that the filing would begin on March 1, 2015 and the filing deadline is April 1, 2015. Ms. Hickson advised the Board that the Ethics Office would send out letters to required filers in early March.

ETHICS OFFICER'S REPORT

2. 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.

3. FY15 Budget Report

Ms. Hickson presented the approved FY15 budget which allocates \$390,482 in personnel expenses and \$110,154 in operating expenses for a total budget of \$500,636. She also reported that the Ethics Office was spending as budgeted for fiscal year 2015.

4. Annual Reports

Ms. Hickson reported that the Ethics Office provided one informal advisory letter and responded to 100 requests for written or verbal advice. Further, ethics training was provided to 487 full-time employees, 27 seasonal employees, 12 board and commission members, and 44 City Council members and staff. Ms. Hickson presented a report on complaints and investigations from January 1, 2014 through December 31, 2014, showing that 19 new cases were opened, 17 cases were closed, and four cases remained open at the end of the year. The total fines assessed for 2014 was \$6,150. Ms. Hickson also reported that the Ethics Office had achieved a 96% timely filing rate, published two issues of the ethics newsletter and re-launched the website with a new design.

5. Response to Ben Howard

Ms. Hickson responded to Mr. Howard's request to the Board concerning an action that was previously taken by City Council in which Council rejected the individual selected by the Atlanta Planning Advisory Board as its representative for Invest Atlanta. Mr. Howard also requested that the Board consider as to whether a state representative may ethically be appointed to the Board for Invest Atlanta. Ms. Hickson recommended that the Board decline to opine on these matters because

both issues were related to state law and did not fall under the purview of the Ethics Code.

MINUTES

6. Ms. Wasch moved to approve the minutes of the November 20th board meeting with a second by Ms. Stern. The Board unanimously adopted the minutes. Ms. Wasch moved to approve the minutes of the December 13th board retreat which was seconded by Ms. Stern. The Board unanimously adopted the minutes.

ENFORCEMENT ACTIONS

7. **CO-14-016. In the Matter of Mernena Henderson**

This matter was moved to the March board meeting.

8. **CO-14-014. In the Matter of Martina Miller**

The Board conducted a probable cause hearing in Case Number CO-14-014 concerning former city employee, Martina Miller. Ms. Miller provided no written response to the probable cause report; however, she was present at the hearing. Ms. Sengova presented arguments to support a finding of probable cause that Ms. Miller violated Sections 2-817, 2-818 and 2-811 of the Code of Ethics by accepting and soliciting free meals from a prohibited source, Manuel's Tavern; using a city vehicle for private gain; and misusing city time. Ms. Sengova presented Board Rules 5.6, 5.7 and 5.8 as the applicable rules in the hearing. Ms. Sengova presented facts indicating that Ms. Miller solicited and obtained free meals and food services from Manuel's Tavern while using her apparent authority as health inspector or grease trap inspector to coerce the restaurant into giving her free meals. After presenting the argument, Ms. Sengova recommended that the Board find probable cause and set the matter down for an evidentiary hearing based on sufficient facts that would induce a reasonably intelligent and prudent person to believe that Ms. Miller violated the Ethics Code.

Although Ms. Miller's failure to file a written response constituted a waiver of her right to be heard by the Board, in light of Ms. Miller's presence, Ms. Upshaw-Monteith made a motion to allow Ms. Miller to speak. This motion was seconded by Ms. Crawford and the motion carried. Ms. Miller argued that she had responded to all notices sent to her from the Ethics Office, never solicited meals from Manuel's Restaurant, and only used her city vehicle during city work hours. Ms. Miller admitted to receiving one free meal from Manuel's Tavern. Following a brief discussion and questions from the Board, Ms. Snype Crawford made a motion to find probable cause existed to believe that Ms. Miller violated the Code of Ethics. The motion was seconded by Ms. Upshaw-Monteith and it carried. The matter was moved to an evidentiary hearing.

9. **CO-14-018. In the Matter of Michael Julian Bond**

Ms. Hickson presented and recommended approval of a settlement agreement with Councilmember Michael Julian Bond for his violations of Section 2-811, 2-816 and 2-817 of the Ethics Code concerning his misuse of city funds and acceptance of tickets to events. Ms. Hickson presented the stipulated facts that Mr. Bond received an advance for a 2010 Congressional Black Caucus trip which he never attended, for a trip to Washington, DC in which he engaged in visits to various historical areas but

also participated in his family reunion during that time, and for a trip to Boston, Massachusetts to attend the Harvard University John F. Kennedy School of Government Reunion. Ms. Hickson presented stipulated facts that Mr. Bond accepted and requested tickets for the Dragon Con Convention in 2010, 2011, 2012, 2013 and 2014. Further, Mr. Bond used city funds to pay for private tutoring where one-half of the hours (19 hours) were dedicated to preparing for the Graduate Record Exam and the other half went towards his city related function as council person. Ms. Hickson also presented facts that Mr. Bond used city funds to pay for a breakfast event held on behalf of the Atlanta Alumnae chapter of the Delta Sigma Theta Sorority, a private organization; and the production of CDs, DVDs and pins for his class reunion for the Frederick Douglass High School Class of 1984.

Mr. Bond acknowledged that he violated the Ethics Code and agreed to reimburse the city in the amount of \$11,320.81 and pay a civil penalty of \$3,900. As part of the negotiated agreement Mr. Bond also agreed to refrain from making any public statements that would contradict his admission of liability, abide by the provisions of the Ethics Code which would protect individuals who cooperate with the investigation, and reconcile future expense reimbursements within 30 days after receipt of the reimbursement.

Attorney Steven Labovitz addressed the Board and spoke on behalf of Mr. Bond; stating that Mr. Bond accepted the gravity of the charges, sought to put the matter behind him, and requested that the Board accept the settlement agreement.

Following a brief discussion and questions from the Board, Ms. Wasch moved to approve the settlement agreement proposed by Ms. Hickson. The motion was seconded by Ms. Upshaw-Monteith and passed unanimously.

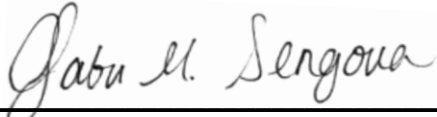
10. **CO-14-013. In the Matter of Cynthia Burch**

The Board conducted a probable cause hearing in Case Number CO-14-013 concerning former city employee, Cynthia Burch. Ms. Burch provided no written response to the probable cause report and she was not present at the hearing. Mr. Santiago presented arguments to demonstrate probable cause that Ms. Burch violated Sections 2-817, 2-818 and 2-811 of the Code of Ethics by accepting and soliciting free meals from a prohibited source, Manuel's Tavern; using a city vehicle for private gain; and misusing city time. Mr. Santiago presented Board Rules 5.6, 5.7 and 5.8 as the applicable rules in the hearing and stated that the Ethics Office had met all notice requirements in this case. Mr. Santiago presented facts indicating that on numerous occasions Ms. Burch solicited and obtained free meals and food services from Manuel's Tavern while using her apparent authority as health inspector or grease trap inspector to coerce the restaurant into giving her free meals. Mr. Santiago also presented facts indicating that Ms. Burch accepted a \$100 gratuity from a local developer, Kianoush Tehrani, for an inspection she conducted at one of his properties.

After presenting the argument, Mr. Santiago recommended that the Board find probable cause and set the matter down for an evidentiary hearing based on sufficient facts that would induce a reasonably intelligent and prudent person to believe that Ms. Burch violated the Ethics Code.

Ms. Stern made a motion to find probable cause in the case which was seconded by Ms. Upshaw-Monteith. The Board unanimously voted in favor of the motion.

Having no further business, the meeting adjourned at 7:35 p.m.

A handwritten signature in cursive script that reads "Jabu M. Sengova". The signature is written in black ink on a white background.

Jabu M. Sengova, Associate Ethics Officer
Approved February 19, 2015.