

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

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Board Chair Kate Wasch at 6:09 p.m. in the City Council Chambers, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Brent Adams, De'Lonn Brown, Carol Snype Crawford and Riah Greathouse. Staff members Nina R. Hickson, Sherry H. Dawson, Carlos R. Santiago and Jabu M. Sengova also attended. Board members Jessica Stern and Kai Williamson were absent.

MINUTES

1. Mr. Greathouse moved to approve the minutes of the September 17 board meeting. The motion was seconded by Ms. Brown and unanimously approved by the Board.

ENFORCEMENT ACTIONS

2. **CO-14-016: In the Matter of Mernena Henderson.**
Mr. Santiago requested that the Board issue a subpoena for Ms. Henderson to appear before the Board of Ethics for an enforcement hearing. Ms. Crawford made a motion to issue a subpoena for Ms. Henderson to appear before the Board of Ethics for an enforcement hearing scheduled for the November 19, which was seconded by Ms. Brown. The Board unanimously adopted the motion.

FINANCIAL DISCLOSURE

3. **Report on Deferred Enforcement Cases**
Ms. Sengova delivered a status report to the Board on enforcement efforts. In the matter of Todd Ennis, 15-FD-007 and in the matter of Gwendolyn Winston, 15-FD-039, payments have been received and the cases are now closed. She reported that to date, the Ethics Office has received \$1,200 in fines from delinquent filers.

Ms. Sengova also reported on the matter of Evonne Perdue: 15-FD-026. Ms. Perdue recently served on the Atlanta Planning Advisory Board (APAB) and has timely filed disclosure statements in prior years. Ms. Sengova reported that Ms. Perdue did not file this year because she resigned from APAB to care for an ailing mother and faced other extenuating circumstances. She believed that since she was no longer serving on the Board, she was not required to file. Therefore, the Ethics Office determined that no penalties should be assessed in this case and closed the matter.

4. **15-FD-025: In the Matter of Kimberly Parmer**
Ms. Sengova recommended that the Board amend the order to reduce the fine assessed against Ms. Parmer from \$200 to \$100 based on an agreement reached with Ms. Parmer. Mr. Greathouse moved to accept the recommendation which was seconded by Ms. Brown. The motion was unanimously approved by the Board.

5. **Status on subpoenas to appear issued for current board members**

Mr. Santiago reported that subpoenas issued at the September meeting were served by mail to current board members who were nonfilers and late filers and had not responded to the Ethics Office during the filing season and enforcement process. Mr. Santiago indicated that current board member Dana Scott had come to the Ethics Office to discuss his case. Mr. Scott explained to staff that he had been suffering from medical issues and had not been able to function normally or file his disclosure statement on time. Mr. Santiago reported that Mr. Scott had timely filed in previous years without issue and requested that the Board vacate the order and waive the fine in this case. Following a brief discussion, Ms. Crawford made a motion to vacate the final order in the matter of Dana Scott and waive the fine assessed against him. Ms. Brown seconded the motion and the Board unanimously approved.

BOARD OPERATIONS

6. **Request from Tom Weyandt for Formal Advisory Opinion on further guidance regarding post-employment activities and limits on a former city employee working for another governmental agency (related correspondence from Lemuel Ward and Kevin Ross for Nina Gentry)**

Ms. Hickson presented a request for a Formal Advisory Opinion from former city employee Tom Weyandt in regards to whether the Ethics Board's interpretation of Section 2-810 was too broad and whether Section 2-810 speaks to the issue of post-employment with other public agencies.

Mr. Weyandt first addressed the Board. He indicated that it was in the best interests of the City to provide a formal advisory opinion providing more clarity on the limits of a former City employee working for another governmental entity. In the definition of other public agencies' codes, such as the Atlanta Regional Commission, a cooling off period precludes former employees from working for entities that would give a person or business an unfair advantage over others because of their former employment. Mr. Weyandt articulated the need for the Board to clarify the City's current code as written. He asserted that the current code as written does not prohibit employment by another public agency. Mr. Weyandt also suggested that the Board clarify the Ethics Code to specifically include whether employment by another public agency is prohibited during the cooling off period.

Former Deputy City Attorney Lemuel Ward next addressed the Board. He asserted that a 2005 post-employment memorandum adopted by the Board provided a very broad interpretation which was posted to the Atlanta Ethics website. Further, he stated that the information on the Atlanta Ethics website was causing some confusion.

The Board next heard from former city employee, Nina Gentry. Ms. Gentry stated that she has personally turned down work because she believed that it would be offensive to the City. Further, she agreed with Mr. Ward that the current 2005 post-employment memorandum is broader than provided for pursuant to Section 2-810. Ms. Gentry inquired as to the timing for a new opinion and how long it would take to have a new opinion issued.

Finally, William Perry, Government Watch Dog, addressed the Board. Mr. Perry advised the Board of Ethics to also view the issue from the eyes of the citizens of Atlanta and apply common sense to the analysis.

Mr. Adams moved to adopt the position that the language of section 2-810 on post-employment activities should be interpreted more narrowly than the formal advisory opinion issued in 2005 which was seconded by Mr. Greathouse.

Following a brief discussion, Ms. Crawford made a substitute motion that the Board distinguish between post-employment with a governmental entity and post-employment with a private business entity. That substitute motion was seconded by Ms. Brown. Following a further discussion, Ms. Hickson inquired as to whether the Board wished to issue a new advisory opinion or clarify the existing opinion issued in 2005. Mr. Greathouse made a motion to issue a new advisory opinion which will address the broad language similar to the previous one but that will also address more specific situations. The motion was seconded by Mr. Adams and unanimously approved by the Board. Ms. Hickson recommended that if the Board was seeking an amendment of the code section, then language should be included for review of post-employment with a government entity on a case-by-case basis. The direction of the Board was for an amendment to section 2-810 in which public employment is specifically addressed with the presumption that it is acceptable; however, there would be an allowance for a case-by-case evaluation in some circumstances.

7. **Resolution honoring Former Ethics Board Chair Shukura Ingram Millender**

Mr. Adams made a motion to adopt the resolution as written. Ms. Brown seconded the motion and the board unanimously approved.

8. **Formal Advisory Opinion 2015-1: Criteria and Process for Filing of Annual Financial Disclosure Statements**

Ms. Sengova presented Formal Advisory Opinion 2015-1 to the Board for adoption. The opinion was previously presented to the Board for discussion during the June 6 summer board retreat. This opinion sets forth general guidance on who is required to file the annual financial disclosure statement. The opinion addresses four important questions: what is the purpose of the financial disclosure statement; what process is used to determine who needs to file; why are certain employees being required to file when they have not been required to file in the past and worked for the City for several years; and why are city officials, employees and appointees to city boards, commissions and task forces required to file a disclosure statement the year after their city employment or service ends.

Mr. Adams made a motion to adopt FAO 2015-1 with an amendment to include all 23 categories of filers as stated in the Atlanta Code of Ethics since only 21 were listed in the opinion presented to the Board. Mr. Greathouse seconded the motion and the Board unanimously approved.

ETHICS OFFICER'S REPORT

9. **Status report on activities performed under the Work Plan**

Ms. Hickson reported on activities that support the Ethics Office Work Plan in the following areas: operations, training, activities, advice, investigation and enforcement actions, and financial disclosure. She reported that the ethics e-learning course had launched successfully and that the staff planning retreat went very well.

10. **FY2016 Budget Report**

Ms. Hickson reported that the Ethics Office was spending as budgeted for the fiscal year 2016. She explained that the budget for the office has a new format this year and now divided into three funds: General Fund, Aviation Enterprise Fund and the Water & Wastewater Revenue Fund.

Having no further business, the meeting adjourned at 7:16 p.m.



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