

**BEFORE THE CITY OF ATLANTA
BOARD OF ETHICS**

In the Matter of:)	
)	
Vincent Bursey)	Case No. CO-16-012
)	
Respondent)	
)	

DECISION AND ORDER

This matter came before the City of Atlanta Board of Ethics for a decision on January 19, 2017 prior to a probable cause hearing. Having considered the attached settlement agreement, the City of Atlanta Board of Ethics approves the agreement and orders that the Respondent, Vincent Bursey, pay a total fine of \$250, which must be paid in full by February 20, 2017, for his violations of sections 2-811 and 2-814 of the City's Code of Ethics.

So ordered this 20th day of January, 2017.

For the City of Atlanta Board of Ethics



Kate Wasch
Chair, Board of Ethics

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SETTLEMENT AGREEMENT

This settlement agreement is made between Jabu M. Sengova, Associate Ethics Officer for the City of Atlanta, and Vincent Bursey, a city employee charged with violating the Code of Ethics.

The parties agree and consent to the following terms to resolve this matter prior to a probable cause hearing before the City of Atlanta Board of Ethics. The Board of Ethics is responsible for administering, implementing, and enforcing the Standards of Conduct contained in the Atlanta Municipal Code.

FINDINGS OF FACT

1. Vincent Bursey (“Bursey”) is a Revenue Auditor at the Department of Finance. In his position, Bursey performs revenue audits to ensure that billing and revenue from business licenses and taxes have been accurately computed and paid; prepares audit plans, executes internal audits and reports on findings; and makes recommendations on correcting any system or practice which results in less than fully efficient collection of revenue on a timely basis by the City. He has worked for the City since 2004.
2. Based on his work duties and responsibilities, the City issued Bursey a cell phone approximately three years ago for the purpose of conducting official city business.
3. On September 7, 2016, the Ethics Office received an anonymous Integrity Line complaint which alleged that Bursey utilized his city cell phone for personal use; including using his city phone number as the contact number for his personal photography business on his business’ website, vincentbursey.com. The Integrity Line complaint further alleged that Bursey failed to disclose his personal business on his City Financial Disclosure statements.
4. The Ethics Office conducted a preliminary investigation into the allegations in the Integrity Line complaint. The investigation revealed that the City issued Bursey a city phone and that Bursey posted the city phone number as the contact number for his personal photography business on his business’ website, vbursey.com, as well as his business’ Facebook page. The investigation further revealed that Bursey failed to disclose his photography business on his City Financial Disclosure Statements.
5. On September 29, 2016, the Ethics Office initiated a complaint (the “Complaint”) against Bursey alleging that he had been using his city-issued phone number as the contact number for his personal photography business, Vincent Bursey Photography, on his

business' website, vburseay.com, and on his business' Facebook page; in violation of Section 2-811 of the Atlanta Code of Ethics. The Complaint further alleged that Bursey failed to disclose his personal business on his City Financial Disclosure Statements, in violation of Section 2-814. The Ethics Office sent formal notice of the Complaint to Bursey at his address on record with the City by electronic and regular mail.

6. On October 5, 2016, the Ethics Office interviewed Bursey regarding the Complaint. Bursey provided the Ethics Office with a written response to the Complaint wherein he apologized for what he termed "a profound lack of judgement" on his part and explained that he took corrective action and removed the city phone number from both his business' website and Facebook page.

CONCLUSIONS OF LAW

7. Vincent Bursey is a city employee who as a Revenue Auditor at the Department of Finance is subject to the Code of Ethics found in section 2-801 to 2-825 of the City's Code of Ordinances.

COUNT I

8. Section 2-811 of the Code of Ethics states: "No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity."
9. Bursey misused city property in violation Section 2-811 by using his city-issued phone number as the contact number for his personal business, Vincent Bursey Photography. Bursey posted the city number as his business' contact number on his business' website, vburseay.com, and on his business' Facebook Page.

COUNT II

10. Section 2-814 of the Code of Ethics requires city officials and employees subject to the annual filing requirement to disclose business ownerships and sources of income on their City Financial Disclosure Statements.
11. As a Revenue Auditor for the Department of Finance, Bursey is required to file a City Financial Disclosure Statement on an annual basis. City records show that Bursey violated Section 2-814 by failing to disclose his personal business, Vincent Bursey Photography, on his City Financial Disclosure Statements.

PENALTY

12. In proposing a penalty, the Ethics Office considered both aggravating and mitigating factors. Aggravating factors include that Bursey posted his city phone number on his business' website and Facebook page, where it remained available to the public for at least three years. Bursey failed to notify his superiors of his outside business and failed to screen himself from performing work on his personal business license. Mitigating factors include Bursey's acceptance of responsibility for his actions and his removal of the city phone number from his business websites upon receipt of the Complaint.

AGREEMENT

13. Bursey acknowledges that he violated the City's ethical standards as outlined in paragraphs 7-11 in the Conclusions of Law section of this document.
14. Bursey agrees to pay the City of Atlanta a civil penalty of \$250. The assessed fine must be paid in full by February 20, 2017.
15. Bursey agrees to purchase a personal phone separate from his city-issued phone and shall provide the Ethics Office with evidence of such purchase no later than February 20, 2017.
16. Bursey agrees to refrain from soliciting his business to any city officials or employees and shall refrain from doing any private business with the Department of Finance or any other city department.
17. Bursey agrees to abide by the City's ethical standards regarding the use of city property.
18. Bursey agrees to amend his 2016 City Financial Disclosure Statement in order to disclose his personal business as outside employment and further agrees to continue doing so going forward as required by city law.
19. Bursey agrees to refrain from performing any work in his official capacity on matters related to his personal business and agrees to notify his superiors regarding his outside business interests.
20. Bursey agrees to abide by the provisions of the Ethics Code which protect individuals who have reported or cooperated with an ethics investigation and to refrain from taking any personnel actions against any city employees who were interviewed or provided information in conjunction with this investigation.
21. The parties agree to enter this settlement agreement to resolve all factual and legal issues raised in this matter and to reach a final disposition without the necessity of an evidentiary hearing before the Board to determine Respondent's liability.
22. Bursey understands and voluntarily waives all procedural rights under the Code of Ordinances, including the right to personally appear before the Board, subpoena witnesses to testify, confront and cross-examine all witnesses, and have the Board hear the matter at any enforcement hearing.
23. Bursey acknowledges that this agreement is not binding on any other law enforcement or governmental agency and does not preclude the Board of Ethics from referring this matter to, cooperating with, or assisting any other law enforcement or government agency on this or any other related matter.
24. The Associate Ethics Officer will submit this settlement agreement for consideration by the Board of Ethics at its next regularly scheduled meeting, and the Board must enter an order approving the agreement before it becomes the final decision and order in the case.

25. The parties agree that this agreement shall become null and void in the event that the Board refuses to accept it.
26. Bursey further agrees that no member of the Board of Ethics or its staff shall be disqualified from participating in any hearing before the Board because of prior consideration of this settlement agreement.
27. The failure of Bursey to comply with this agreement may result in initiation of an enforcement action for violation of its terms.



Vincent Bursey
Respondent

1-11-2017
Date



Jabu M. Sengova
Associate Ethics Officer

1-11-17
Date