

**BEFORE THE CITY OF ATLANTA
ETHICS OFFICE**

In the matter of:

TaDarol Bates
Respondent

)
)
)
)
)

Case No. CO-22-002

Final Decision (Superseding)

Summary

TaDarol Bates, a former City of Atlanta employee with the Department of Human Resources, Insurance Division, violated Sections 2-816, 2-817, and 2-811 of the Code of Ethics by accepting, on at least ten (10) occasions, offers of tickets from city vendors (prohibited city sources) doing business directly with his office. Bates' actions also raised serious ethical concerns because in at least one instance, his acceptance of tickets occurred during the active solicitation for the City's benefits package, a contract overseen and managed by Bates's office. Additionally, on at least eleven (11) other occasions, Bates used his official city email address to request tickets from prohibited sources doing business with his office. Bates also used his city email address to solicit his co-workers to attend a paid event hosted by his fraternity. On three other occasions, Bates was offered tickets by city vendors (prohibited sources) and did not decline the tickets; and advised that his inability to attend was due to prior commitments. Further, Bates directly solicited city vendors of future tickets, creating an appearance of impropriety due to his role and position with the City.

Findings of Fact

- 1) TaDarol Bates ("Bates") served as the Benefits Manager on behalf of the City's Department of Human Resources ("DHR"). In this role, Bates managed "the day-to-day operations of the DHR Insurance Division, serving as a secondary liaison and representative for both internal and external customers as it relates to vendor relations, employee/retiree benefits issues, and the general administration of insurance benefits. In his city role, Bates was responsible for the "administration of the employee benefits function within the HR department." Bates was hired by the City on July 9, 2009, and voluntarily terminated on November 10, 2022.
- 2) On March 25, 2010, Bates attended ethics training and signed the Employee Ethics Pledge agreeing to comply with and adhere to the City's Code of Ethics/Standards of Conduct (Code of Ethics). Ethics training provided by the Ethics Office staff during the orientation session included the ethics rules on prohibited source interaction, conflicts of interest, and gifts and gratuities.
- 3) City records show that Bates completed the mandatory city-wide ethics training course and signed the mandatory attestation (ethics pledge) on February 15, 2022. The ethics

training course provides guidance to employees on the Code of Ethics, which includes ethics rules on the receipt of gifts and gratuities from prohibited city sources, such as city vendors.

- 4) The City's Department of Procurement ("DOP") published RFP-S-1220268 for Employee Benefits (the "RFP") on March 15, 2022. The training session for the evaluation team's solicitation review took place on May 26, 2022. City records show that Bates attended and participated in the training session. Thereafter, four (4) evaluation sessions were held from June 1, 2022, to July 29, 2022. Bates participated in all the evaluation sessions.
- 5) Kaiser Permanente ("KP") is one of the City's current health insurance providers. KP submitted a bid package for the RFP which was deemed responsive by DOP on August 11, 2022.
- 6) City email records show that on August 22, 2022, at 2:46 pm, Kayla Espana, Senior Consultant Workforce Health Strategic Customer Engagement for KP ("Espana"), sent an email to Bates offering to host him and a plus one in the KP Suite at Truist Park for the Atlanta Braves game against the Philadelphia Phillies scheduled for Sunday, September 18, 2022, at 1:20 pm. On September 9, 2022, at 11:44 am, Espana sent a follow-up email to Bates stating, **"looking forward to seeing you at the Braves game on 9/18"** and asked whether Bates would need a parking pass. Espana also asked for the name of Bates' guest and which email address they should send the tickets. At 12:25 pm on September 9, 2022, Bates responded to Espana stating, **"Yes to the parking pass please, I'm bringing my spouse, Kim Bates."** Espana confirmed during her October 27, 2022, interview with the Office of the Inspector General, Compliance and the Ethics Office that Bates attended the September 18, 2022, Braves game in the KP suite.
- 7) On October 14, 2022, the Ethics Office issued an Administrative Decision (CO-22-002, herein referred to as the "Initial Decision") finding Bates violated Sections 2-816 and 2-817 of the Code of Ethics by accepting Espana's offer of Braves tickets and a parking pass, both things of value, from KP, a prohibited city source and order Bates to pay an administrative sanction of \$2,000. The Initial Decision also found that Bates' actions raised serious ethical concerns because the offer and acceptance occurred during the active solicitation for the City's benefits package, a contract that is overseen and managed by Bates' former office, and Bates participated in the evaluation of responsive solicitations. Due to the severity and urgency of the matter, the Ethics Office issued the Initial Decision with language that the Ethics Office would continue to review city records to determine whether any additional violations involving Bates may have occurred prior to the acceptance of tickets outlined therein and reserving the right to proceed with additional sanctions for violations of the Code of Ethics, if necessary.
- 8) Bates paid the total amount of the \$2,000 administrative sanction to resolve the order in the Initial Decision on October 20, 2022.
- 9) City email records reviewed by the Ethics Office following the issuance of the Initial Decision revealed additional instances of Bates accepting and requesting tickets from the City's benefits providers.

- 10) On September 2, 2021, Ronald Kjar (“Kjar”), Account Manager Consultant for Anthem, Inc. (“Anthem”), one of the City’s health insurance providers, sent an email to Bates stating, **“I’m not sure if you have the ability, but I do have some tickets available for next Sunday’s Falcons/Eagles game at Mercedes-Benz Arena. Would you have any interest in joining us in our suite? I could get you 4 or even 6 tickets.”** The email was an invitation to attend the September 12, 2021, Atlanta Falcons game in the Anthem suite at Mercedes Benz Stadium. Bates responded to Kjar’s email stating, **“we will take 4!”**, to which Kjar responded, **“excellent! Glad you can use the tickets.”** On September 7, 2021, Cheryl Torrey, Executive Administrative Assistant to Pamela Stahl, President GA Commercial for Anthem, sent an email to Bates advising she had sent him two additional tickets. Bates responded by asking, **“is there an optimal place to park, or is it every man for himself?”** Following the provision by Torrey and Anthem employee, Andrea Malone, of the website link to park at Mercedes Benz Stadium, Bates forwarded the parking information to his wife, Kimberly Sellers-Bates, and to his personal email address. Bates’ wife responded, **“Yay!! I need to get a jersey.”** On September 8, 2021, Rob Teas, RVP, Sales for Anthem, sent Bates an email stating, **“I look forward to seeing you on Sunday”** and provided Bates with a parking pass for the game. Bates forwarded the parking pass to both his and his wife’s personal email addresses.
- 11) On July 8, 2021, Espana sent Bates an email inviting Bates to the Atlanta United game on July 17, 2021. Espana stated, **“Hoping you can make it this time, please let me know (sic) I can send you your ticket and a plus one if you like and parking.”** Bates responded, **“Dog gone it! I can’t make that one as my nephew is getting married that day! I guess that’s strike two. Keep me in mind for the next one.”**
- 12) On April 21, 2021, Espana sent Bates an email inviting Bates to the Atlanta United game on April 28, 2021, in the KP Suite. Espana stated, **“...I am hosting the suite and would love to have you come. Please let me know if you can make it and I can send you the tickets. Also, let me know if you want to bring someone and I can get you two tickets...”** Bates responded that he could not attend due to a health matter and stated, **“I really would like to see you and the Kaiser crew, but I better pass on this one. I am so angry because I want to participate. Keep in mind for other opportunities.”** Espana responded by stating, **“In case you change your mind are up to it let me know. The tickets are sent electronically so we can send them Monday night or early Tuesday (sic) it ends up working out.”**
- 13) On October 23, 2019, Espana emailed Bates letting him know, **“we will be sending the link to download your Atlanta United Game ticket! Look forward to having you at the game tomorrow night”**. Bates responded, **“I hate to be a bear about this, but can you get me parking as well?”** Espana replied, **“Letting you know you will be receiving a parking pass as well, See you tomorrow night!”** On October 25, 2019, Bates wrote to Espana and another KP employee, Sheila Hairston, **“Ladies, I had an amazing time at the game last night. Wish I could have hung out until the end, but at least we won. Once again, thank you for inviting me to the game. We MUST do it again sometime. Next time we can really turn up! (DISCLAIMER: If the picture surfaces anywhere we (sic) me in that crown, I will deny it until my last breath!)”**. Espana replied, **“Thank you soooo much for coming, we had a blast! And yes we must do again and really turn up lol and that picture is going down in history!”**

- 14) On October 26, 2017, John Slack, Executive Account Manager at KP ("Slack"), offered Bates 5 passes (for a total of 10 people) to the Atlanta Hawks Tip-Off at Topgolf on November 8, 2017, at Topgolf Atlanta Midtown. Bates did not initially reply, but on November 6, 2017, Slack sent Bates a follow-up email stating, **"...Not sure if you saw this but wanted to follow up and see if you're interested"** to which Bates replied, **"Hey John, Yes I am! Thanks!"** On November 7, 2017, Bates received an email from Kathy Sheffield, Sales & Account Management Administrator at KP, which stated, **"I left a voice message for you, but found out I need the first and last name of a guest for you. Just give me any name to confirm that you'll have a guest, and they can change the name later. Let me know that you still intend to attend tomorrow. Feel free to give me a call at the number below so that I can get you registered."** Bates replied, **"Thanks Kathy. I received your voicemail. You can put down myself and my son, TaDarol Bates II right now."** Bates then received a confirmation email for the event from Brandi Burton, Director, Revenue Operations & Event Management for the Atlanta Hawks and Phillips Arena.
- 15) On December 1, 2016, Bates sent a message from his city email address with the subject line **"SEC Championship Game?"** asking Terri Kemp, Sr. Account Executive with Blue Cross Blue Shield of Georgia ("Kemp"), **"Any tickets?"** Kemp did not reply to Bates' city email address.
- 16) On September 9, 2016, Bates sent a message to Kemp from his city email address with the subject line **"Braves Tickets?"** asking Kemp: **"755 Club? What's Up? It's the last season at the TED. Can you get me a couple before the season ends? Just asking..."** Kemp replied, **"LOL! Send me the dates you're interested in."**
- 17) On April 22, 2016, Slack emailed Bates asking, **"Hey are you interested in going to the Hawks game on Tuesday the 26th."** Bates replied, **"Sure!"** and Slack responded, **"Ok got you 2 tickets"**.
- 18) On February 19, 2016, Bates sent a message to Slack from his city email address asking Slack, **"Have you delivered those Hawk (sic) tickets?"** Slack responded, **"...I didn't get a chance to overnight the tickets so what I'll do is pass by City Hall later this afternoon and you can run down and pick them up if that works..."** Bates replied, **"About what time? I have a 1:00 review that will probably run until about 3:00pm. Give me a call on my cell... when you are in route. I can step out of the meeting if you through in that time frame."** Slack responded, **"On my way and take me about 20 mins. Will call when I'm there."** Bates responded, **"Ok"**.
- 19) On December 2, 2015, Bates sent a message to Slack from his city email address stating, **"Let me know if you have any available tickets to Friday Night's game (Kobe's last one here with the Lakers). If so, I would like to bring myself and my son."** Slack replied, **"Let me check on that and get back to you tomorrow."** On December 3, 2015, Slack emailed Bates to let him know: **"We're out of luck. We share the suite with another company and we get alternating games so we don't have Friday's game against the Lakers. Sorry about that because I would certainly love to be there for Kolby's (sic) farewell tour."** Bates responded, **"Let me know if you come across any tickets for say like the Warriors, San Antonio"**

or the Bulls.” Slack replied, “Not a problem. I’ll definitely keep you on my list and let you know for those teams or any other. I think the NY Knicks are coming to town soon.” Bates replied, “Cool.”

- 20) On December 11, 2014, Bates sent a message from his city email with the subject line **“Hawks Tickets and Cookies”** to Joseph Murtagh, Senior Strategic Account Executive with the Kaiser Foundation Health Plan of Georgia, Inc. (Murtagh), stating, **“I received the tickets that you left on yesterday. My wife and kids will be attending the game, as most of the people in the office have prior commitments. Thank you again.”** Murtagh replied, **“Perfect! You and your family will have a great time...”**
- 21) On September 2, 2014, Damon Cain, Health Solutions Client Executive, 300+ with Humana (“Cain”), emailed Bates offering Bates **“tickets to the FEDEX Cup at East Lake next week with access to our hospitality suite on the 12th green. Looks like Friday or Sunday tickets is what I can get. Interested?”** On September 3, 2014, Bates responded, **“Hell Yeah! I was out of the office until today. I can do Sunday.”** Cain responded, **“Bet... Look out for an email invite coming to your inbox with details. Oh, one or two tickets? I can do either.”** Bates replied, **“Two please. Thanks!”** Cain responded, **“Okay got them, Grounds Access & access to our Hospitality Tent/Marquee at the 12th green. Need the name and email of your guest for the ticket allocation and invite.”** Bates provided his and his wife’s name and provided Cain his city email address and his wife’s personal email address. Cain notified Bates on September 11, 2014, that he only had tickets available for Saturday and Bates informed Cain that would not be able to attend due to a scheduling conflict.
- 22) On February 4, 2014, Bates sent a message from his city email address with the subject line **“Hawks tickets”** to Erica Elder, Account Manager with KP (“Elder”), stating, **“I guess Louis has taken all the perks because I can’t get invited to ONE Hawks game. What’s the deal? I heard jack telling Louis he was going to contact him about going to some games. What’s up with that?”** Elder did not reply to Bates’ city email.
- 23) On October 22, 2013, Bates sent a message from his city email address with the subject line **“Hawks Games”** to Elder stating, **“Just asking... Do you still get tickets to the Hawks games? I know everybody sort of cut back lately.”** Elder replied, **“Yeah we do. I’ll put you on the radar.”**
- 24) On August 21, 2013, Bates sent a message with the subject line **“RE: Alabama vs. Virginia Tech”** from his personal email address (with his city email copied on the message) to James Ford with Blue Cross Blue Shield of Georgia (“Ford”), asking, **“Are we still on for the Alabama game on August 31st? If so, will you mail the tickets to my home or work?”** Ford replied **“Yes sir! I got two for you. You in the office this week?”** Bates responded from his city email, **“Yes.”**
- 25) Between January 6, 2012, and January 19, 2012, Bates sent a series of messages from his city email address inviting 11 city co-workers to **“KAPPA BOWL 2012,”** a paid event at Park Tavern hosted by Bates’ fraternity, Kappa Alpha Psi. In one version of a similar email sent to his co-workers, Bates wrote that **“for only \$20 (in advance), we will provide you with State of the Art Audio Visual Equipment to view the game in very good company (The Nupes always provide good company). Not**

only will your \$20 get you into the event, WE will provide a FREE BUFFET, DOOR PRIZES, DANCING and LOTS OF FUN! DJ TRON will be spinning the latest sounds during timeouts and at Halftime. There is a CASH BAR, but if you show up and bring some of your charming FEMALE friends (I know you have a boat loa (sic)). In a similar email to another individual, Bates wrote that he had **“tickets available or you can purchase them through Pay Pal.”**

- 26) On December 21, 2021, Ford sent an email to Bates asking, **“Hey man, You interested in Peach Bowl tickets?”** Bates replied, **“Cool. Yes.”** Ford responded, **“I got 4 for you.”** Bates replied, **“Thanks James.”**
- 27) On November 30, 2011, Bates sent Ford an email from his city email address with the subject line **“SEC Championship Tickets?”** where he asked Ford, **“Do you have any to spare? Two maybe? I know it’s LSU versus Georgia but what the hell.”** Ford replied, **“Man I am working on that now. Don’t know if its (sic) possible but I will certainly let you know... I am so glad the Crimson Tide gets to rest until January! Lol”**. Bates responded, **“I totally understand. I’m hoping the rest won’t hurt us.”** Likewise, on the same date Bates sent an email from his city email address with the subject line **“SEC Championship Game”** to Valarie Jakes, Senior Account Manager with CIGNA HealthCare (“Jakes”), asking Jakes, **“Any tickets available? Two maybe?”** Jakes replied, **“...I’m sorry but we do not have any tickets to the SEC Championship game. I hope we can get together soon.”** Bates responded, **“Thanks! Let me know your schedule this month. I am open the majority of the month.”**
- 28) On November 7, 2011, Bates sent an email to Elder from his city email address with no subject line asking Elder, **“Saints tickets?”** Elder did not respond to Bates’ email.

Conclusions of Law

- 29) Pursuant to § 8-109 of the City of Atlanta Charter, the City Ethics Officer is charged with “urging compliance with the code of ethics by investigating any failure to comply or investigating any related issues, including the furnishing of false or misleading information.” The City’s Code of Ethics/Standards of Conduct is located at §§ 2-801 to 2-825 of the Atlanta Municipal Code of Ordinances.
- 30) Section 2-816 (b) of the City’s Standards (“Code of Ethics”) states in relevant part that “No... employee... shall knowingly accept any ticket of admission or other evidence of right of entry to... any athletic events... which would not be offered or given to such... employee if such person were not an... employee...” “For purposes of determining whether such ticket would be offered or given by reason of the... employee’s position with the city, it shall be presumed that any offer of such ticket or right of entry made by any prohibited source... is given by reason of such official’s or employee’s position with the city...” Section 2-801 defines a prohibited source as “any person, business or entity that an official or employee knows or should know: (1) is seeking official action from the city; or (2) Is seeking to do or does business with the city.”

- 31) Section 2-817 states that “no official or employee shall accept any gratuity as defined in section 2-801...” Section 2-801 defines a gratuity “anything of value given by or received from a prohibited source.
- 32) On at least ten (10) occasions, Bates, a city employee at the time¹, was offered tickets to various sporting events by prohibited sources doing business directly with his city office, including KP, Anthem, and Humana. The tickets (and in some instances, the accompanying parking passes) to these events are gratuities prohibited by the Code of Ethics. City records show that on each of the ten occasions, Bates accepted the tickets and parking passes offered from the aforementioned prohibited sources in violation of Sections 2-816 and 2-817 of the Code of Ethics. No exception to the ban on gratuities applied in any of these situations that would have permitted Bates to accept the tickets and parking passes.
- 33) Although the Code of Ethics does not specifically regulate the “appearance of impropriety,” it is important for city... employees... to carefully evaluate whether the role, action, conduct or activity in question creates the appearance of a conflict or impropriety or whether such activity may cause the public to question whether the... employee is acting in his or her own interests or in the best interest of the city. See *Board of Ethics Formal Advisory Opinion 2017-1 – Appearances of Impropriety*.
- 34) Bates’ actions also raised serious ethical concerns because in at least one instance, his acceptance of tickets occurred during **the active solicitation** for the City’s benefits package, a contract overseen and managed by Bates’s office. On three other occasions, Bates actions raised an appearance of impropriety where he was offered tickets from KP and did not decline the tickets; explaining that he could not attend due to prior commitments and requesting that he continue to receive future tickets offers.
- 35) Section 2-811 states in relevant part that “no official or employee shall ...use... any publicly owned or publicly supported property... for the private advantage of such official or employee or any other person or private entity...” Publicly supported property includes the official city email addresses issued to city employees to be used for city business purposes only.
- 36) On at least eleven (11) occasions, Bates used his city email address to request tickets to sporting events from multiple prohibited sources doing business with his city office, including, KP, Anthem, and Cigna, for his private advantage and in violation of Section 2-811 of the Code. On one other occasion, Bates used his city email address to solicit his co-workers to attend a Super Bowl party being hosted by his fraternity, Kappa

¹ With regards to the Ethics Office’s jurisdiction over former city employees for alleged actions taken while actively employed by the City, the Superior Court of Georgia has affirmed that the jurisdiction of the Ethics Office (pursuant to City Charter 8-101 and 8-109 - analogous to the jurisdiction exerted by the former Board of Ethics at the time of the applicable order of the Superior Court) is based on whether the individual was an active employee or official “at the time of the purportedly unethical acts.” See: Final Order of the City of Atlanta Board of Ethics and Independent Compliance in the Matter of Jimmie A. Beard, CO-18-004 (Dec. 30, 2019), *aff’d*, Ga. Super. Ct. Fulton County, 2020CV332509 (Jan. 19, 2021).

Alpha Psi. The event had an advanced ticket cost of \$20 and Bates provided a link to pay to attend the event via PayPal. Additionally, Bates continued to use his city email to solicit for and discuss the event with city employees in his office, even after some of the employees expressed that they did not want to attend the party.

Sanctions

- 37) In proposing sanctions in this matter, the Ethics Office considered both aggravating and mitigating circumstances. In this case, Bates' actions raised serious ethical concerns because the acceptance and requesting of tickets involved prohibited city sources whose city contracts were overseen and managed by Bates' former office.
- 38) As outlined in paragraphs 6-8 of this Decision, on October 20, 2022, Bates paid the total amount of the \$2,000 administrative sanction to resolve the Office's order in the Initial Decision.
- 39) Based on the circumstances outlined in paragraphs 1-36 of this Decision, the Office recommends an administrative sanction of \$250 for each of the nine (9) additional violations of Sections 2-816 and 2-817, \$150 for each of the eleven (11) violations of Section 2-811 involving requesting tickets, and \$100 for violating Section 2-811 by soliciting his co-workers to attend his fraternity's paid event. The Office also recommends that the Department of Human Resources include a copy of this Decision in Bates' personnel file as Bates is no longer employed by the City.
- 40) The Office orders Bates to pay a total administrative sanction of **\$4,000** for the *additional violations* of Sections 2-816, 2-817, 2-811 of the Code of Ethics as outlined in paragraphs 29-36 of this Decision.
- 41) Failure to comply with the order listed in paragraph 39-40 of this Decision may result in additional sanctions or referral of this matter to the City Solicitor's Office for prosecution.

Respondent has the right to appeal this Decision to the Governing Board of the Office of the Inspector General within 14 days of the date of receipt of the Decision. See Atlanta, Ga., Charter §8-103(a).

So ordered this 31st day of October 2023.

For the City of Atlanta Ethics Office



Carlos R. Santiago
Deputy Ethics Officer

**BEFORE THE CITY OF ATLANTA
ETHICS DIVISION**

In the matter of:

TaDarol Bates
Respondent

)
)
)
)
)

Case No. CO-22-002

Final Decision

Summary

TaDarol Bates, a City of Atlanta employee with the Department of Human Resources, violated Sections 2-816 and 2-817 of the Code of Ethics by accepting an offer of Atlanta Braves tickets and a parking pass from Kaiser Permanente, a city vendor and prohibited source. Bates' actions also raise serious ethical concerns because the offer and acceptance occurred during the active solicitation for the City's benefits package, a contract overseen and managed by Bates's office, and Bates participated in the evaluation of responsive solicitations.

Findings of Fact

- 1) TaDarol Bates ("Bates") serves as the Benefits Manager for the City's Department of Human Resources ("DHR"). In this role, Bates "manages the day-to-day operations of the DHR Insurance Division; and serves as a secondary liaison and representative for both internal and external customers as it relates to vendor relations, employee/retiree benefits issues, and the general administration of insurance benefits. In his city role, Bates is responsible "for administration of the employee benefits function within the HR department." Bates was hired by the City on July 9, 2009.
- 2) City records show that Bates completed the mandatory city-wide ethics training course and signed the mandatory attestation on February 15, 2022. The ethics training course provides guidance to employees on the Code of Ethics, which includes ethics rules on gifts and gratuities from prohibited city sources, such as city vendors.
- 3) The City's Department of Procurement ("DOP") published RFP-S-1220268 for Employee Benefits (the "RFP") on March 15, 2022. The training session for the evaluation team's solicitation review took place on May 26, 2022. City records show that Bates attended and participated in the training session. Thereafter, four (4) evaluation sessions were held from June 1, 2022, to July 29, 2022. Bates participated in all the evaluation sessions.
- 4) Kaiser Permanente ("KP") is one of the City's current health insurance providers. KP submitted a bid package for the RFP which was deemed responsive by DOP on August 11, 2022.

- 5) City email records show that on August 22, 2022, at 2:46 pm, Kayla Espana (“Espana”) Senior Consultant Workforce Health Strategic Customer Engagement for KP, sent an email to Bates offering to host him and a plus one in the KP Suite at Truist Park for the Atlanta Braves game against the Philadelphia Phillies scheduled for Sunday, September 18, 2022, at 1:20 pm.
- 6) On September 9, 2022, at 11:44 am, Espana sent a follow-up email to Bates stating, “looking forward to seeing you at the Braves game on 9/18” and asked whether Bates would need a parking pass. Espana also asked for the name of Bates’ guest and which email address they should use to send the tickets. At 12:25 pm on September 9, 2022, Bates responded to Espana, stating “Yes to the parking pass please. I’m bringing my spouse, Kim Bates.”

Conclusions of Law

- 7) Section 2-816 (b) of the City’s Standards (“Code of Ethics”) states in relevant part that “*No... employee... shall knowingly accept any ticket of admission or other evidence of right of entry to... any athletic events... which would not be offered or given to such... employee if such person were not an... employee...*” “For purposes of determining whether such ticket would be offered or given by reason of the... employee's position with the city, it shall be presumed that any offer of such ticket or right of entry made by any prohibited source... is given by reason of such official's or employee's position with the city...” Section 2-801 defines a prohibited source as “any person, business or entity that an official or employee knows or should know: (1) is seeking official action from the city; or (2) Is seeking to do or does business with the city.”
- 8) Section 2-817 states that “*no official or employee shall accept any gratuity as defined in section 2-801*” and “no person, business, or other entity shall give or convey to any official or employee a gratuity as defined in section 2-801.” Section 2-801 defines a gratuity “anything of value given by or received from a prohibited source.”
- 9) Bates, a city employee, was offered tickets by Espana on behalf of KP to attend the September 18, 2022, Braves game, an athletic event, and sit in the KP suite. Bates was also offered a parking pass to the game. The tickets and the parking pass are gratuities under the Code of Ethics. City records show Bates accepted the tickets and parking pass from a prohibited source, in violation of the Ethics Code. No exception to the ban on gratuities applies in this situation which would allow Bates to accept the tickets and parking pass.
- 10) Bates violated Sections 2-816 and 2-817 of the Code of Ethics by accepting Espana’s offer of Braves tickets and a parking pass, both things of value, from KP, a prohibited city source. Bates’ actions also raise serious ethical concerns because the offer and acceptance occurred during the *active solicitation* for the City’s benefits package, a contract that is overseen and managed by Bates’ office, and Bates participated in the evaluation of responsive solicitations.

Sanctions


- 11) In proposing sanctions in this matter, the Ethics Division considered both aggravating and mitigating circumstances. In this case, Bates' actions raise serious ethical concerns because the offer and acceptance occurred during the *active solicitation for the City's benefits package*, a contract overseen and managed by Bates' office, and Bates participated in the evaluation of responsive solicitations. Therefore, the Division recommends the maximum administrative sanction of \$1,000 for each violation, totaling \$2,000, as outlined in paragraphs 7-10 of this Decision, and recommends that the Department of Human Resources consider separation from employment for Bates.
- 12) The Division orders Bates to pay a total administrative sanction of **\$2,000** for violating Sections 2-816 and 2-817 of the Code of Ethics as outlined in paragraphs 1-10 of this Decision.
- 13) Failure to comply with the orders listed in paragraphs 11-13 of this Decision may result in additional sanctions or referral of this matter to the City Solicitor's Office for prosecution.

The Ethics Division will continue to review city records to determine whether any additional violations of the Code of Ethics involving Bates may have occurred prior to this instance and reserves its right to proceed on additional violations. However, given the severity and urgency of this matter, sanctions will be assessed immediately as outlined above.

Respondent has the right to appeal this Decision to the Governing Board of the Office of the Inspector General within 14 days of the date of receipt of the Decision. See Atlanta, Ga., Charter §8-103(a).

So ordered this 14th day of October 2022.

For the City of Atlanta Office of the Inspector General, Ethics Division



Carlos R. Santiago
Deputy Ethics Officer