

**BEFORE THE CITY OF ATLANTA
ETHICS OFFICE**

In the matter of:)
)
 Joshua Wilmont)
 Respondent) Case No. CO-24-001
)

Final Decision

Summary

Joshua Wilmont, a City of Atlanta employee with the Department of Public Works, violated Sections 2-811, 2-817 and 2-820 (b) of the City’s Code of Ethics/Standards of Conduct (Code of Ethics)¹ by accepting a gratuity from a private landscaping business and using city equipment to remove and dispose of tree debris from a private lot on behalf of the business at a financial loss to the City.

Findings of Fact

1. Joshua Wilmont (Wilmont) is a City of Atlanta employee with the Department of Public Works (DPW) who currently serves as a Solid Waste Operator II. The City hired Wilmont on April 16, 2015 as a Seasonal Equipment Operator. DPW promoted Wilmont to Environmental Service Worker I on November 2, 2015; Solid Waste Equipment Operator on October 31, 2019; Solid Waste Operator I on April 29, 2021; and to his current position on May 26, 2022.
2. Wilmont served as a Solid Waste Operator II when the alleged acts occurred. The job duties and responsibilities of that position include the operation of a city-issued “dual-drive garbage truck, conventional rear loader garbage truck, MAD VAC, mini-garbage truck, tandem dump truck or open body dump truck...”
3. On April 1, 2024, the Ethics Office received a call from a DPW employee (the “Reporter”), stating that another DPW employee (the “Witness”) notified the Reporter that Wilmont was using a city-owned knuckle boom truck to assist a landscaping business with waste removal on private property. The reporter stated that Wilmont was performing the work at 2160 Maxwell Dr, Atlanta, GA, 30311.
4. Ethics Office investigative staff traveled to the reported address, spoke to the Witness who confirmed that there was a landscaping business operating in the area clearing land of a variety of trees, debris, and bulk items.

¹ See Atlanta, Georgia, Code of Ordinances, Chapter 2 – Administration, Article VII – Officers and Employees, Division 2. Code of Ethics/Standards of Conduct (January 5, 2024) et seq.

5. On April 1, 2024, the Ethics Office received an email from the Reporter with information pertaining to Wilmont's alleged acts. The information referenced Wilmont as an "Assist Driver" in truck #31326 with 26 assisted bulk pickup stops on his route. One of the addresses listed on Wilmont's route was 2161 Maxwell Drive, SW, Atlanta, GA, 30311 and Wilmont was logged in for his route from 7:03 AM to 11:36 AM. The email also included an image depicting Wilmont speaking with a representative of the landscaping business and an image of Wilmont operating a City of Atlanta knuckle boom truck to pick up what appeared to be landscaping debris.
6. On April 1, 2024, Ethics Office staff received an additional call from the Reporter indicating that Wilmont had returned to the property and was once again using city equipment to assist the landscaping business with clearing up the debris from the lot.
7. On April 3, 2024, Ethics Office staff interviewed Wilmont regarding the alleged acts that occurred on April 1, 2024. During the interview, Wilmont confirmed that he was a knuckle boom truck operator and conducted bulk pickups on behalf of the City. He advised that his work hours were 7:00 AM to 3:30 PM, and that he typically conducted 30 stops in a day.
8. Wilmont explained that on April 1 he assisted an individual with the removal of tree debris from their property. Wilmont stated that he told the individual that he was not allowed to do so but would "help them out." According to Wilmont, the individual offered to pay him, and Wilmont replied that he could not take their money.
9. The Ethics Office asked Wilmont if he accepted payment from the individual at any time, and he stated that he did not. In response, Ethics Office staff informed Wilmont that they visited the location and observed firsthand that it was a private landscaping business and not an individual who requested assistance to clear the debris, which disputed Wilmont's account of what occurred.
10. Wilmont was asked again if he accepted payment from the landscaping company. Wilmont admitted that the landscapers gave him a cash tip in the amount of \$150.00 to remove the debris. Wilmont further stated that he returned to the property and the landscaping company gave him an additional \$20.00 for removing more debris.
11. Wilmont stated this was the first time he had done something like this and alleged that he returned \$150.00 of the tip amount to the landscapers because he was not comfortable keeping the entire amount. The Ethics Office asked Wilmont for contact information for the landscaping company that Wilmont allegedly returned the \$150.00 to, or evidence that he returned the money. Wilmont replied that he deleted the information of the landscaping company from his personal cell phone.
12. The Ethics Office reviewed the receipt submitted by Wilmont to DPW which listed the tonnage of tree debris dumped by Wilmont on behalf of the landscaping business. The receipt showed that Wilmont dumped 8.22 tons of debris at the dumping site. According to DPW, the cost per ton of debris dumped is \$44.10/ton. Therefore, the total cost to the City of dumping the debris was \$362.50.

Conclusions of Law

13. Pursuant to the City of Atlanta Charter, the Ethics Office is charged with urging compliance and investigating alleged violations of the Code of Ethics². Administrative Sanctions may be issued by the Ethics Office where intentional violations of the Code are found³.
14. Section 2-811 of the Code of Ethics states in relevant part that “no... employee shall... permit the use of any publicly owned or publicly supported property... for the private advantage of... any other person or private entity...”
15. Wilmont used city equipment to advance his own private interests and the interests of a third party, the landscaping business, in violation of Section 2-811.
16. Section 2-817 states in relevant part that “no... employee shall accept any gratuity as defined in section 2-801(g)...”
17. Section 2-801 defines a gratuity as “anything of value given by or received from a prohibited source...” and a prohibited source as “any person, business or entity that an official or employee knows or should know... is seeking official action from the city.”
18. Wilmont accepted a \$170.00 gratuity from the landscaping business, a prohibited source, to remove tree debris using city property (an official city action) on the business’ behalf, in violation of Section 2-817.
19. Section 2-820 (b) states in relevant part that “no... employee shall... render services for private interests when such... service is adverse to and incompatible with the proper discharge of official duties of the...employee...”
20. Wilmont accepted a gratuity and used city equipment to provide unauthorized tree debris removal services on behalf of the landscaping business and dumped the debris at a cost to the City of approximately \$362.50.

Sanctions and Recommendations

21. In proposing sanctions, the Ethics Office considered aggravating and mitigating circumstances, including Wilmont’s cooperation with the Office’s investigation of this matter. That said, during his interview with the Ethics Office, Wilmont admitted to accepting a gratuity from the landscaping business to perform work on their behalf. However, Wilmont’s actions as outlined above demonstrated poor judgement and a serious ethical lapse which resulted in the unauthorized use of city equipment to perform work on behalf of a private business. These actions created potential risk to the City because the job may have resulted in damage or injuries to private property or individuals in the area. Further, during his interview, Wilmont misrepresented to the Ethics Office **who**

² See Atlanta, Georgia, Charter and Related Laws, Subpart A – Charter, Article 8. – The Office of the Inspector General and the Ethics Office, Section 8-109. – Ethics Office (January 5, 2024) et seq.

³ See Id. At Section 8-101 (i)

he had performed the services for and without providing evidence, alleged that he returned \$150.00 of the \$170.00 gratuity received from the landscaping business.

22. The Ethics Office recommends an administrative sanction of \$100 for the violation of Sections 2-811 of the Code of Ethics, \$170 for the violation of Section 2-817, and \$362.50 in restitution to the City for the violation of Section 2-820 (b).
23. The Ethics Office thereby orders Wilmont to pay a total administrative sanction of **\$632.50** for the violations of Sections 2-811, 2-817, and 2-820 (b) of the Code of Ethics.
24. The Ethics Office orders Wilmont to cease and desist from engaging in any unauthorized bulk pick up activities while on city time or using city equipment.
25. Failure to comply with 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 and the Ethics Office within 14 days of the date of receipt of this Decision. See Atlanta, Ga., Charter §8-103(a)

So ordered this 15th day of April 2024.

For the City of Atlanta Ethics Office

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Carlos Santiago

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Carlos R. Santiago
Deputy Ethics Officer