

**City of Atlanta Board of Ethics and Independent Compliance
Meeting Minutes of May 16, 2019**

The monthly meeting of the City of Atlanta Board of Ethics and Independent Compliance was called to order by Chair Kate Wasch at 6:07 p.m. in the City Council Committee Room 1, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Chris Gilmore, Nichola Hines, Gerry Neumark, Wesley Tharpe, and Attorney, Howard "Tres" Indermark. Ethics Officer Jabu M. Sengova and staff members Carlos R. Santiago, Sherry H. Dawson, Janet R. Keene, Larry Mason, Ibídapo Onabanjo and Portia Reeves also attended. Board member Todd Gray was absent.

MINUTES

1. Dr. Neumark moved to approve the minutes of the March 21, 2019 board meeting which was seconded by Mr. Tharpe. The Board unanimously adopted the minutes.

ENFORCEMENT ACTION

2. **CO-18-004. In the Matter of Jimmie A. Beard**

Mr. Santiago presented a probable cause report for Case Number CO-18-004 concerning Jimmie A. Beard, former Chief Financial Officer for the City of Atlanta, who served in that position from July 2010 until May 2018. Mr. Santiago reported that Mr. Beard's attorney submitted a written response to the probable cause report, and further reported that although both Mr. Beard and his Attorney had been provided proper notice of the hearing, neither were present. Mr. Santiago presented the standard of review as probable cause that would induce a reasonably intelligent person to believe that a person had committed an act that would constitute a violation of the Code of Ethics. Mr. Santiago presented that the Ethics Office investigated the matter based on potential violations of Sections 2-804 and 2-811 of the Code, and found that during his tenure as CFO, Mr. Beard used his city-issued credit card for a large number of purchases, including premium travel, hotel, retail and other potentially unallowable expenses, for current and former city employees, non-city employees and himself; and failed to provide or submit relevant documentation to support the city business justification for the expenses in question. Further, Mr. Santiago submitted that the Board of Ethics and Independent Compliance has jurisdiction over Mr. Beard based on the allegations occurred during his tenure as CFO. Mr. Santiago recommended that the Board find probable cause and set the matter down for an enforcement hearing. Following a discussion, Ms. Hines moved to adopt the recommendation of the Associate Ethics Officer. Mr. Tharpe seconded the motion which was approved by the Board.

3. **Subpoena request for production of city emails for former Chief of Staff, Candace Byrd**

Mr. Santiago presented a request to the Board to issue a subpoena for the production of city emails for former City of Atlanta employee Candace Byrd for the period January 1, 2014 through December 31, 2017 based on the Ethics Office's investigation of her use of her city credit card. Following a discussion, Mr. Gilmore moved to adopt the recommendation of the Ethics Office to issue a

subpoena for production of Ms. Byrd's city emails for the time period stated. Dr. Neumark seconded the motion which was approved by the Board.

FINANCIAL DISCLOSURE

4. 2019 Roll of Delinquent Filers

Ms. Onabanjo presented the 2019 Roll of Delinquent Filers. Mr. Tharpe moved to adopt the roll as presented. Ms. Hines seconded the motion which was carried by the Board.

5. Report to Board on 2019 Filing Season

Ms. Onabanjo delivered the 2019 report to the Board on persons required to file an annual financial disclosure statement, those who complied with the filing requirements, and those who failed to file in 2019 as required by law. Ms. Onabanjo reported that the percentage of timely filers was 92 percent this year based on a total of 3131 required filers. In 2018 there was a filing rate of 95 percent based on 2729 timely filers; in 2017, 96 percent based on 2622 timely filers; in 2016, 94 percent based on 2384 timely filers; and in 2015, 92 percent based on 1910 timely filers. Ms. Onabanjo stated that although this year's rate is lower than had been anticipated, an "overall" 96 percent total filing rate was achieved.

6. Recognition of Departments, Boards and Commissions with the Best Filing Records and Adoption of Resolution.

Following a ceremony and the presentment of a resolution to honor the Departments, Boards and Commissions with the best filing record for 2019 immediately preceding the board meeting, Mr. Gilmore moved to adopt the resolution as presented. Mr. Tharpe seconded the motion which was unanimously approved by the Board.

BOARD OPERATIONS

7. Election of new Vice-Chair

Following the resignation of board vice-chair Jessica Stern, Dr. Neumark nominated Ms. Hines as Vice-Chair for the Board of Ethics and Independent Compliance. Following a brief discussion, Ms. Hines accepted the nomination which was unanimously approved by the Board.

ETHICS OFFICER'S REPORT

8. Status Report on Activities Performed Under the Work Plan

Ms. Sengova reported on activities that support the Ethics Office Work Plan in the following areas: operations, training, advice, public education and outreach, investigations and enforcement actions, and financial disclosure including the electronic disclosure system. Ms. Sengova highlighted training provided by the Ethics Officer and Associate Ethics Officer for 30 attendees at an IP Forum held at Womble, Bond & Dickinson.

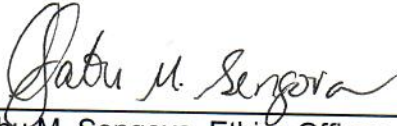
9. FY19 Budget Report

Ms. Sengova reported that the Ethics Office was spending as budgeted for the remainder of fiscal year 2019.

10. FY20 Budget Update

Ms. Sengova reported that the hearing for the FY20 budget is scheduled for June 4 at 11:00 a.m. in City Council Chambers. She further reported that funding for the Compliance Office had not been provided and would be discussed during meetings of the Task Force for the Promotion of Public Trust. Ms. Sengova encouraged the board members to attend future Task Force meetings in June, July and August.

Having no further business, the meeting adjourned at 6:48 p.m.



Jabu M. Sengova, Ethics Officer
Approved July 18, 2019.