

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

In the matter of:	)	
	)	
Paul Latham	)	
	)	Case No. 08-FD-002
Respondent	)	
	)	

**FINAL ORDER**

This matter came before the City’s Board of Ethics on July 17, 2008, following proper notice to Paul Latham, the Respondent, by first class mail and certified mail. The hearing was held to determine if the Respondent violated section 2-814 of the City of Atlanta Code of Ordinances by failing to timely file an annual city financial disclosure statement. After consideration of the record, the Board makes the following findings of fact and conclusions of law:

**Findings of Fact**

1. The Respondent is a city employee who is required to file the 2008 City Financial Disclosure Statement.
2. The Respondent did not file the 2008 City Financial Disclosure Statement by the February 15, 2008, filing deadline.
3. On January 2, 2008, the Ethics Office mailed the 2008 City Financial Disclosure Statement to Mr. Latham at 1331 Latham Street, Atlanta, GA 30310, the mailing address for him in the city’s personnel records.
4. A postcard was mailed on February 8, 2008, reminding him of the February 15, 2008, filing deadline.
5. The Ethics Office mailed a warning letter on February 19, 2008, notifying Mr. Latham that he was not in compliance with the city’s financial disclosure law and had until March 1, 2008, to file without incurring any penalties.
6. A warning postcard was mailed on March 7, 2008, notifying him that he was in violation of the City’s Code of Ethics for failing to file the 2008 City Financial Disclosure Statement.
7. On March 20, 2008, the Board of Ethics found Mr. Latham was a delinquent filer due to the failure to file the 2008 City Financial Disclosure Statement as required by law.

8. The Board voted to issue a letter of reprimand and send a copy to his department for inclusion in his personnel file and consideration during his next performance evaluation.
9. Mr. Latham filed the 2008 City Financial Disclosure Statement on March 25, 2008.
10. The Ethics Office mailed a notice of delinquency and invoice for \$100 for violating the city financial disclosure law on April 8, 2008, notifying Mr. Latham of the board's actions at its March meeting.
11. Mr. Latham did not pay the late filing penalty, and the Ethics Office mailed a second invoice for \$100 on May 2, 2008.
12. None of the correspondence mailed to him was returned to the Ethics Office as undeliverable.
13. Mr. Latham has not appealed the board's decision finding him delinquent, paid the late filing penalty, or contacted the Ethics Office about this case.
14. He failed to appear at the hearing in this enforcement action.
15. The Respondent's status as an active city employee and his failure to respond to the Ethics Office's repeated attempts to contact him are aggravating factors that affect the penalty in this case.

### **Conclusions of Law**

#### Count One: Failure to File by Filing Deadline

16. The Code of Ethics requires city officials to file their annual disclosure statement by February 15 of each year in which they work for the city and for the year after they leave their position. "The failure of any official or employee so required to file an annual disclosure statement by February 15 without reasonable cause shall render such person delinquent and result in an administrati[ve] sanction . . . , provided that the maximum penalty for the first offense shall be \$500.00." Atlanta, Ga., Code § 2-814 (e).
17. Respondent has violated section 2-814 (e) of the City's Code of Ethics by failing to file the annual disclosure statement by the filing deadline without reasonable cause.
18. Under the schedule of late filing penalties adopted by the Board, Respondent owes \$100 for filing after March 15 and before April 1. See Board Rule 7.5.

#### Count Two: Failure to Pay Fine

19. Board Rule 7.6 provides that any late filing penalty is due in full at the time of the filing.
20. Respondent has violated section 2-814 (e) and the board's rules by failing to pay the late filing penalty of \$100 either at the time of filing or within 30 days of the invoice mailed to him.

Based on these violations, the Board takes the following actions:

- A. Orders Mr. Latham to pay a total of \$500 in administrative sanctions for failing to timely file the 2008 City Financial Disclosure Statement and failing to pay the penalty for filing late;
- B. Orders Mr. Latham to appear in person at its meeting on Thursday, September 18, 2008, to receive a public reprimand for his violations of the financial disclosure laws;
- C. Recommends that the Department of Watershed Management take disciplinary action based on Mr. Latham's violations and his failure to respond to the letters, postcards, and invoices sent to him by the Ethics Office;
- D. Directs the Ethics Officer to forward a copy of this order immediately to the City Solicitor for prosecution of the violations of the Code of Ethics in Municipal Court; and
- E. Orders Mr. Latham to cease and desist from any violations of the Code of Ethics and to comply with all of its provisions.

The Respondent has the right to appeal this order by seeking review within 30 days by writ of certiorari in the Fulton County Superior Court. See OCGA § 5-4-6; Atlanta, Ga., Code § 2-807 (d).

So ordered this 25<sup>th</sup> day of July, 2008.

For the City of Atlanta Board of Ethics



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John Lewis, Jr.  
Chair, Board of Ethics