

**City of Atlanta Board of Ethics Meeting  
Minutes of March 19, 2009**

The monthly meeting of the City of Atlanta Board of Ethics was called to order by Chair John Lewis, Jr. at 6:05 p.m in the City Council Committee Room 2, 55 Trinity Avenue, Atlanta, Georgia 30303. Attending the meeting were board members Carol Snype Crawford; Charles B. Crawford, Jr.; Cathy Daniels; MaryAnne Gaunt; and Charmaine Ward. Board member Caroline Tanner was absent. Staff members Ginny Looney and Jabu Sengova also attended.

**MINUTES**

1. The Board adopted the minutes of the February 19, 2009 meeting as amended on a motion by Ms. Daniels and a second by Ms. Ward. The changes added the phrases “[f]ollowing Ms. Sengova’s recommendation to dismiss for lack of probable cause” to the beginning of item two’s paragraph and “recommended that the Board extend the deadline for the filing grace period” and “due to technical difficulties with the Electronic Disclosure System” to item seven.

**AWARDS CEREMONY**

2. The Board held the Financial Disclosure Awards Ceremony to honor departments with the best filing records. Ms Crawford moved to adopt a resolution on the Transparent Diamond Award recognition with a second by Mr. Crawford, and the Board adopted it unanimously. The Board recognized the following recipients: Atlanta City Council; Department of Aviation; Department of Corrections; Department of Human Resources; Department of Law; Department of Parks, Recreation & Cultural Affairs; Department of Procurement; and Office of City Auditor.
3. Ms. Looney delivered the March 2009 report to the Board on persons required to file an annual financial disclosure statement, those who complied with the filing requirements, those who filed late, and those who failed to file in 2009 as required by law. Ms. Looney noted that the percentage of timely filers dropped to 87% this year, with approximately 98 persons who had not filed this year; ethics office staff has sent four separate mailings and four emails to non-filers to convince these persons to file before penalties are imposed.

**ENFORCEMENT ACTIONS**

4. **CO-08-004. In the Matter of Richard Pennington**  
Ms. Looney recommended that the Board dismiss for lack of probable cause the complaint against Police Chief Richard Pennington concerning the use of on-duty police officers to escort Corvettes belonging to a private club from the airport to Lenox Mall in a motorcade in which he participated. She also recommended that the police department review its policies to determine whether it should provide police escorts to private groups and should assess an application fee for private events. Ms. Gaunt moved to adopt the recommendation that the probable cause report be accepted and the complaint be dismissed for lack of probable cause, with a second by Ms. Crawford, and the Board adopted it unanimously.

**5. CO-07-028. In the Matter of H. Lamar Willis**

Ms. Sengova presented a request for the issuance of a subpoena for the production of certain documents concerning the complaint against Council member Lamar Willis alleging that he accepted money from city vendors and contractors through the H. Lamar Willis Foundation, which was not registered with the Secretary of State's office. Ms. Sengova explained that Mr. Willis had not responded to previous requests for documents from ethics office staff. Following a discussion by the Board, Mr. Crawford moved to grant the request for the subpoena, Ms. Gaunt seconded the motion, and the Board unanimously approved the issuance of the subpoena.

**FORMAL ADVISORY OPINIONS**

6. Ms. Daniels moved to adopt proposed Formal Advisory Opinion 2009-1 on contract participation. Ms. Gaunt seconded the motion, which the Board adopted. The opinion concludes: "Neither a city official nor employee may directly or indirectly engage the services or buy products from an immediate family member or a company in which an immediate family member has a financial interest."
7. The Board next discussed proposed Formal Advisory Opinion 2009-2 on the Beltline Affordable Housing Advisory Board, concerning participation in contracts and the post-employment rule. Ms. Daniels made a motion to accept the advisory opinion with an amendment making it effective immediately, which Mr. Crawford seconded, and the Board adopted it unanimously. The summary opinion states: "Current members of BeltLine Affordable Housing Advisory Board (BAHAB) should not personally be involved in applications for trust fund dollars while serving on the board, and former members of BAHAB should not personally be involved in applications for trust fund dollars during the year after they leave the board." The opinion allows a former member's firm to apply for trust fund dollars during the member's one-year cooling off period, provided a firewall is created and the firm and the member submits an affidavit of compliance with the Code of Ethics.
8. The Board considered requests for conflict-of-interest waivers from Bruce Gunter, Wendy Green, and Joan Garner, three board members of the Beltline Affordable Housing Advisory Board. The waivers would allow the individuals and their organizations to apply for funds from the Beltline Affordable Housing Trust Fund while serving on the board and for one year after they leave the board. Addressing each request separately, Ms. Looney recommended that the Board deny the requests because the Board did not have a precedent for granting waivers. Ms. Daniels moved to deny Mr. Gunter's request, with a second by Ms. Gaunt, and the Board agreed unanimously. Ms. Green's request was also unanimously denied by the Board based on a motion from Ms. Gaunt, and a second by Ms. Daniels. Finally, the Board unanimously denied Ms. Garner's request with a motion from Mr. Crawford, which was seconded by Ms. Gaunt.

**ETHICS OFFICER'S REPORT**

9. *Ethics is a Big Deal: The First Five Years of the Atlanta Ethics Office.*  
Ms. Looney reported that the City had made significant strides towards a robust and comprehensive ethics program and recommended several specific steps to continue the progress so far and to achieve an ethical culture in city government. She stated that the report would be distributed to the Mayor, City Council, department head and

all appointing authorities, and the report would be available to download from the Board of Ethics' website.

**10. Budget**

Ms. Looney presented a proposed budget for the Fiscal Year 2010 of \$340,146. The budget provides for a staff of three: Ethics Officer, Associate Ethics Officer and an Administrative Analyst Senior; and a reduction in operating expenses from the current fiscal year. Ms. Gaunt moved to adopt the budget, Ms. Daniels seconded the motion, and the Board approved it unanimously.

**REAPPOINTMENT OF ETHICS OFFICER**

11. Ms. Gaunt moved for the adoption of a resolution reappointing Ginny Looney as Ethics Officer for the City of Atlanta for a second six year term of office, subject to confirmation and approval by the Mayor and City Council, Ms. Ward seconded the motion, and the Board adopted the resolution unanimously.

Having no further business, the meeting adjourned at 7:48 p.m.



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Jabu M. Sengova, Associate Ethics Officer  
Approved May 21, 2009