



**CITY OF ATLANTA  
ETHICS OFFICE**  
68 MITCHELL STREET SW, SUITE 1100  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
[ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov)

**Via Email**

October 9, 2024

Leah Ward Sears, Task Force Chair  
Task Force for Review of Processes and Procedures  
of the Governing Board, OIG, and Ethics Office

**Re: Supporting Documentation from the Ethics Office**

Dear Chair Sears:

Thank you for inviting the Ethics Office to participate in this critical process and present at Monday's public meeting of the Task Force. As a follow-up to my presentation and request from the Task Force, we are providing a packet to include SOPs for ethics investigations, the employee acknowledgment form, interview form for subjects and witnesses, and a boilerplate investigative report. I also wanted to reiterate that the Ethics Office has and continues to conduct its investigations with integrity and transparency, and the rights of employees are acknowledged and respected. To that end, we are also concerned with the potential overreach of the OIG and seek recommendations from the Task Force concerning the timely and appropriate referrals of all ethics matters to avoid undue delays in investigations.

I am also providing additional information to support our request to restore the Ethics Board as the oversight authority for the Ethics Office. More importantly, the IG has indicated that she is in favor of their own oversight authority. I am also concerned with the ability of the existing Governing Board to remain objective and balanced in overseeing two offices with distinct functions and mandates. Finally, best practices would not support the existing model, and we would submit that the public would be better served by an ethics office that solely reports to an ethics board.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jabu M. Sengova".

Jabu M. Sengova  
Ethics Officer

cc: Task Force Members  
Patrise Perkins-Hooker, City Attorney



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Jabu M. Sengova  
Ethics Officer

cc: Task Force Members  
Patrise Perkins-Hooker, City Attorney

# **INVESTIGATIVE DOCUMENTS**

# **ETHICS INVESTIGATIONS SOPS**



# **CITY OF ATLANTA**

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# **PROCESSES AND PROCEDURES**

## **Enforcement and Investigations**

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## Summary

Pursuant to the City of Atlanta Charter, the Ethics Office is charged with urging compliance and investigating alleged violations of the City's Code of Ethics<sup>1 2</sup>(the "Ethics Code"). The Ethics Office investigates an alleged violation of the Ethics Code when it receives a written complaint or information about a potential violation. The Ethics Office receives complaints and information through a formal complaint form, an *Integrity Line Report*, a departmental referral, an internal referral, monitoring, email, and postal mail. Complaints and information received by walk-ins to the Ethics Office, phone calls, or any other medium are directed for submission through a formal written complaint, most often utilizing the Integrity Line reporting system.

After receiving a complaint or information, the Ethics Office Investigators (the "Ethics Investigators") review it for subject matter jurisdiction and determine if an investigation is warranted. If a complaint is outside the Ethics Office's jurisdiction, it is referred to the Office of Inspector General, Office of Labor and Employee Relations, or the Department of Human Resources. If the complaint is within the Ethics Office's jurisdiction, Ethics Investigators assign the matter a case number and open a formal Ethics investigation into the allegations.

In formal Ethics investigations, the Ethics Investigators conduct various forms of fact-finding through open-source research, organizational document review, and interviews. While investigating potential violations, Ethics Investigators operate under the supervision of the Ethics Officers and provide updates on the status of the investigation and future steps. After concluding the fact-finding phase of the investigation, the Ethics Investigators compose a report detailing the findings and recommendations of the investigation, which the Ethics Officers review and approve.

Upon review, the Ethics Officers determine a Final Decision which outlines the findings of fact, conclusions of law, and any administrative sanctions imposed. The individual(s) found in violation of the Ethics Code are notified of the decision and provided the opportunity to appeal the findings of an Ethics Code violation to the Governing Board of the Office of the Inspector General and the Ethics Office (the "Governing Board"). If no violation is found, then the investigation is memorialized as a Memorandum of Review and distributed to the appropriate stakeholders and filed in Ethics Office records.

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<sup>1</sup> 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.

<sup>2</sup> 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.

## Intake

### Complaints and Information

Ethics Investigators most frequently receive complaints and information through the **Integrity Line Hotline and Online Reporting System** (the "Integrity Line"). A third party operates the Integrity Line and is available to potential reporters twenty-four hours a day, seven days a week. When calling the Integrity Line, a reporter will speak with a representative from the third party. The representative will obtain details of a potential violation and ask the reporter if they would like to submit the complaint anonymously. Upon concluding the intake process of the call, the third-party representative will create an Integrity Line Report, which is emailed directly to the Ethics Investigators and accessible through the *EthicsPoint* portal. Reporters can also submit a report through the web without calling. The Ethics Office's complaint intake policy is to respond to reporters of any complaints or information received by mail, email, or the Integrity Line within three business days of receipt.

Upon review for jurisdiction, Ethics Investigators may refer the Integrity Line report to other departments for investigation or advise the reporter of other entities outside the organization that they may contact for assistance. For example, reporters who complain about law firms or attorneys are provided publicly available information for the State Bar of Georgia. Once the Ethics Investigators determine a complaint falls outside of the Ethics Office's jurisdiction, the Ethics Investigators will request a report back from the appropriate city department or agency. If the complaint or information lacks sufficient details to open an investigation or refer to another department, it may be closed out after contacting the reporter for additional information, and no response is received.

The Ethics Analyst, a staff person who conducts audits of ethics disclosure forms, may also provide information to the Ethics Investigators by referring matters found during the audit. During the audit process, the Ethics Analyst may flag a filer's City FDS for having *omission(s)* and/or other *discrepancy(s)*. Additionally, Ethics Investigators may receive information and initiate investigations based on that information or by monitoring existing issues and processes, such as city credit card transactions.

### Preliminary Review

The Ethics Investigators initiate a preliminary review of the allegations once they receive a complaint or information indicating a possible violation of the Ethics Code. First, if possible, Ethics Investigators verify the source of the complaint or information. This verification occurs by communicating with the reporter. If the reporter is anonymous, Ethics Investigators communicate with them through the *EthicsPoint* case management system or whatever means the reporter provides, such as an email created by the reporter. When communicating with the reporter, Ethics Investigators memorialize all relevant information and request any physical documentation or information the reporter can provide before moving forward to a jurisdictional review.

### Jurisdictional Review

During *jurisdictional review*, Ethics Investigators, in consultation with an Ethics Officer, determine if a matter falls within the Ethics Office's jurisdiction under the Ethics Code. Allegations in complaints and information reviewed are referenced against the Ethics Code and other city code sections or policies, as needed, to categorize the complaint. Complaints are categorized as:



1. A potential violation of the Ethics Code
2. A potential violation of code sections or policies outside of the Ethics Code
3. A potential violation of both the Ethics Code and other code sections or policies (overlapping jurisdiction)
4. A matter that does not involve the City of Atlanta and requires a referral to another city department/agency, another local jurisdiction (such as another city), or to a state or federal agency.

If the Ethics Investigators categorize the complaint or information under the Ethics Office's jurisdiction, the matter will proceed to the Preliminary Investigation phase. If the Ethics Office has no jurisdiction over the matter but it falls within the jurisdiction of another city department, it may be referred to other departments for further investigation, such as the Office of Inspector General, the Office of Labor and Employee Relations, or the Department of Human Resources through the Human Resources Business Partners.

## **Investigation**

### **Investigation Authorization and Standard of Review**

The Ethics Office uses the "***reasonable articulable suspicion***" (more than a mere hunch or suspicion based on specific facts or observations) standard of review as outlined in Section 8-101 (f) to initiate an investigation pursuant to the Ethics Code (Sections 2-801 to 2-826 of the Code of Ordinances). All investigations are initiated under the supervision of the Deputy Ethics Officer, a licensed Georgia attorney. The Ethics Office uses the ***preponderance of the evidence*** (more likely true than not true) standard in determining whether the findings of fact reveal a violation(s) of the Ethics Code.

The Governing Board hears all appeals of Final Decisions of the Ethics Office and issues a Decision and Order (also using the ***preponderance of the evidence*** standard of review) either affirming or overturning the Ethics Office's Final Decision. Appeals of Governing Board decisions are made by writ to the Superior Court of Fulton County.

### **Preliminary Investigation**

Ethics Investigations endeavor to be independent, fair, prompt, confidential, and detailed. After confirming jurisdiction of a complaint or information, Ethics Investigators open a preliminary investigation. Preliminary investigations are opened with the following steps:

1. Identifying named parties and establishing their role and responsibilities within the city.
2. Review relationships between subject(s) or witnesses and third parties to the city, such as a city vendor or contractor.
3. Assessing potential documents and records available for review, including City FDS.
4. Draft investigation plan.

During this phase, the Ethics Investigators may request additional information from the reporter(s) and witnesses to provide further context or documentation supporting or refuting the allegations

presented.<sup>3</sup> Should an individual(s) choose not to provide the requested relevant information, their refusal will be noted, indicating that the individual(s) was unwilling to cooperate with the Ethics Office's investigation. The fact-finding performed during this initial phase informs whether the investigation will require a *Final Decision* issued by the Ethics Officer and the imposition of *administrative sanctions*, disciplinary action, or both. If there is no final decision, then the investigation is memorialized as a *Memorandum of Review* and distributed to the appropriate stakeholders. Investigations resulting in a recommendation of a final decision are memorialized as *Investigative Reports* and detail the investigative process, findings of fact, and recommendations.

Ethics Investigation plans are contingent on varying factors that create unique circumstances for each investigation. Ethics Investigators calibrate each investigation on a case-by-case basis, determined by factors in the preliminary investigation phase, such as information preservation, risk analysis, and screening of potential conflicts. Thereafter, Ethics Investigators review internal documents and city records and conduct open-source research. Ethics Investigators' review of city documents and records begins with those available to the Ethics Office through Ethics Filings, which include ***Conflict of Interest Forms, Travel Disclosures, Financial Disclosure Statements, and Ethics training information***. Ethics Investigators also request city emails, which may provide additional information and context. After reviewing those records, Ethics Investigators record all findings of fact and determine the individuals requiring interviews for additional information. Investigatory measures and strategy are left to the discretion of the Investigation Team and Ethics Officers. The intended goal of the Investigation Team when taking these steps is to determine whether an individual or company has violated the Ethics Code.

## **Investigation Plan**

In collaboration with the Ethics Officers, Ethics Investigators outline an investigation plan that considers and determines aspects provided below. An Ethics Investigation plan allows for fluidity and discretion in response to new information received during the fact-finding phase of the investigation. Ultimately, the investigation plan is documented as a timeline through the findings listed in a ***Memorandum of Review*** or ***Investigative Report***.

### **1. Risk Assessment**

The Risk Assessment stage is the initial stage of an investigation that considers factors such as the positions and responsibilities, authority, and influence of persons and employees involved. For example, a potential violation involving employee(s) whose responsibilities involve functions critical to a department's operations is assessed as a higher risk, resulting in a more urgent investigative plan. The same standard would apply to employees whose influence determines outcomes of using city resources and decisions.

### **2. Information Preservation**

Investigators consider the available information, its sourcing, availability, and potential spoliation of that information. For example, information found on an open-source, public website may exist at the beginning of an investigation but may be deleted or moved shortly after. Therefore, Ethics Investigators consider that risk and memorialize it and any available

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<sup>3</sup> If the subject(s) and witnesses choose not to provide the requested information, the investigation team may issue a subpoena. However, the Ethics Office does not have the authority to subpoena individuals or witnesses to appear before the investigation team.

metadata. Similarly, media and information gained through phone calls and conversations are memorialized in memorandums, including investigative notes or emails.

### 3. Conflict Screening

Ethics Investigators and the Ethics Officer must consider potential conflicts regarding personal or familial relationships with other employees. Depending on the phase of the investigation, such as an interview or Final Decision, an Ethics Investigator or Officer may be required to recuse themselves from the phase or the investigation.

## Information and Evidence

### 1. Internal Ethics Records

Records maintained by the Ethics Office, such as City FDS, Travel Disclosures, and Conflict of Interest Forms, are available to Ethics Investigators for review. These records are often reviewed as the first stage in an investigation and provide Ethics Investigators with information that assists in determining the investigation plan, risk assessment, and conflict screening.

### 2. City Records and Documents

The Ethics Office collaborated and worked with the Department of Human Resources (DHR), Human Resources Information Systems (HRIS), and Atlanta Information Management (AIM) to establish access levels for managing the city's annual financial disclosure process and ethical investigations. **Access is restricted to key personnel, with oversight by three attorneys subject to additional ethical obligations.** Confidentiality is strictly maintained, with all staff signing confidentiality agreements to protect non-public information, in line with Ethics Code Section 2-819, ensuring the integrity of the office's operations.

To request DHR and Department of Law (DOL) records, Ethics investigators submit requests for public records via an internal open records request to DOL's custodian. This process allows the custodian to review the records and determine if any information is privileged or confidential under state law. The Ethics Office ensures that all requests are relevant and within the scope of its jurisdiction, maintaining integrity in its investigations.

### 3. Email Requests

Access to city email records is authorized by the Ethics Office under Section 8-101(e). The Ethics Investigators submit email requests via a template to the city's eDiscovery vendor, SullivanStrickler LLC, with oversight from DOL's ORR designee to ensure compliance. The vendor securely provides the requested records, allowing DOL to filter out privileged or confidential emails. This process, developed with DOL and AIM, ensures confidentiality and legal compliance while maintaining oversight by the Deputy Ethics Officer, a licensed attorney.

### 4. Physical Evidence and/or Devices

Requests to access city-issued devices are authorized by City Charter Section 8-101(e), granting the Ethics Office power to inspect devices containing city records. The process involves coordinating with AIM and the relevant department, ensuring the chain of custody through an **Acknowledgement of Receipt** or **Acknowledgement of Release** document. This method ensures proper handling of devices and physical evidence while allowing the Ethics Office to review records for ongoing investigations in compliance with city law.

Requests for the devices are submitted to the appropriate custodian of those devices in a written form that records the chain of custody, receipt, and release.

## **Interviews**

### **1. Notice and Request for Interview**

The Ethics Office utilizes two separate “*interview request*” email templates, one for the subjects of investigations and another for witnesses. The templates notify the recipient of their status as either the subject of an ethics investigation or as a potential witness. The request template includes language indicating the general purpose of the interview and provides contact information in the case of questions. If an interviewee asks about specific interview topics, the amount of information provided to a subject or witness typically depends on the circumstances and risk assessment, such as concerns about potential retaliation or the spoilage of evidence. Where possible, Ethics Investigators provide as much context as is appropriate to protect the integrity of the investigation, the safety of witnesses, and the preservation of relevant evidence. Ethics Investigators request interviews at ***least three times***, through multiple methods of communication, before deeming an individual unresponsive. All interview requests are documented accordingly.

### **2. Location**

The Ethics Office does not conduct employee interviews at an employee’s personal residence or non-work locations. Employee interviews are only conducted in person, at city facilities such as the Ethics Conference Room, or through video conferencing applications such as Microsoft Teams, Zoom, and Google Meet. The interviewee is made aware and agrees to meet at the agreed-upon location or platform beforehand. If in person, the employee is provided with contact information for the Ethics Investigators, which is also provided to them in email communications.

### **3. General Format**

All ethics Interviews follow a general format, outlined below. The format seeks to maintain impartiality and fairness when conducting interviews and applies the same practice and respect to all interviewees, regardless of whether they are witnesses or subjects.

#### **❖ Employee Interview Acknowledgement Form**

City employees are asked to review and sign an interview acknowledgment form before beginning an interview. The form outlines the scope of the questions pursuant to an official administrative internal investigation, summarizes the employee’s rights to have a representative present during the course of the interview, and provides for the selection of “yes or no” to the question of wanting representation present. All employee witnesses and subjects are allowed to bring their chosen representation, including a personal attorney, union representative, or an attorney from DOL, to an interview conducted by the Ethics Office. The form also informs the employee of their rights and privileges guaranteed pursuant to the Constitution of the State of Georgia and the Constitution of the United States, including the right not to be compelled to incriminate themselves (*Garrity Rights, Fifth Amendment*).

❖ **Memorialization of Interview**

All interviews conducted with Ethics Investigator(s) are audio recorded for accuracy and report writing purposes. Prior to beginning the interview, interviewees are informed that the interview will be recorded. The audio file created is then added to the case file.

❖ **Introduction**

After the recording has begun, all parties involved in the interview are asked to introduce themselves for the record. The introduction begins with the Ethics Investigators stating the date of the interview, their name, and title, and then asking the interviewee and their representative (if present and available) to introduce themselves as well by providing their name and title.

❖ **Questions**

Ethics Investigators ask interviewees fact-finding questions that serve to obtain additional information about the investigation matter and the employee's job duties and responsibilities. Questions are asked in a calm, respectful tone, and the interviewee is provided time to answer the questions. The interviewee can also review relevant documents or information they may have to answer a question. Ethics Investigators may also request those documents and information or provide relevant documents and information to the interviewee. Interviewees are free to leave the interview at any moment for any reason. If physically present, they are provided with an unobstructed route to exit the interview.

❖ **Conclusion**

The interviewee is asked if they have any questions that Ethics Investigators or Ethics Officers may be able to answer. The employee is thanked for their time and asked if they agree to allow Ethics Investigators to contact them in the future for any additional information. If the interviewee offered to provide information or documents for the investigation, Ethics Investigators may contact the employee by email immediately after the interview to memorialize the request for information.

❖ **Confidentiality**

In accordance with the First Amendment, as it relates to the rights of public employees to openly discuss matters of public concern, the Ethics Office does not instruct interviewees that they are prohibited from disclosing the existence of an ethics investigation or interview or prohibit an employee from discussing the contents of the investigation with individuals inside or outside the organization. The employee is advised that if after the interview, they believe they are being retaliated against for whatever reason, to contact the Ethics Office as soon as possible.

## Report Writing

Ethics Office reports should be consistent and follow the guidelines provided below. Reports from the Ethics Investigators are categorized into two types of reports: a Memorandum of Review and an Investigative Report. Investigative Reports include six sections

### Style Guide

#### 1. *Font and Size*

The body of reports will be written in Arial font, Size 11, and the headings of report sections will be written in the same font and size but in bold. Footnotes are written in size 9, Arial font.

#### 2. *Names of Involved Parties*

Parties involved in investigations will be called “witnesses” and “subjects”. The first time an individual is mentioned, they should be referred to by their title, followed by their full name, and then their last name in parentheses. e.g., the Chief Compliance Officer, Roscoe Jenkins (Jenkins).

#### 3. *Spacing, Justification, and Headings*

The space between the heading and the body of a section will be double-spaced. The spacing between the end of the final text of a section and the beginning of a new section’s heading should be 24 pt. All reports and memorandums of review should be justified, with the body of texts pushed to the margin. All headings will use Roman numerals and be centered in the document.

#### 4. *Writing*

All investigative reports and memorandums of review are to be written in the active voice and in the past tense. e.g., “The document was submitted by James to Mary on January 2, 2023” should be written as “On January 2, 2023, James submitted the document to Mary”.

#### 5. *Dates*

Dates should be included or referenced at the beginning of a sentence or finding and written in a “Month, day, year” format. e.g., “On April 2, 2024...”. When listing dates, suffixes (<sup>st</sup>, <sup>nd</sup>, <sup>rd</sup>, <sup>th</sup>) and day of the week are not included. However, the day of the week may be included if relevant.

### Formatting

#### **Memorandum of Review (No Violation Found)**

A Memorandum of Review indicates that no violation was found, and the findings of an investigation do not support a final decision. Although both types of documents follow a similar structure and include similar sections, the Memorandum differs from the Investigative Report in the form that it includes an Analysis section before the Conclusion, detailing why the findings do not support a final decision. The memorandum may also include recommendations from the Ethics Office in lieu of a final decision.

#### 1. *Analysis*

The analysis section of a Memorandum of Review details each specific Code of Ethics Section that the investigation reviewed and provides an objective narrative as to why the findings of an investigative review do not support bringing a final decision under each code section.

## **Investigative Report (Potential Violation Found)**

### **1. *Case Information***

The case information is a list of details relevant to the investigation, beginning with the Investigation Number, Persons/Entities Under Review, City Agency/Department Involved, Allegation(s), Applicable Laws, and a list of Documents/Items Review and Witnesses Interviewed.

### **2. *Report Summary***

The summary should be objective and based on facts uncovered in the investigation. The summary should not include any legal inclusions; rather, violations can be described as “likely” to have occurred. Use “all” or “none” only when truly applicable. Describe what happened during the investigation, such as the relevant documents, media, and records that were reviewed, and witnesses who were interviewed. Describe the facts pertinent to the allegations that the investigation established. Then, describe what was done with the findings and conclusions and any steps and management took to resolve the situation.

### **3. *Background***

The report background provides information as to the reason or events for opening or initiating an investigation, the details received in a complaint or information, the date the investigation was opened or initiated, and the section of the Code of Ethics under which the investigation is conducted by.

### **4. *Relevant Law***

The relevant law section includes the relevant part of all sections of the Code of Ethics that are implicated during the investigation. This section serves as a reference that details the relevant sections of the Code of Ethics and potential violations of those code sections, as well as additional jurisdiction of the Ethics Office revealed during the investigation.

### **5. *Findings of Fact***

The findings of fact lay out all fact-based items found during an investigation. The section should only include quotations if they are relevant or important and should not include any irrelevant information. The findings of fact do not include opinion or speculation and only include findings that may be supported by evidence in the form of exhibits. In most investigations, the findings of fact are in chronological order, detailing the steps of an investigation and the decisions made by Ethics Investigators as an investigative plan.

### **6. *Conclusion***

The first paragraph of the conclusion should state if any allegation was either substantiated, not substantiated, or partially substantiated. Each allegation should be addressed separately, and the reasoning for reaching the conclusion for each allegation. The conclusion should describe the totality of the findings of the investigation by including results of document review, witness and subject interviews, corroborations and contradictions, assessment of credibility, and potential areas of concern.

### **7. *Recommendations***

The recommendations section of the report is written by the Ethics Investigators and provides a recommendation to the Ethics Officers based on the findings and conclusions of the investigation. In the recommendations, an Ethics Investigator may recommend the Ethics Office bring a Final Decision against a subject, finding them in violation of specific code

sections. Ethics Investigators may also recommend other actions, such as restitution and procedural changes.

#### 8. *Signature Page*

This page does not have a title and includes the names and titles of the Ethics Investigators and the date the final report is submitted and signed. The page also includes the name and title of the approving Ethics Officer, their signature, and the date the report is approved.

#### **Exhibits**

All reports have exhibits that support the relevant findings of fact. The exhibit list is after the signature page in the memorandums or reports and is enumerated to include a short description of the exhibit. Exhibits are then attached to the end of the memorandum or report and are redacted to protect ***confidential or protected information*** such as social security numbers, financial information, contact information, addresses, and birthdays.

### **Case Conclusions**

An Ethics Officer ultimately determines whether an Ethics Code violation has occurred based on the facts uncovered during the investigation. If an Ethics Officer determines that a violation has occurred, they will issue a *Final Decision* outlining the findings of fact, analysis of the potential violation(s), and basis for issuing an *administrative sanction*, recommendation for disciplinary action, or determine that a public reprimand of the respondent is warranted. When a potential violation has occurred, the City Charter requires the Ethics Office to notify the respondent of the Ethics Officer's Final Decision.

The respondent then has the right to appeal the Ethics Officer's Final Decision to the Governing Board. The respondent has 14 days to file their intent to appeal. If the respondent fails to appeal, has their appeal denied by the Governing Board, or fails to pay an *administrative sanction* imposed by the Ethics Officer, they may be referred to the City Solicitor for prosecution.

#### **An Ethics investigation is effectively closed once:**

1. An Ethics Officer determines that following an investigation, no violation of the Ethics Code took place
2. The respondent fails to appeal a *Final Decision* of the Ethics Office and pays the *administrative sanction* imposed,
3. The respondent appeals to the Governing Board, and the Final Decision is upheld, and payment of the sanction imposed occurs.

If the Governing Board overturns a Final Decision, and following the decision of the Governing Board, the case is appealed to the Superior Court of Georgia, the Georgia Court of Appeals, or the Supreme Court of Georgia, and a final order is issued by the Georgia Courts.

If a violation has not occurred, then the Ethics Officer approves a Memorandum of Review, and the memorandum is provided to the relevant department heads and stakeholders. The Memorandum of Review is also filed in the Ethics Office.



## **Accountability**

### **Reporting of Ethics Investigations and their Conclusions**

The Ethics Office understands that the Ethics Officer, as the leader of the Ethics Office, reports to the Governing Board and is therefore accountable to the City of Atlanta, the Board and to the public based on the oversight nature of the office's work.

The Ethics Office submits a detailed monthly report to the Governing Board on the office's enforcement and investigation activities. The monthly report includes a summary of all incoming and closed matters, provides additional metrics on complaints received and referrals, and report-backs on matters referred to other departments for investigation.

All Final Reports and Decisions issued by the Ethics Office are shared with the Board at the conclusion of an investigation and included in the monthly enforcement report. The Ethics Office provides a live briefing with questions and answers on enforcement matters as part of its standard reporting at all regular Governing Board meetings.

## Terms Used

**Administrative Sanctions:** Civil monetary penalties or recommendations of disciplinary action imposed by the Ethics Officer following the finding of a violation(s) of the Ethics Code. A list of available sanctions is outlined in [City Charter Section 8-101 \(i\)](#):

**City Financial Disclosure Statement:** is a document filed by elected city officials, certain city employees, city board members, executive directors, and certain NPU officers which enables the public to review the assets and income sources of city officials and employees for actual and potential conflicts of interest between the individual's official duties and personal interests.

**Discrepancy:** is an inconsistency between the information disclosed by a required filer of the City Financial Disclosure Statement on past filings and what is stated on filer's current-year or other filed Statements.

**EthicsPoint:** An electronic system which provides for the intake and management of reports submitted by individuals through the Integrity Line.

**Final Decision:** A written decision issued by the Ethics Office outlining the sections of the Ethics Code the recipient (Respondent) violated. This letter is sent to individual(s) that have been investigated for an ethical violation.

**Integrity Line Report:** are reports submitted by individuals by phone or by web through an online intake system which allows the reporter to provide the Ethics Office, or the appropriate city agency, with information related to potentially unethical or illegal acts committed by city officials, employees, or vendors/contractors.

**Investigative Report:** A report drafted by the Ethics Investigators in consultation with an Ethics Officer that outlines the source of a complaint/report, the allegations made, the relevant sections of the Ethics Code that are implicated, documents reviewed and witnesses interviewed, all findings of fact, and the conclusions of the Investigation Team as to whether the facts tend to show a potential violation(s) of the Ethics Code. Investigative Reports may also include relevant exhibits supporting the findings of fact contained in the Report. Note: To protect whistleblowers and witnesses, on a case-to-case basis Investigation Reports or Memorandums shared externally may not include all the information contained in a full Investigative Report. The Ethics Office also ensures that any personally identifiable information, such as personal emails, phone numbers, or addresses of parties or witnesses, is redacted per the Georgia Open Records Act.

**Jurisdictional Review:** is an action taken by the Investigation Team, in consultation with an Ethics Officer, to determine whether a matter reported to Ethics Office falls within the legal authority granted to the Ethics Office by the City Charter and the City's Standards of Conduct (Ethics Code).

**Memorandum of Review:** A memorandum to file or to an external city department or agency drafted by the Investigation Team following a preliminary investigation which either 1) does not show that the Ethics Code was likely violated, and/or 2) provides recommendations from the Ethics Office in lieu of a finding of violation which may come in the form of recommendations for training or other remedial action.

**Omission:** is the failure of a required filer of the annual City Financial Disclosure Statement to disclose information on a required field on the filer's Statement.

**Preliminary Investigation (PI):** is the initial phase of an ethics investigation which begins once the Ethics Office's jurisdiction over a matter has been established. Once initiated, the Investigation Team assigns an investigation number (the PI number), establishes an investigation plan of action, and continues to gather evidence to determine whether violations of the Ethics Code may have occurred. Preliminary investigations may conclude with a Closeout Investigatory Memo where insufficient facts exist to proceed to a full investigation or, if warranted, necessitate the drafting of a full Investigation Report, and proceed to the next investigatory phase.

**Standards of Conduct (Ethics Code):** is a city law located in the City of Atlanta Municipal Code of Ordinances which outlines the minimum standards of conduct expected of city officials, employees, and contractors/vendors.

See: [City of Atlanta Municode](#)

**Subject:** An individual who is alleged to have violated the Code of Ethics.

**Verification (verify the source):** is an investigatory action taken to corroborate the information provide to the Investigation Team by a complainant or other reporter to provide a foundation for evidence provided to the Ethics Office.

**Witness:** An individual who has knowledge of an event from personal observation or experience.

## Contributors

**Deputy Ethics Officer:** The Deputy Ethics Officer (DEO), a licensed attorney/member of the State Bar of Georgia, supervises the Ethics Investigators and participates, as necessary, in the investigatory process. The DEO assists with the editing of investigative reports and memorandums. In collaboration with the Ethics Officer, the DEO signs off and approves the final drafts of reports and decisions issued by the Ethics Investigators. The DEO also represents the Ethics Office before the Governing Board of the Office of the Inspector General and the Ethics Office when reporting on investigatory matters and during appeals of decisions issued by the Office.

**Ethics Investigation Manager:** The Investigation Manager functions as the lead investigator of the Ethics Office and conducts investigations of potential ethical violations by city officials, employees, and contractors. The Investigation Manager's responsibilities include developing investigative plans, conducting investigations, preparing investigative summaries and reports, analyzing financial disclosure statements, assisting departmental investigators, and testifying in court and administrative hearings.

**Ethics Investigator Specialist:** The Investigator Specialist supports the Ethics Office, the Deputy Ethics Officer, the Ethics Officer, and the Investigation Manager. They assist in conducting open-source research, document reviews, witness interviews, summaries, and report drafting. The Investigator Specialist provides support at every level of the investigation process and assists in managing cases, reporting metrics, and scheduling.

# **EMPLOYEE ACKNOWLEDGEMENT FORM**



# CITY OF ATLANTA

## ETHICS OFFICE

68 MITCHELL STREET SW, SUITE 1100

ATLANTA, GEORGIA 30303-0312

(404) 330-6286

[ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov)

## EMPLOYEE INTERVIEW ACKNOWLEDGEMENT

As a City of Atlanta employee, you are being questioned as part of an official administrative internal investigation conducted by the City of Atlanta Ethics Office. You will be asked questions specifically related to your duties, the performance of your official duties, your fitness for your position, and specific issues related to knowledge obtained during the course of your employment with the City of Atlanta. You are required to answer all relevant and material questions in a truthful, complete, open and honest manner, as well as produce any and all requested city records and/or documentation.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the State of Georgia and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to answer questions specifically related to your duties, the performance of your official duties, your fitness for your position, and specific issues related to knowledge and information you have obtained during the course of your employ with the City of Atlanta, you may be directed to answer. If you continue to refuse to answer, you will be subject to departmental charges for insubordination, which may serve as the basis for disciplinary action up to and including dismissal. If you are compelled to answer and do, neither your statements nor any information or evidence which is gained by such statements can be used against you in any subsequent criminal proceeding, except in cases of perjury. However, your statements may be used against you in relation to subsequent departmental charges.

You also have the right to request that a representative be present during the course of your interview.

Do you wish to have a representative present during the course of your interview?

Yes

No

If yes, please list name of representative: \_\_\_\_\_

I, \_\_\_\_\_ by my signature below affirm that I have read the above statement and have had its meaning explained to me.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Case No. PI-24-\_\_\_\_\_

# **SUBJECT AND WITNESS INTERVIEW FORMS**



# CITY OF ATLANTA

## ETHICS OFFICE

68 MITCHELL STREET SW, SUITE 1100  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
[ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov)

## SUBJECT INTERVIEW REQUEST

[Employee title, Name]

Good [morning/afternoon]. This message is to request a subject interview with you under an open Ethics investigation. You **are** the subject of this investigation. The interview will be about your job duties, responsibilities, and information received by the Ethics Office that you may have participated in and can provide additional details about.

The interview will be **in person** at the City of Atlanta Ethics Office, which is located on the first floor of Suite 1100 in the City Hall building (Tower Side). The address for City Hall is 68 Mitchell St, SW, Atlanta, GA, 30303.

We are proposing to meet with you on one of the following dates/times:

[Date Option 1] at [Time Option 1 or Time Option 2]

[Date Option 2] at [Time Option 1 or Time Option 2]

Please let us know which of these options works best for you by responding to this email. If you have any questions, please get in touch with us at your earliest convenience.

Thank you.

City of Atlanta Ethics Office



### City of Atlanta, Ethics Office

68 Mitchell Street, S.W. Suite 1100 | Atlanta, Georgia 30303

Office: (404) 330-6286 | Fax: (404) 658-6077

E-Mail: [Ethicsofficer@atlantaga.gov](mailto:Ethicsofficer@atlantaga.gov)

Web: [www.atlantaethics.org](http://www.atlantaethics.org)

**INTEGRITY LINE: 1-800-884-0911**

*CONFIDENTIALITY NOTICE: This message, including attachments, may contain confidential information that may be legally exempt from disclosure. It is intended exclusively for the individual or entity to which it is addressed. If you are not the intended addressee, or you have otherwise received this message in error, please notify the sender immediately by email.*





# CITY OF ATLANTA

## ETHICS OFFICE

68 MITCHELL STREET SW, SUITE 1100  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
[ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov)

## WITNESS INTERVIEW REQUEST

[Employee title, Name]

Good [morning/afternoon]. This message is to request a witness interview with you under an open Ethics investigation. You **are not** the subject of this investigation. The interview will be about your job duties, responsibilities, and information received by the Ethics Office that you may have witnessed and can provide additional details about.

The interview will be **in-person** at the City of Atlanta Ethics Office. The Ethics Office is located in the City Hall building (Tower Side) on the first floor in Suite 1100. The address for City Hall is 68 Mitchell St, SW, Atlanta, GA, 30303.

We are proposing to meet with you on one of the following dates/times:

[Date Option 1] at [Time Option 1 or Time Option 2]

[Date Option 2] at [Time Option 1 or Time Option 2]

Please let us know which of these options works best for you by responding to this email. If you have any questions, please contact us at your earliest convenience.

Thank you.

City of Atlanta Ethics Office



**City of Atlanta, Ethics Office**  
68 Mitchell Street, S.W. Suite 1100 | Atlanta, Georgia 30303  
Office: (404) 330-6286 | Fax: (404) 658-6077  
E-Mail: [Ethicsofficer@atlantaga.gov](mailto:Ethicsofficer@atlantaga.gov)  
Web: [www.atlantaethics.org](http://www.atlantaethics.org)

**INTEGRITY LINE: 1-800-884-0911**

*CONFIDENTIALITY NOTICE: This message, including attachments, may contain confidential information which may be legally exempt from disclosure. It is intended exclusively for the individual or entity to which it is addressed. If you are not the intended addressee, or you have otherwise received this message in error, please notify the sender immediately by email.*

# **INVESTIGATIVE REPORT TEMPLATE**



# **CITY OF ATLANTA**

68 MITCHELL STREET SW, SUITE 1100  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
FAX: (404) 658-6077

**[DRAFT 1]**

## **Ethics Office Investigative Report**

**Investigation Number:**

**Review of [Case Title Here]**

***Initiated: Month Day, Year (In Progress)***

## **CASE INFORMATION**

**Investigation Number:**

**Persons/Entities Under Review:**

**City Agency/Department:**

**Allegation(s):**

**Applicable Law(s):**

**Documents/Items Reviewed and Witness Interviews:**

1.

**I. REPORT SUMMARY**

**II. BACKGROUND**

**III. RELEVANT LAW**

**IV. FINDINGS OF FACT**

**V. CONCLUSION**

**VI. RECOMMENDATIONS**

**Submitted by:**

\_\_\_\_\_  
Name: Larry Mason  
Title: Investigation Manager, Sr.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Juan D. Hernandez  
Title: Investigator Specialist

\_\_\_\_\_  
Date

**Approved by:**

\_\_\_\_\_  
Name: Jabu M. Sengova  
Title: City Ethics Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Carlos R. Santiago  
Title: Deputy Ethics Officer

\_\_\_\_\_  
Date

## VII. EXHIBITS

1.

**ADDITIONAL DOCUMENTATION TO SUPPORT  
RESTORATION OF THE ETHICS BOARD**

## Oversight Authority for Municipal Ethics Offices/Agencies

City	Agency/Office	Oversight Authority	Jurisdiction
Atlanta, GA	Ethics Office	Governing Board of the Office of the Inspector General and the Ethics Office	Code of Ethics
Chicago, IL	Executive Director w/office staff	Chicago Board of Ethics	Code of Ethics, Campaign Finance, Lobbying
Denver, CO	Executive Director w/office staff	Denver Board of Ethics	Code of Ethics
Detroit, MI	Ethics Office	Detroit Board of Ethics	Code of Ethics
Honolulu, HI	Executive Director w/office staff	Honolulu Ethics Commission	Code of Ethics, Lobbying
Jacksonville, FL	Ethics Office	Jacksonville Ethics Commission	Code of Ethics
Los Angeles, CA	Executive Director w/office staff	Los Angeles Ethics Commission	Code of Ethics, Campaign Finance, Lobbying
New York City, NY	Executive Director w/office staff	New York City Conflicts of Interest Board	Conflicts of Interest Law
Philadelphia, PA	Executive Director w/office staff	Philadelphia Board of Ethics	Code of Ethics, Campaign Finance, Lobbying
San Diego, CA	Executive Director w/office staff	San Diego Ethics Commission	Code of Ethics, Campaign Finance, Lobbying
San Francisco, CA	Executive Director w/office staff	San Francisco Ethics Commission	Code of Ethics, Campaign Finance, Lobbying
Tallahassee, FL	Ethics Office	Tallahassee Independent Ethics Board	Code of Ethics





# CITY OF ATLANTA

## ETHICS OFFICE

68 MITCHELL STREET SW, SUITE 1100  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
ethicsofficer@atlantaga.gov

## MEMORANDUM

TO: Governing Board of the OIG and Ethics Office

FROM: Jabu M. Sengova, Ethics Officer *JMS*

RE: Ethics Office operating standards for investigations and media

DATE: May 29, 2024

---

I have been in public service for over 20 years. I have been with the City for 14 years and served as Ethics Officer for over 7 years. The Ethics Office was established in 2003, almost 20 years ago, and has built a solid reputation for providing independent and objective advice on matters involving potential conflicts of interest. We are also the standard for ethics offices in the country due to **the independent structure of the Ethics Office and its oversight Board**. In fact, other ethics boards in the country are appointed by elected officials and judiciary bodies. To begin with, just to be clear, we have always been in support of the creation of the OIG. In fact, my staff heavily supported and assisted with the setup of the new office, including the hiring of the IG. That said, for the benefit of the new board members, I need to clarify the distinction between the OIG and the Ethics Office.

The IG's role is more prosecutorial/policing with a focus on deterrence and investigation of more serious abuses and potentially criminal matters. **The Ethics Office trains, educates, campaign to promote ethics to city officials, employees, vendors and board members. We also administer the financial disclosure process, including auditing the statements filed, and conduct investigations into potential conflicts of interest.**

I have some concerns about the impact of recent events on our current investigative processes which are working well. Our investigations are administrative in nature, and we have worked on our investigative processes over the years. Specifically, we are being asked to prepare for challenges that do not apply to our office. We have not faced any recent challenges with obtaining what we need for investigations, or timely responses from departments.

If there is a concern from the Administration about oversight-check and balances, the concern relates to the **OIG, not Ethics**. I do understand the importance of having access to information, however, **we are still city agencies and must comply with established city policies and procedures and develop relationships**. Further, having been at the City for 14+ years and survived three administrations, I have learned how important it is to establish relationships and cultivate respect for the work we do, which is not an easy feat.

Per the City Charter, Ethics investigative reports and final decisions are provided to the subject of the investigation following the conclusion. Concerning press and media releases of investigative reports, our practice is to comply with the **Georgia Open Records Act**, and we only release reports (or other information) upon request. Additionally, we only speak with the press as needed and do not issue press releases as that is not a standard operating procedure for our office. As a practice, we have avoided doing so to not appear politically motivated or leveraging our independent function. Further, this preserves the integrity of our process, builds trust with the participants involved in the investigation, and provides quicker response times and cooperation from city personnel. We have also found that there must be a reasonable balance when interacting with the media and press. I understand that the OIG may operate differently from the Ethics Office, and press releases may be a standard operating procedure for that function.

I am happy to provide any other information that you may need or respond to questions that you may have about our processes.