



**CITY OF ATLANTA
OFFICE OF THE INSPECTOR GENERAL**

For the October 7, 2024 meeting of the Temporary Task Force, witnesses were invited to offer testimony about the City of Atlanta Office of the Inspector General (OIG). Here, OIG addresses some of the issues raised during the presentations.

REPRESENTATION	RESPONSE
Charles Blackburn, III Interim Commissioner, Department of Human Resources	
<p>Sought to respond to “the human cry” he heard upon joining the department “of employees who felt that their rights had been abrogated or violated as far as visits to their home, computers confiscated, phones confiscated. Some said they weren’t allowed to talk to attorneys.”</p>	<p>Two employees, working remotely, were contacted at their homes during normal business hours. One was interviewed. One refused.</p> <p>OIG did not and has not confiscated the computer of any current city employee.</p> <p>OIG obtained one city-issued cell phone and one city-issued tablet of an employee who had resigned. OIG issued a property receipt to the department.</p> <p>OIG did not and has not denied any employee’s private attorney to sit in an interview. OIG interviews are voluntary and can be terminated by the employee at anytime.</p>
<p>Articulated a belief that “there’s a gray area there...how do we operate within that gray, where they’re allowed to get the information they need, but privacy rights, dignity, reputational protection, and interests aren’t abrogated?”</p>	<p>The mayor’s office would have OIG provide it with any requests for information, which would only facilitate the mayor’s office’s stated desire to be made aware of all OIG investigations, an action that serves no public purpose but would allow the mayor’s office to interfere in active OIG matters.</p> <p>OIG expressed its concerns with privacy and confidentiality issues to the City Council in February 2023 and in May 2024. The current systems established for OIG to obtain records and information prohibit OIG from maintaining confidentiality of its investigations and thereby threaten privacy rights, dignity, and reputations.</p>

REPRESENTATION	RESPONSE
<p>“I guess I was looking for notice given to employees about what is expected of them and what their rights are in connection with these various entities within the City who might be conducting investigations. Where does that happen?” - Miller</p>	<p>With respect to OIG, OIG is committed to educating city employees, elected officials, BACEs, and city vendors on the role of OIG in city government.</p> <p>Background information about OIG is provided during onboarding of City employees. OIG is happy to work with DHR to supplement these materials. If given the opportunity, OIG would also be happy to collaborate with ADOLES in its preparation of protocols and training regarding interactions with OIG.</p>
<p>“At the outer limits of what you’re understanding the employee’s rights to be, are they permitted to simply refuse to cooperate with an investigation? . . . I’m asking whether the employee has the right, ultimately at the outer limit, do they simply have the right to refuse to cooperate with one of these IG investigations?” - Deane</p>	<p>OIG interviews are voluntary.</p>



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Raynard Burrell Director of Benefits & Special Programs, Federation of Public Service Employees	
Requested that the task force provide greater clarity about the responsibility and the limitations of OIG	<p>Under the Charter, OIG guards against fraud, waste, abuse, and corruption by city officials, employees, and vendors.</p> <p>OIG agrees that the City would benefit from communication from the task force regarding the work of offices of inspector general and how the duties and operations of OIG fit within the national context.</p>
Requested that the task force ensures that employees are informed as to whether they are the subject of an investigation or witness.	OIG interviews are part of its fact gathering process and as such, the status of an interviewee—as a subject or witness—may not be known at the time of an interview. Under such circumstances, OIG would not inform the interviewee of their status.
Requested that employees be advised that they are entitled to have a representative of their choice present.	<p>OIG does not allow City attorneys to participate in interviews of City employees. Even in connection with City actions, the City attorneys represent the interests of the City. Among other concerns, this presents a conflict with the interests of the individual employee.</p> <p>While union attorneys may accompany interviewees, OIG does not allow union representatives to participate in its interviews.</p> <p>OIG interviews are voluntary.</p>
Requested that the task force put in place mechanisms to ensure that the OIG does not become a powerful unelected bureaucrat with the ability to bully, intimidate, or improperly influence political campaigns or duly elected officials.	OIG conducts full and fair investigations and reports its findings in the interest of transparency and accountability. OIG is guided by the principles and standards of the field.
Requested that the task force recommend policies to ensure that the OIG office does not “morph into an arena of political shenanigans.”	<p>OIG provides unbiased, non-partisan oversight in City of Atlanta government.</p> <p>OIG’s reports and findings are supported by facts and evidence, and are referred to the relevant authorities for appropriate action.</p>

REPRESENTATION	RESPONSE
<p>It is critical to know what type of allegations invoke the involvement of the OIG as well as the consequences.</p>	<p>Under the Charter, OIG may investigate any allegation that involves fraud, waste, abuse, or corruption, and any violation of laws, rules, regulations, and internal policies.</p> <p>OIG conducts live anti-corruption trainings with City departments that provide information on OIG’s jurisdiction, and what type of allegations should be reported to OIG. The trainings include tailored scenarios outlining vulnerabilities of fraud, waste, abuse, and corruption within the employee’s department.</p> <p>OIG does not engage in direct enforcement, but rather refers its findings to relevant authorities for appropriate action.</p>
<p>Requested that the scope of the OIG investigative authority be clearly defined and spelled out. And, whether something is being investigated by APD, HR, the Law Department, the City Commission, or the Committee on Council</p>	<p>The authority of the Inspector General is outlined in Article 8 of the City Charter.</p>



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Felipe Den Brok Director, Office of Emergency Preparedness	
Disclaimer: Was the subject of an OIG investigation	While OIG would not typically comment on the existence or details of any active investigation, to correct the record: Den Brok is not the subject of an investigation and had been previously told as much. Rather, OIG has contacted him regarding an investigation concerning a City program.
Disclaimer: Wife applied for a position with OIG	Yes, his wife applied for a position with OIG – she received an offer of employment, which she declined, citing another job opportunity.
OIG requested access to executive and legislative offices	OIG requested access to all City facilities. Such access would better enable OIG to conduct its investigations. Offices of inspector general often maintain key/card access to an agency or jurisdiction’s facilities. No subpoena or warrant is required – such access is part of the special nature of offices of inspector general.



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Humeta Embry Labor Liaison Officer, Atlanta Department of Labor and Employment Services (ADOLES)	
<p>ADOLES is currently working on an educational document to support the efforts of OIG, ensuring that the expectations and the administration of the investigative process are clear. The education will include the role and responsibilities of OIG, as well as guidelines for responding, participating, and supporting ethical government.</p>	<p>In a June 28, 2024 letter, OIG raised concerns with the mayor concerning the ADOLES educational training and protocol, about which OIG had received no notice and provided no input. Specifically, OIG noted that the City was not positioned to engage in any informed, good faith efforts to prepare protocols surrounding OIG given its lack of knowledge about offices of inspector general, generally. OIG noted that it appeared that such training was poised to double down and codify obstructive practices OIG had previously detailed.</p> <p>During an August 28, 2024 meeting, OIG suggested that such training would be better informed if OIG was able to collaborate in its preparation. The mayor's office told OIG that it had heard enough from OIG.</p>



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REPRESENTATION	RESPONSE
Myesha Good Commissioner, Department of Customer Service/ATL311	
When invited for an interview, Good was not informed whether she was a subject or a witness	Interviews are conducted as part of OIG’s fact gathering process. The status of an interviewee—as subject or witness—may not be known at the time of an interview. Under such circumstances, OIG would not inform the interviewee of their status.
An attorney from the Law Department was not permitted to accompany Good during an OIG interview	OIG does not allow City attorneys to participate in interviews of City employees. Even in connection with City actions, the City attorneys represent the interests of the City. Among other concerns, this presents a conflict with the interests of the individual employee.
Had Good known that a Law Department attorney would not be permitted, she would have arranged for a personal attorney	OIG appreciates this feedback, as it constantly works to improve its service to the City. OIG has revised its interview request messaging to clarify that personal attorneys are welcome, but that OIG does not allow attorneys from the Law Department to participate in interviews.



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REPRESENTATION	RESPONSE
Candace Kollas Deputy Commissioner, Department of Human Resources	
<p>“I’m grateful for the thoughtful way in which this administration is moving, and you guys are taking your time to examine everything, that way we can get to the best practices piece.”</p>	<p>OIG was given no notice of the legislation and was not afforded an opportunity to present its concerns to the Committee on Council after the mayor’s 42-minute, untelevised presentation.</p> <p>The 45-day time limit given to complete this task is neither thoughtful or sufficient to properly examine the matter.</p>
<p>“You have one name, and we all work hard for it, and the way in which that was damaged, with one report, was honestly disheartening. It led to people being comfortable with undermining the credibility of the Department of Human Resources.”</p>	<p>OIG conducts thorough and impartial investigations pursuant to investigative standards, and presents its findings and recommendations based on gathered facts and information available to OIG.</p> <p>OIG has been characterized as “rogue” and on a mission to embarrass the City. The false information presented by the mayor’s office and promoted by his cabinet has brought harm to the office and undermines its credibility.</p>
<p>“I’ve got this team that’s incredibly hardworking. We’ve got over a hundred people where every action they took was called into question.”</p>	<p>OIG’s investigations have been called into question and is the very basis for this task force coordinated and staffed by the mayor’s office.</p>
<p>“When you investigate, you gather facts. You gather facts from all relevant witnesses. You weigh witness credibility, and understand the context in which these allegations are made, and then, and only then, do you make findings.”</p>	<p>OIG conducts thorough and impartial investigations pursuant to investigative standards, and presents its findings and recommendations based on gathered facts and information available to OIG.</p> <p>OIG stands by the findings in its report.</p>

REPRESENTATION	RESPONSE
<p>“Now it is my understanding that there were people who refused to speak with the investigation team from OIG. I was not one of them. I, in fact, was the opposite.”</p> <p>“The investigation went on for months...I took one vacation...checked my email on Tuesday and I got an invitation for an investigative interview, in-person on Thursday...I wrote back...how about next week? I didn’t hear anything...ten days later, I say...is this matter been resolved...I heard nothing...I sent another, a third email...”</p>	<p>OIG made efforts to interview relevant witnesses to the investigation. OIG experienced protracted delays, resistance, and refusals, to its requests for interviews during this investigation. These responses were consistent with a pattern of delays and non-responses OIG experienced with requests for records made to the subjects of this investigation, including DC Kollas. In this context, OIG assessed that this interview was not going to happen.</p> <p>Like Kollas, OIG took this as a learning opportunity, and in May, amended its operational directive to require multiple attempts to conduct interviews before deeming a delayed or non-response as a constructive declination.</p>
<p>Kollas alleged several inaccuracies and mischaracterizations in connection to the report, including but not limited to:</p> <p>“I was not the person looking into the training allegations...”</p> <p>“I could have provided context for the Jennifer Johnson interview and explained how very disrespectful she was...”</p> <p>“...Kristi Johnson did not impede any investigation by not turning over responsive documents...”</p>	<p>OIG conducts thorough and impartial investigations pursuant to investigative standards, and presents its findings and recommendations based on gathered facts and information available to OIG.</p> <p>Here, the assertions made by Kollas, many of which she now challenges, are memorialized in recordings, emails, and other records reviewed during the investigation.</p> <p>OIG stands by the findings in its report.</p>



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Greg Pace Director, Department of City Planning Office of Buildings	
Brought allegation of bribery solicitation by a City employee to OIG	OIG is thankful that this City leader identified a possible problem and brought it to the attention of OIG. During its department anti-corruption trainings, OIG identifies vulnerabilities that might impact employees and how suspected misconduct should be reported to OIG. Pace’s actions exemplify the way the system should work.
Broached length of time to complete investigation	As Pace noted, the report of the investigation was detailed. Thorough investigations take time and investigators must juggle multiple matters at once. OIG would benefit from additional resources to help improve the speed with which it closes cases.



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Tracey Thornhill Executive Director, AFSCME Local 1644	
<p>Raised the applicability of current City ordinance and an MOU with the Mayor that require classified employees, grade 18 and below, to be entitled to a union representative in the City that may lead to discipline</p>	<p>The MOU between The City of Atlanta and AFSCFE dated December 2022 has a section titled “Rights to Union Representation (Classified Employees).” This section cites Section 114-522 of the Code of Ordinances and notes the right of representation in adverse action procedures and at all stages of the grievance and progressive discipline processes during any investigatory interview of the employee that could lead to disciplinary action. This document cites managerial and supervisory personnel of City departments for grievances.</p> <p>Section 114-522 states “(t)he employee shall have the right of representation at all stages of the grievance procedure.” The following section outlines grievance resolution procedures for employees, supervisors, next level supervisors, directors, department heads, and human resources only.</p> <p>OIG does not take disciplinary action; it communicates findings and makes recommendations.</p> <p>OIG informs interviewees that they may have a personal attorney present during interviews; OIG interviews are voluntary.</p>
<p>Objected to unannounced visits to homes of City workers</p>	<p>Of the hundreds of interviews OIG has conducted to date, OIG has only twice attempted to meet with a city employee at home without prior arrangement. In both instances, the employees were teleworking from home and the attempted interviews occurred during normal City of Atlanta business hours. In one instance, the interview proceeded; in the other, the interviewee refused the interview.</p> <p>OIG interviews are voluntary.</p>

REPRESENTATION	RESPONSE
Objected to the confiscation or threatened confiscation of personal property	OIG has never taken or searched an individual’s personal property. If an investigation required the search of anyone’s personal property, OIG would work with a prosecutor to obtain a warrant.
Objected to demands for access to employee’s personal information	OIG has sought access to City records, which contain employees’ personal information.
Sought to “explore clear and published rules on the authority of the IG”	The authority of the Inspector General is outlined in Article 8 of the City Charter. OIG would welcome the opportunity to collaborate with ADOLES to develop concise, user-friendly documents detailing OIG’s authority and the way that OIG operates. OIG hopes to reinforce the Dos and Don’ts guidelines it provided the mayor’s cabinet in July 2023.
Sought to “[l]imit powers of the IG to investigate major waste and fraud only”	There is no way of knowing the full magnitude of an investigation prior to conducting and concluding work. Control weaknesses that allow for waste and fraud could allow for more serious situations.
Sought to “[m]ake sure the IG does not undermine the roles and authority of city officials and agency”	OIG reports communicate findings and recommendations. City officials and agencies are responsible for reviewing reports and taking actions they deem appropriate.
Sought to “[r]equire policies established by IG to be approved by CC including public input”	<p>The Association of Inspectors General’s Principles and Standards for Offices of Inspector General (the Green Book) is accepted in the community of subject matter experts as criteria to guide the work of various OIGs.</p> <p>Having input from those who are not subject matter experts could compromise the ability to conduct work in a manner free from political or other influence.</p>
Sought to “[d]efine process of the entity to file complaint against the inspector general”	OIG has proposed referring complaints to the State of Georgia’s Office of Inspector General for the resolution of fraud, waste, abuse, and corruption complaints to ensure they are conducted independently and with integrity.
Noted that there was not “necessarily disagree[ment] with some of the findings of the IG, but how you get there matters.”	OIG agrees the process matters, which is why it is guided by nationally accepted criteria from the Association of Inspectors General to guide its work.



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Bernie Tokarz / Stephen Katz City of Atlanta Vendor / Attorney	
Substantive concern regarding OIG investigation: First amendment issue involving a prominent Council member	In its referral letter, OIG did not comment on the propriety of Tokarz’ communications with the identified Council member. The communications were outlined broadly to provide information about a relationship that was relevant to the investigation.
Substantive concern regarding OIG investigation: State law preemption of area of investigation	(The area of preemption was identified in Tokarz’ attorney’s response to the OIG referral letter as lobbying activities.) In its referral letter, OIG made no finding regarding Tokarz’ activities as a lobbyist. Tokarz is a City vendor with an active contract with the City of Atlanta. OIG’s investigation highlighted Tokarz’ undisclosed relationships and interactions with City officials and employees.
Scope of the investigation went beyond the allegations of the complaint	The relationship between Tokarz and the identified Council member was a central element of the allegations of the complaint. In gathering facts surrounding the initial allegations, OIG found evidence of additional areas of concern. Under the Charter, OIG is tasked with investigating any failure to comply with laws, rules, regulations, and internal policies. If the mandate of an office of inspector general is to prevent and detect fraud, waste, abuse, and corruption, it would not stand to reason that the office would ignore evidence of misconduct it encounters in the course of an investigation.
Lack of oversight and mechanism (policies and procedures) for a party to object to/seek redress regarding investigative findings	OIG conducts thorough and impartial investigations pursuant to professional standards and present findings and recommendations based on gathered facts and information available to OIG. As a matter of course, OIG does not engage in any direct enforcement; rather it refers its findings to City leaders and/or prosecutors for whatever action those entities deem appropriate.

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Retaliation in the form of a referral to a state agency that was issued after Tokarz, through his attorney, responded to OIG’s referral letter	From facts gathered in the course of its investigation, OIG identified areas of concern that would be better explored/addressed by other entities. The delay in making these external referrals was due to workload and competing priorities.
Absence of policies and procedures to address potentially retaliatory behavior	Pursuant to its removal authority under the Charter, allegations of misconduct of the inspector general, including alleged retaliatory behavior, should be addressed to the Governing Board. (Should the Governing Board wish, it can update its bylaws to articulate the way parties can relay any such allegations to the Governing Board.)
OIG has a wide scope of authority with nothing that would limit that authority or provide any oversight of its investigative process	As stated by Task Force for the Promotion of Public Trust, “To be effective, the Inspector General’s Office should have broad jurisdiction to seek out fraud, waste, abuse, corruption, and misconduct” The Governing Board is established in the Charter to ensure the independence of OIG. One of the ways that it does so is by appointing a qualified inspector general who, at a minimum, meets statutory requirements. While the inspector general is responsible to the Governing Board, under the Charter, the inspector general is responsible for the affairs, operations, and management of OIG. Discretion is ceded to the appointed inspector general, who has the requisite experience, training, and credentials to make decisions regarding investigative process, consistent with the principles and standards of the field.
Did Tokarz appeal to the Governing Board? Did Tokarz receive any notice or information regarding a right to appeal accompanying the investigative findings? - Miller	As noted above, OIG conducts thorough and impartial investigations pursuant to investigative standards, and presents findings and recommendations based on gathered facts and information available to OIG. As a matter of course, OIG does not engage in any direct enforcement; rather it refers its findings to City leaders and/or prosecutors for whatever action those entities deem appropriate. Accordingly, there are no actions to appeal.

REPRESENTATION	RESPONSE
<p>Did Tokarz receive anything during the process providing notice of what the allegation/claims were? - Brothers</p>	<p>OIG does not provide subjects of investigation with advanced notice of the investigation. (Making reference to existing provisions in City law, the Task Force for the Promotion of Public Trust noted that oversight entities should be given “the ability, depending on the type of investigation, to keep the fact of their investigation confidential and not need to notify the subject of the investigation at an early stage.”) Here, OIG interviewed Tokarz and discussed the allegations during that interview.</p>
<p>Regarding scope, understanding is that OIG oversees offices within the City of Atlanta, so how does this fall over into an investigation of something outside the City of Atlanta? Did the investigation start within an office and proceed from there? - Dove (Responses: Think there was just some random person that complained. There was an accusation was that Tokarz worked for the City, so [the inquiry should have ceased] once it was determined that he did not work for the City.)</p>	<p>Tokarz is a City vendor with an active contract with the City of Atlanta. OIG’s jurisdiction includes City vendors.</p>