



## **FIRST ANNUAL REPORT OF THE DEKALB COUNTY ETHICS OFFICER**

**TO: DEKALB BOARD OF ETHICS  
BOARD OF COMMISSIONERS  
CHIEF EXECUTIVE OFFICER**

**FROM: Stacey Kalberman, Ethics Officer**

**DATE: February 7, 2017**

The DeKalb County Ethics Code, Section 22A, requires the Ethics Officer to provide an annual report outlining the activities of the Ethics Officer in the previous year and reporting on the ethical health of DeKalb County. Below is the first edition of these annual reports.

As I come upon the conclusion of my first year as Ethics Officer and as the first person to hold this position, I would like to thank the DeKalb Board of Ethics and the citizens of DeKalb for giving me the opportunity to establish the first Ethics Office in DeKalb County. I would like to also thank the officials and employees who have worked with me since my first day to strive for a workplace where transparency and integrity are integral to the everyday functioning of the DeKalb government.

The activities of the Ethics Office are described in detail below, but in 2016 we have:

- **Developed and launched an independent ethics website**
- **Developed an educational program; over 1900 employees have already attended class**
- **Established an on-line education program to be rolled out in 2017**
- **Investigated 15 complaints, many of which will be brought to hearing in 2017 and some of which have been referred to other agencies**
- **Settled, dismissed or brought to hearing 11 complaints**
- **Begun developing a benchmarking project to track the success of the Ethics program**
- **Began administration of County Hotline and investigated complaints**
- **Proposed amendments to strengthen the Ethics law**
- **Developed County Contractor Gift Reporting to be introduced in January of 2017**
- **Advised Board on jurisdictional issues to ensure robust enforcement of the ethics law**

## **Activities of the Ethics Office**

**A. Education** is a primary goal of the Ethics Office and we have put a great deal of effort towards initiating an educational program for DeKalb County employees and officials. The following is a list of educational programs the Ethics Office has put into place in 2016:

1) **In Person Ethics Classes**

The Ethics Office has developed an ethics class covering: 1) How to identify and resolve conflicts of interest, 2) Gifts and gratuities, 3) Outside employment. To date this class has been taught to approximately 1900 employees in 13 divisions. Many divisions such as the police force are so large that classes have been taught to smaller groups in individual precincts. Additionally, an ethics class is taught during each new employee orientation. The Ethics Board has jurisdiction over approximately 5,000 officials and employees. We are hoping to reach all employees within an 18 month period and return for future classes on a regular schedule.

In person classes have been essential to the introduction of the educational program. The classes are interactive and require the employees to consider several different scenarios and participate in the responses and solutions. The classes are also a great introduction to the Ethics Office and an opportunity to encourage employees to use the Ethics Office as a resource.

2) **Website Education**

Included in the new ethics website is an educational section which explains many different ethical rules and policies through the use of FAQs responding to common ethics questions in the DeKalb workplace.

3) **County Wide Emails**

We have used county wide emails to educate employees and officials on timely issues such as the acceptance of gifts at holiday time as well as to announce advisory opinions that affect the activities of County employees.

4) **On-line Education**

On line education will be required of all County employees beginning in 2017. We anticipate each employee taking a full on line ethics class with a summary quiz once per year and will use online videos to send out ethics vignettes at least twice per year.

5) **Training Leadership**

Ethics must be a continuing conversation in the County workforce and administration in order for compliance with ethics to be achieved. Once and done training will not suffice. My goal is to meet with the leadership of the County on a regular basis to ensure that ethics is an ongoing conversation. It is crucial to the success of the ethics program that good practices start from the top.

**B. The County Hotline:** An anonymous reporting hotline is an instrumental part of any ethics program because it provides employees an avenue to report issues and make complaints without fear of retaliation. The Ethics Officer took over administration of the County hotline in April of 2016. The hotline is run by a national provider (Navex Global) which provides hotline services to small and large organizations across the country. Both the County Auditor and the Ethics Officer investigate the complaints. Since the inception of the hotline 62 complaints have been filed, 32 are still under investigation and 30 have been closed. One case was investigated and referred to a federal agency with primary jurisdiction over the matter.

**C. Ethics Website:** An ethics website was designed and launched in 2016. The website acts as both an educational source and a news platform for the Ethics Board. The website provides easy access to all advisory opinions, minutes of all meetings, board agendas and status of complaints filed, notice of all meetings for the year, educational materials including “ask the ethics officer” link and hotline links. The website will also be a portal for all county contractor gift filings which will be explained below.

**D. County Contractor Gift Reporting:** In conjunction with the Purchasing Division, the Ethics Office established a quarterly reporting system for County Contractors to identify gifts given to county employees and officials. The reports will be completed online and immediately disclosed on the website.

**E. Proposed Amendments to Strengthen Ethics Law:** The 2015 ethics bill passed by the General Assembly Ethics accomplished the goals of creating an independent, non-political Ethics Board and establishing the first Ethics Office in DeKalb County. The Ethics Office has proposed amendments to the law for consideration in the 2017 General Assembly. Among other items, the amendments include provisions to prevent retaliation against whistleblowers, nepotism, personal use of county property and gaining personal benefits from county contracts. The Ethics Office reviewed model provisions and ethics laws throughout the country to amend and strengthen the law and ensure the jurisdictional aspects of the law were sufficient to achieve its policies.

**F. Investigation of Complaints:** The Ethics Office has investigated and closed ten complaints in 2016. Eight complaints are still under investigation or are tabled due to a pending lawsuit filed by former Commissioner Sharon Barnes Sutton against the Ethics Board. The lawsuit filed by Sharon Barnes-Sutton challenges the appointment process of the majority of its members and the Board has been unable to hear these pending cases. Please see explanation of the pending lawsuit in the following section.

### **Ethical Health of DeKalb County**

After 9 months in my position as Ethics Officer, my assessment as to DeKalb’s ethical health is contrary to the remarks made by Michael Bowers in 2015; DeKalb County is not “rotten to the core”. The employees of DeKalb County have been eager to learn the requirements of the Ethics Code and to improve the unfavorable perception of the County.

DeKalb has its issues, as do many counties. Nevertheless, the greatest problems have been caused by a handful of individuals whose loyalties were aligned with their own personal interest and not the interest of the County. It is DeKalb’s great misfortune that those individuals have primarily been in leadership positions. In addition, the actions of these officials, as leaders of the County, have permitted a culture of non-compliance in certain divisions of the DeKalb workforce. In many cases these actions were taken due to a cultural attitude that permitted and even condoned these lapses. In other cases I have found

that employees were required to commit violations in order to cover up the actions of these officials and directors. In some cases where the employees questioned or refused to take illegal or unethical actions, they were threatened with retaliation or asked to leave.

I believe this is why so many employees have been eager to participate in ethics classes. They are looking for the permission to say “no” to unethical behavior and seek an avenue for redress. Employees want to ensure they will not face retaliation for good faith reporting. Additionally, employees have not had the opportunity to learn the requirements of the Ethics Code prior to the classes and had no effective method to seek guidance on a regular basis. Since the Ethics Office has opened, employees and officials have been encouraged to use the Ethics Office as a resource for their questions and there has been a consistent increase in inquiries coming into the office since we started the education program. Our website should contribute to this positive trend of employees and officials reaching out for advice.

The actions of non-compliance and retaliation described above are not rampant through the County. These are the actions of a few, but not the majority. Many of these individuals have left the County through one form or another. The upcoming years will bring very positive changes to the County. Just the presence of an Ethics Office has made a difference already. Our education and outreach efforts are also continuing to make a difference.

Upcoming hearings for ethics violations will exhibit the County’s willingness to address violations and prove to the citizens that action will be taken to stop past and future violations. We are currently hampered in this effort by the lawsuit filed by Sharon Barnes Sutton which questions the legality of the board member appointment process by non-political organizations – the very thing which makes the Ethics Board independent of political influence. The suit has prevented four cases against Barnes-Sutton from being heard and has created difficulty in cases against other officials. Until the Ethics Board is free to hear these cases, we will not be able to address the alleged violations by former County officials.

While I cannot say that the ethical health of DeKalb County is strong, I am certain that the work to bring systemic, positive change is well under way and I believe that the future holds a different grade in ethics for DeKalb.