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INVESTIGATIVE REPORT
Case Number: CI 2003-0116

"MISUSE OF OFFICIAL CITY TIME"

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
BUREAU OF BUREAU OF BUILDINGS
ARBORIST DIVISION

PREPARED BY:

Kenya Howery
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Internal Investigator
City of Atlanta Department of Law
Compliance Unit

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REPORT OF INVESTIGATION

CASE NUMBER:

CI 2003-0116

**PERSON(S) UNDER
INVESTIGATION:**

**STAN DOMENGEAUX,
ARBORIST**

DEPARTMENT:

**PLANNING AND
COMMUNITY
DEVELOPMENT**

BUREAU:

BUILDINGS

DIVISION:

ARBORIST

ALLEGATION:

**MISUSE OF OFFICIAL
CITY TIME**

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I. OVERVIEW OF DEPARTMENT

The mission of the Department of Planning and Community Development is to guide the development of the City through effective measures of planning, design review, construction plan approval, code compliance, and housing assistance. It is committed to taking a leadership role in creating opportunities for the City of Atlanta, so it can continue to grow and sustain the diverse communities that define and give Atlanta its unique character.

The Bureau of Buildings enforces the adopted Codes by the City of Atlanta to ensure minimum standards for the construction, repair, demolition, occupancy, and maintenance of buildings, structures and properties. It reviews, approves and issues all permits required by the City's Codes for the repair, alteration, or addition to all public and private buildings and structures, as well as permits for new construction. It also assists property owners in keeping their buildings in compliance with the standards of the City's Codes.

The Arborist division approves tree removal plans and is responsible for viewing and approving all building permits.

II. ALLEGATION

Department of Planning and Community Development Arborist, Stan Domengeaux, is conducting personal business while on duty and official city time by soliciting members of the public to purchase seafood offered by Domengeaux's private seafood delivery business.

III. BACKGROUND

The Department of Law received an anonymous complaint that Department of Planning and Community Development Arborist Stanley Domengeaux was operating a fish delivery business on City time while working in his official capacity as a City of Atlanta employee. Shortly thereafter, the Department of Law received additional information from the anonymous source who reported that Domengeaux had solicited a citizen, Sheldon Schlegman, to purchase seafood while responding to a complaint of an illegal tree removal at 1695 Mount Paran Road.

Based on the nature of the allegations, the Department of Law initiated an investigation into the matter.

IV. BASIS OF INVESTIGATION

a. Employees Interviewed

1. Frank Mobley, Senior Arborist
2. Daisy Wong, Assistant Director
3. Stan Domengeaux, Arborist

b. Non City Employees Interviewed

1. Connie Gray, former Arborist
2. Sheldon Schlegman, Citizen

c. Documents Reviewed

1. Personnel File of Stan Domengeaux
2. Department of Planning Arborist Division Daily Report Database
3. Fulton County Property Records
4. City of Atlanta Board of Ethics Financial Disclosure Form(s)

V. INVESTIGATION

At the outset of the investigation, Stanley Domengeaux's personnel file was reviewed for appropriate background information. A review of the file revealed that Domengeaux was hired on July 25, 2000 as an Arborist within the Department of Planning and Community Development's Bureau of Buildings, Arborist Division. The personnel file also indicated that Domengeaux resides at

Based on the nature of the allegations, Investigator Kenya Howery traveled to Domengeaux's recorded residential address to determine if his vehicle, described as a black Ford Explorer, bore any signs of his having a business (i.e., magnetic advertisement signs; or visible cooler in the rear of the vehicle). The surveillance efforts were met with negative results and Domengeaux's vehicle was not located at the listed address.

An employee interview was conducted with Domengeaux's supervisor, Senior Arborist Frank Mobley, to determine what knowledge he possessed regarding the allegations that Domengeaux was soliciting members of the public to purchase seafood. Mobley advised that he had previously heard rumors regarding Domengeaux selling fish and/or seafood, but he indicated that he had no first hand knowledge of such activities, nor had any formal complaint ever come to his attention. Mobley was asked how the work completed by the arborists is monitored and Mobley explained that due to the fact that he spends the majority of his time reviewing plans, he does not have the time to supervise the arborists.

As the investigation continued, the Department of Planning and Community Development's Arborist Daily Report Database was reviewed to determine what involvement Domengeaux had with the property identified by the anonymous source and located at 1695 Mt. Paran Road. A review of the database revealed reports documenting that Domengeaux visited 1695 Mount Paran Road on four occasions [EXHIBIT 1]. Specifically, the records revealed that on September 17, 2003, Domengeaux issued a Stop Work Order; on September 26, 2003, Domengeaux completed a site visit; on November 12, 2003, Domengeaux completed a preliminary posting; and on November 20, 2003, Domengeaux completed a final inspection application. The database failed to reveal the identity of the property owner or any other identifying information.

Based on the information provided by the anonymous source, an interview was conducted with Sheldon Schlegman to determine what knowledge he possessed

regarding the allegations that Domengeaux was soliciting members of the public to purchase seafood. Schlegman indicated that he was an architect by trade and was very involved in his neighborhood association. Schlegman also indicated that he was appointed to the Tree Conservation Commission by former Mayor William Campbell.

As the interview continued, Schlegman advised that he met Stanley Domengeaux in September 2003 at his residence, which is located at 1641 Mt. Paran Road, Atlanta, Georgia, regarding an illegal tree removal at 1695 Mt. Paran Road. Schlegman explained that after he and Domengeaux discussed the issues related to the illegal tree removal at 1695 Mt. Paran Road, Domengeaux mentioned to him that he routinely made trips to New Orleans and would bring back fresh shrimp and offer it to people for sale. Schlegman stated that Domengeaux asked him if he would be interested in purchasing shrimp the next time he made a trip to New Orleans. Schlegman indicated that he advised Domengeaux that he would be interested in purchasing some of the shrimp. Schlegman further advised that during their conversations, Domengeaux mentioned that he also purchases homes in Atlanta to renovate and sell for profit. However, Schlegman indicated that he never purchased any shrimp from Domengeaux, nor did Domengeaux ever contact him with regards to purchasing the shrimp, even though they have had several interactions since the original offer.

Schlegman indicated that he classified Domengeaux's comment about the purchase of the shrimp as a casual statement and had no reason to believe that the outcome of the illegal tree removal issue was contingent upon his response to Domengeaux's offer to sell the shrimp. Schlegman stated that at the time it occurred, he may have mentioned the incident to Senior Arborist Frank Mobley. Schlegman indicated that the more important discussion at the time would have been the inadequate level of service he felt his neighborhood was receiving from Domengeaux. Schlegman indicated that he does remember discussing the performance issue with Arborist Supervisor Daisy Wong, who advised him that she would look in to it. Schlegman advised that Daisy Wong and former City of Atlanta Arborist, Connie Gray, be contacted as additional sources of information related to Domengeaux conducting personal business while on City time.

As the investigation continued, former City of Atlanta employee, Connie Gray, was interviewed regarding what knowledge she possessed regarding the allegations that Domengeaux was soliciting members of the public to purchase seafood. Gray indicated that she was employed as an Arborist with the City of Atlanta from July 2002 until April or May 2003. Gray advised that she had no first hand knowledge of Domengeaux conducting personal business while on City time, but had heard rumors discussed amongst her coworkers that Domengeaux was conducting personal business while on City time.

Gray indicated that while she was employed as an arborist that she often fielded complaints regarding Domengeaux's performance in the field. Gray stated that Domengeaux rarely issued citations and was perceived by his coworkers to perform a considerably lesser amount of work than the other arborists. Gray also indicated that

she never made it an issue since she believed the Director of the Bureau of Buildings at the time, Norman Koplon, was looking out for Domengeaux. Gray further advised that in her opinion Senior Arborist Frank Mobley was over worked and unable to provide adequate supervision of the arborist staff without the addition of an assistant.

An employee interview was conducted with Daisy Wong, Assistant Director of the Arborist Division, regarding what knowledge she possessed regarding the allegations that Domengeaux was soliciting members of the public to purchase seafood. Wong indicated that she had been advised of the allegations regarding Domengeaux selling seafood by an Atlanta City Councilmember, but she had no personal knowledge of any formal complaints of such activity. Wong indicated that she had received a complaint from one of Domengeaux's co-workers related to his job performance. Nonetheless, Wong indicated that Domengeaux seems to be doing his job and there have been no issues to indicate otherwise.

As the investigation continued, a search was completed via the Georgia Superior Court Clerk's Cooperative Authority website (www.gsccca.org) to determine whether or not Domengeaux had been involved in any real estate transactions. The search revealed that Stanley Domengeaux was involved in several transactions related to one (1) property, 635 Delbridge Street, Atlanta, Georgia, which included the purchase and subsequent refinancing of the property by Domengeaux. Fulton County property records further documented that Stanley Domengeaux purchased 635 Delbridge Street on November 20, 2002 [EXHIBIT 2]. Notably, 635 Delbridge Street does not appear in the personnel file maintained by the City of Atlanta Department of Human Resources or his 2005 Financial Disclosure Statement. A review of the 2005 City of Atlanta Board of Ethics Financial Disclosure Statement filed by Domengeaux on February 16, 2005 [EXHIBIT 3] revealed that Domengeaux did not report any additional income sources other than his employment with the City of Atlanta, (Item 11). The statement also revealed that Domengeaux did not report direct ownership interest in any real property in or outside of the City of Atlanta (Items 16 and 17).

An employee interview was conducted with Arborist Stanley Domengeaux to determine whether or not he solicited members of the public to purchase seafood while on City time. At the outset of the interview, Domengeaux denied that he has sold seafood on City time. Domengeaux also denied being a proprietor of any fish delivery or seafood business in a full-time or part-time capacity. However, Domengeaux stated that he does occasionally have seafood and from time to time he does sell it to friends, family, co-workers and individuals that he meets. Domengeaux admitted that he has offered his seafood services to citizens of Atlanta in the course of his duties as an Arborist, but stated that it is not his normal practice to do so. Domengeaux stated that on occasion he did offer his services, but not in connection with his duties or contingent upon his approval or denial of permits. Domengeaux explained that often at the end of a conversation with a citizen as he is getting into his truck, he may state "you know if you're interested in purchasing some seafood give me a call." Nonetheless, Domengeaux denied ever taking orders or delivering seafood while on City time.

Domengeaux explained that if someone called him regarding his offers for seafood, he would deliver it to the recipient in the evening or on the weekends. When asked whether he had an approved outside employment form, Domengeaux stated that he has never submitted a Request for Outside Employment for the seafood business because he does not consider it a business due to the fact that he is not licensed, nor does he pay taxes for the business or generate enough business to justify doing so. Domengeaux stated that selling seafood is not his normal practice. Domengeaux indicated that it's not something he does everyday and estimated that he sold seafood two to three times per month in the last six (6) years. However, Domengeaux insists that he has not done any business in the last six months and reiterated that he is not in the seafood business. Domengeaux also stated that he has previously submitted a Request for Outside Employment for a hotel job he previously held.

As the interview continued, Domengeaux denied being involved in the business of purchasing, refurbishing, or selling real estate. Domengeaux states that the only property he has ever purchased is his residence located at 635 Delbridge Street, Atlanta, Georgia. Domengeaux stated that the address is not reported on his Financial Disclosure Statement due to concerns he has for his safety. Domengeaux explained that Arborists have the ability to levy large fines which may cause a contractor to lose their project and retaliate against an Arborist at their place of residence. Domengeaux indicated that the Financial Disclosure Statement is public information readily available through the City Clerk or County Clerk's Office. Domengeaux contended that there has been no attempt on his part to falsify any information to the City, but merely a measure on his part to protect his safety.

Domengeaux further indicated that he was not aware that he should not solicit personal business while on City time. Domengeaux stated that he does not recall any specific information disseminated by the Department of Planning and Community Development notifying him of any such prohibition. When asked whether he was familiar with the Department of Planning and Community Development's Employee Standards of Conduct [EXHIBIT 4] provided to all departmental inspectors, Domengeaux indicated that he had no knowledge of any departmental standards, but does recall receiving a copy of the Code of Ethics. Domengeaux indicated that he does remember the department conducting a meeting sometime within the last year consisting of an overview of the "do's and don'ts, but he maintained that he has not been specifically advised as an arborist of what constitutes a conflict of interest.

VI. APPLICABLE LAW

Sections 114-436 and 114-437 of the Code of Ordinances of the City of Atlanta, Georgia

Sections 2-814 and 2-820 of the Code of Ordinances of the City of Atlanta, Georgia

Rules 8, 13, 16, 17, and 18 of the Department of Planning and Community Development's Employee Standards of Conduct

VII. CONCLUSION

Based on the documentary and testimonial evidence obtained during the course of the investigation, there is sufficient evidence to establish that Department of Planning and Community Development Arborist, Stan Domengeaux, conducted personal business while on duty and official city time by soliciting Sheldon Schlegman and other members of the public to purchase seafood directly from Domengeaux. Likewise, there is sufficient evidence to establish that Domengeaux failed to obtain approval from the Department of Planning and Community Development to engage in outside employment, albeit self employment, related to his provision of seafood to members of the public.

VIII. RECOMMENDATIONS

- A. In conformance with the Code of Ordinances of the City of Atlanta, Georgia, the Department of Planning and Community Development should determine the appropriate disciplinary action to be imposed upon Stanley Domengeaux for violation of Section 114-528 (b) (4), (19), and (20) of the Code and Ordinances of the City of Atlanta, Georgia and Sections 114-436 and 114-437 of the Code of Ordinances of the City of Atlanta, Georgia. The reasonable disciplinary action should be determined by considering relevant factors, including but not limited to the seriousness of the offense, whether the offense was willful and deliberate, unintentional or the result of gross negligence, and the employee's record of performance and conduct.
- B. The Department of Planning and Community Development should:
1. Ensure that every Department of Planning and Community Development employee is aware of the provisions of the department's Employee Standards of Conduct as implemented in November 2004. This should include routine reinforcement of these principles by supervisors, as well as periodic training regarding the applicability of the rules to the employee's official responsibilities.
 2. Ensure that every Department of Planning and Community Development employee is aware of the provisions of the Code of Ethics, Section 2-801 *et seq.*
 3. Ensure that every Department of Planning and Community Development employee is aware of the provisions of Sections 114-436 and 114-437 of the Code of Ordinances of the City of Atlanta, Georgia, related to outside employment.
 4. Counsel all employees regarding their fiduciary and ethical obligations to the City of Atlanta and the need to avoid actual or perceived conflicts of interest in the performance of their job duties and responsibilities.

5. Develop and implement an appropriate system for verifying daily work assignments performed by arborists. This verification process should include a focus on appropriate documentation of all work assignments prior to and after completion, as well as random field checks by supervisors.
 6. Continue to evaluate current employee job performances and counsel all employees regarding performance expectations.
 7. Ensure that all departmental employees are familiar with the department's current Policy and Procedures Bulletins and provide training to employees as needed.
 8. Continue to maintain and develop an effective supervisory command structure, which can monitor employee job performance and impose where reasonable, progressive discipline according to procedures that is fair, prompt, and appropriate to the situation. The progressive disciplinary process affords the employee the opportunity to correct behavior or inadequate job performance with the minimum level of discipline applied at each step.
- C. The Department of Planning and Community Development should refer Stanley Domengeaux to the Ethics Officer so that he can appropriately amend his 2005 Financial Disclosure Statement.

IX. EXHIBIT LIST

- EXHIBIT 1 - Department of Planning and Community Development Arborist Database Results for 1695 Mount Paran Road, Atlanta, Georgia
- EXHIBIT 2 - Fulton County Property Records for 635 Delbridge Street, Atlanta, Georgia
- EXHIBIT 3 - City of Atlanta Board of Ethics Financial Disclosure Statement 2005
- EXHIBIT 4 - Department of Planning and Community Development's Employee Standards of Conduct

DOCUMENTATION OF DISCIPLINARY MEETING

Date June 7, 2006 _____ **PREPARED BY:** Ainsley Caldwell

SUPERVISORS: Ainsley Caldwell _____

Frank Mobley _____

EMPLOYEE: Stanley Domengeaux _____

UNION REPRESENTATIVE: None _____

PURPOSE: To comply with recommendations from Investigative Report
Case No. CI 2003-0116 "Misuse of Official City Time"

SIGNATURES OF ATTENDEES:

Ainsley Caldwell

Jackye Fontleroy

Stanley Domengeaux

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SUMMARY OF MEETING: On June 7, 2006 we made an oral admonishment to Mr. Domengeaux with regards to the above referenced case for violations of Section 114-528 (b) (4), (19), and (20) of the Code of Ordinances of the City of Atlanta, Georgia and Sections 114-436 and 114-437 of the Code of Ordinances of the city of Atlanta, Georgia.

Mr. Domengeaux was told not to discuss any of his outside business interests or business involvement while on job assignments or during hours while being paid by the City of Atlanta. Mr. Domengeaux was advised to avoid perceived conflicts of interests in the performance of his duties and responsibilities while in the employ of the City of Atlanta.