

DATE: December 3, 2021
TO: Board Members of the Atlanta Regional Commission
FROM: Doug Hooker, Executive Director
RE: State Ethics Requirements for ARC Board members – Immediate Action Needed

The Atlanta Regional Commission was created under state statute therefore all members of the board are required to adhere to the state code of ethics for boards found in O.C.G.A. § 45-10-3. Pursuant to O.C.G.A. § 21-5-50(a)(2) **each member of the ARC board is considered a public officer and must file an “affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer’s private financial or business interests.” The deadline for submitting the affidavit is January 31 each year.** All members should immediately take responsibility to fill out the information necessary and as required by the state.

Citizen members of the ARC board are not required to file a Personal Financial Disclosure Statement pursuant to O.C.G.A. § 21-5-50(a)(2), however elected officials have different reporting requirements. An overview of the reporting requirements for public officers can be found on <http://ethics.ga.gov/what-do-public-official-have-to-file/>. This online resource also outlines the requirements to report business transactions with the state pursuant to O.C.G.A. § 45-10-26, which is different than the annual reporting requirement to file an affidavit.

The affidavit can be filed electronically using the Georgia Government Transparency & Campaign Finance Commission’s (*formerly known as the State Ethics Commission*) website <http://ethics.ga.gov>. If a board member does not already have a PIN number for using the e-filing feature then they must mail the Commission a signed and notarized copy of the PFD PIN Application form available on the website (<http://ethics.ga.gov/filer-information/candidates-candidate-committees/>) and attached to this memo. The Commission will then send the board member an email with their individual PIN and website login information. Training on this process can be found at <http://ethics.ga.gov/how-to-electronically-file-a-pfd-or-affadavit/>.

Information for first time filers can be found at <http://www.ethics.state.ga.us/efiling/EFilingLogin.aspx>.

This memo is not intended to be a thorough analysis of the state ethics laws and each individual should seek the information necessary to understand their personal obligation to comply with the law. If you have questions about this process you can contact the Georgia Government Transparency & Campaign Finance Commission at 404.463.1980.

Background

The State Code of Ethics for boards, commissions and authorities can be found in O.C.G.A. § 45-10-3 and states that it applies to “Notwithstanding any provision of law to the contrary, each member of all boards, commissions, and authorities created by general statute...”. The requirement for public officials and employees to file yearly disclosure statements concerning business transactions is established in O.C.G.A. § 45-10-26. This code section directs these disclosure statements to be submitted to the Georgia Government Transparency & Campaign Finance Commission (*formerly known as the State Ethics Commission*) formed under O.C.G.A. § 21-5-4. The link between the term public official and public officer and board member is made in O.C.G.A. § 21-5-50(a)(2) and a public officer is defined in O.C.G.A. § 21-5-3(22)(E) as “the executive director of each state board, commission, or authority and the members thereof;”.