

## A Blatant and Knowing Lie

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for The Tree Next Door

### Introduction

In November 2010 Atlanta's COO Peter Aman wrote to The Tree Next Door asking that the Reed administration be judged on its actions, not its words. Fair enough, since Aman backed up his words by announcing that Ainsley Caldwell had been relieved of his duties as Arboricultural Manager. He also stated that the Law Department would complete its investigation of the actions and inactions of field arborists Stan Domengeaux and Michael Franklin in about 45 days, anticipating "additional actions as appropriate."

The Law Department report was released to Aman on February 28 and to the public on March 15. It may be read at [www.treenextdoor.org](http://www.treenextdoor.org). Regrettably, the investigation is an utter farce (see "The City of Pretend", also at [www.treenextdoor.org](http://www.treenextdoor.org)). It relies exclusively on non-adversarial, softball conversations with employees of the Planning Department, whose statements and denials are accepted without question. No outside witnesses were contacted. No specific allegations were probed. Existing documentary evidence was ignored. No new evidence was produced.

If Aman chooses to use the report in the cynical and dishonest manner in which it was produced he will simply perpetuate the fraudulent and wasteful practices of an arborist division beset with severe personnel and management problems.

To date Aman has demonstrated awareness and some concern about the state of the arborist division. His actions have been careful. He seems committed to making city government more responsive and efficient. His decision in this instance – whether to just add another layer of whitewash to the Law Department report or to actually make needed changes – will make a strong statement about both the environmental and the personnel policies of the Reed administration.

### A Loose End: "The Standard Operating Procedures which are real"

In his Investigative Report, Law Department Compliance Manager Jeffrey Norman accepts without question this statement by former Arboricultural Manager Caldwell, now holding the title of "Assistant to the Director – Office of Buildings":

Caldwell stated that the Arborist Division provides guidelines in the form of Standards of Practice. Caldwell explained that the Standards of Practice are professional expectations as opposed to Standard Operating Procedures which are rules.

This characterization of the arborist division Standards of Practice is absurd and outrageous. Coming from Caldwell it is also a blatant and knowing lie. As stated in the aforementioned “City of Pretend” article,

Caldwell issued the first set of comprehensive Standards of Practice in 2006. He re-issued and re-stressed the mandatory nature of the Standards of Practice in 2008 and again in 2009. He has testified under oath that the Standards of Practice were and are required to be followed. This is the first time that he has downgraded the Standards of Practice to “professional expectations,” differentiating them from required “Standard Operating Procedures which are rules.”

TTND immediately filed an Open Records request for the city to provide the “Standard Operating Procedures which are rules” distinct from the “professional expectations” of the Standards of Practice. On March 21 Lanii Thomas, the Public Information Officer for the Department of Planning, confirmed the falsehood, stating simply that the requested records “do not exist.” Ms. Thomas adds, “I have been advised the Arborist Division uses standards of practice, not standard operating procedures.”

#### Mr. Caldwell and the Standards of Conduct

Simply lying is reprehensible. It is also prohibited in the mandatory Standards of Conduct adopted by the Department of Planning in 2004:

*Employees shall be truthful in their verbal and written communications at all times (Art. 22).*

Lying in an official investigation is deemed important enough to warrant specific mention in the Standards of Conduct:

*Employees shall fully cooperate with any and all departmental or internal investigations regarding their official duties and shall answer all relevant and material questions in an open and honest manner ... (Art. 32).*

Caldwell’s lie concerning the nature of the Standards of Practice served to excuse the multiple and continuing violations of those standards by Domengeaux and Franklin. More importantly, Caldwell’s lie served as a cover for his own failure to supervise Domengeaux and Franklin and his failure to insist that the Standards be followed. This requirement too is specifically spelled out in the Standards of Conduct:

*Supervisory employees shall enforce the policies, procedures, rules and regulations of the department and the City of Atlanta (Art. 33).*

Caldwell’s willingness to knowingly lie in an official investigation is telling of his character and revealing of the ongoing cover-up in the arborist division. Honesty and integrity are essential to good government. If the City takes its Standards of Conduct at all seriously in this instance, sanctions must follow.