



May 13, 2011

Mr. Deron R. Hicks, Esq.  
State Inspector General  
1102 West Tower  
2 Martin Luther King, Jr. Dr., SE  
Atlanta, Georgia 30334

Re: File Number 11-027; Conflict of Interest

Dear Mr. Hicks:

We have reviewed your recent Report of Investigation concerning allegations of conflict of interest between an employee at our Traffic Management Center and a contractor to the Department of Transportation (GDOT). GDOT strongly cautions employees against engaging in activities that actually are or may be perceived as conflicts of interest. We address these issues with several policies that are published on our employee intranet and in our *Employee Handbook*, and we also provide specific training regarding Ethics and Standards of Conduct; therefore, we were very disappointed to learn that many of the allegations in the initial complaint were substantiated.

In your report, you provided two recommendations to the Department and requested a written response within thirty (30) days from GDOT regarding implementation. Our specific responses to your recommendations are as follows:

**Recommendation 1:** GDOT should consider establishing an internal procedure for approving and providing recommendations and evaluations of vendors requested by third parties. Such recommendations and evaluations must be consistent with established conflict of interest policies. The policy should include a prohibition against GDOT employees offering comments or quotes that may be included in marketing material of a GDOT contractor or vendor (or a potential GDOT contractor or vendor) except as same may be approved in advance by a designated GDOT representative.

Requests for recommendations or references from GDOT staff by vendors, contractors or consultants are common in transportation, construction and related industries. Other than the current investigation, we are unaware of any issues of conflicts of interests resulting from providing such information to third parties. Nevertheless, in an effort to remain aboveboard and transparent in all of our interactions, we will review the feasibility of implementing an internal process for providing recommendations and references to third parties with whom GDOT has a current or former business relationship. It is expected that such a process would include review and concurrence by a senior level manager (Office Head or District Engineer) prior to the release of any information as well as retention of any written letters or other items.

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**Recommendation 2:** GDOT should consider establishing a policy that requires all employees to report annually in writing any outside employment. Moreover, said policy should require GDOT employees to report any offer or solicitation of employment by a current GDOT contractor or vendor.

GDOT has had an *Outside Employment* policy since the late 1970's. While it requires that employees notify management and secure approval prior to engaging in any type of outside employment, it does not currently require annual reporting by an employee of outside work activities. This policy will be modified accordingly.

Further, we will consider revising the policy to require employees to report an offer or solicitation of employment by a current GDOT contractor or vendor. However, we expect that any such policy revision would be narrowly tailored so that employees will not be unduly restricted in their personal career goals.

We appreciate the efficient and professional manner in which you and your staff approached this complaint, and we also appreciate the opportunity to have our Internal Affairs Unit work in concert with your staff on this investigation. If we can provide you with any further information, or if you have any questions regarding our response, please do not hesitate to contact me.

Sincerely,



Vance C. Smith, Jr.  
Commissioner

VCS:awj

Cc: Gerald Ross, Deputy Commissioner / Chief Engineer  
Keith Golden, Director of Operations  
Matt Cline, General Counsel