

1 **CHAPTER 9 CODE OF ETHICS**

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20 **9.01 DECLARATION OF POLICY AND ETHICS PRINCIPLES**

21  
22 **(1) Policy.** It is declared that high moral and ethical standards among county public  
23 officials and county employees are essential to the conduct of free government; that the  
24 county believes that a code of ethics for the guidance of county public officials and  
25 county employees will help them avoid conflicts between their personal interests and  
26 their public responsibilities, will improve standards of public service and will promote  
27 and strengthen the faith and confidence of the people of this county in their county  
28 public officials and county employees. It is the intent of the county that in its operations  
29 the board shall protect to the fullest extent possible the rights of individuals affected.  
30

31 **(2) Ethics Principles.** The proper operation of democratic government requires that  
32 public officials and employees be independent, impartial, and responsible to the people;  
33 that decisions and policy be made in the best interests of the people, the community,  
34 and the government; that public office not be used for personal gain; and that the public  
35 has confidence in the integrity of its government. In recognition of these goals, this code  
36 of ethics shall apply to all candidates for county office, elected and appointed officers  
37 and employees of the county, and members of County Boards and commissions.  
38 Nothing contained herein is intended to deny to any individual those rights granted by  
39 the [United States Constitution](#), the constitution and laws of the State of Wisconsin, or  
40 labor agreements negotiated with certified employee bargaining representatives. The  
41 purpose of this code is to establish standards of conduct to assist public officials and  
42 employees in avoiding those acts or actions that are incompatible with the best interests  
43 of county government and the people of Milwaukee County. Further this code provides  
44 the process by which determinations are made that public officials or employees have  
45 acted in ways which are incompatible with the best interests of county government and  
46 of the people of Milwaukee County.  
47

48 **(a) Ethical Principles.** The ethical county public official or employee should:

- 49
  - Properly administer the affairs of the county.  

50 
  - Promote decisions that only benefit the public interest.

- 51 • Actively promote public confidence in county government.
- 52 • Preserve and protect all funds and other properties of the county.
- 53 • Conduct and perform the duties of the office diligently and promptly dispose of
- 54 the business of the county.
- 55 • Maintain a positive image to pass constant public scrutiny.
- 56 • Evaluate all decisions so that the best service or product is obtained at a
- 57 minimal cost without sacrificing quality and fiscal responsibility.
- 58 • Inject the prestige of the office into everyday dealings with the public,
- 59 employees and associates.
- 60 • Maintain a respectful attitude toward employees, other public officials,
- 61 colleagues and associates.
- 62 • Effectively and efficiently work with governmental agencies, political
- 63 subdivisions and other organizations in order to further the interest of the
- 64 county.
- 65 • Faithfully comply with all laws and regulations applicable to the county and
- 66 impartially apply them to everyone.

67

68 **(b)** The ethical county public official or employee should not:

- 69 • Engage in outside interests that are not compatible with the impartial and
- 70 objective performance of his or her duties.
- 71 • Improperly influence or attempt to influence other officials to act in his or her
- 72 own benefit.
- 73 • Accept anything of value from any source that is offered to influence his or her
- 74 action as a public official.

75

76 **(c)** The ethical county public official or employee accepts the responsibility that his or

77 her mission is that of servant and steward to the public.

78

## 79 **9.02 DEFINITIONS**

80

81 **(1)** "Anything of value" means any money or property, favor, service, payment,

82 advance, forbearance, loan, or promise of future employment, business, or other

83 consideration having a value greater than twenty five dollars (\$25.00), but does not

84 include compensation and expenses paid by the county, fees and expenses which are

85 permitted and reported under [section 9.14](#) of the Code, political contributions which are

86 reported under [ch. 11 Wis. Stats.](#), or hospitality extended for a purpose unrelated to

87 county business by a person other than an organization.

88

89 **(1m)** "Appointed official" means any member appointed to a county commission or

90 board.

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- 92 (2) "Associated," when used with reference to an organization, includes any  
93 organization in which an individual or a member of his/her immediate family is a  
94 director, officer, or trustee, or who has a significant fiduciary relationship or an individual  
95 who owns or controls, directly or indirectly, and severally or in the aggregate, at least  
96 ten (10) percent of the outstanding equity.  
97
- 98 (3) "Board" means the [Ethics Board](#).  
99
- 100 (4) "Business" means any corporation, partnership, proprietorship, firm, enterprise,  
101 franchise, association, organization, self-employed individual, or any other legal entity  
102 that engages in profit-making activities.  
103
- 104 (5) "Conflict of Interest" means a public official's or employee's action or failure to  
105 act in the discharge of his or her official duties which could reasonably be expected to  
106 produce or assist in producing a substantial economic or personal benefit for such  
107 official, his or her immediate family or an organization with which he or she is  
108 associated.  
109
- 110 (6) "Elected official" means any person holding an elected county office.  
111
- 112 (7) "Employee" means any person holding an office or position in the classified  
113 service of the county or any person holding a non-classified office or position, except  
114 elected officials and appointed officials.  
115
- 116 (8) "Gift" means the payment or receipt of anything of value without valuable and  
117 sufficient consideration.  
118
- 119 (9) "Immediate family" means an individual's:  
120
- 121 (a) spouse; and
  - 122
  - 123 (b) child, parent or sibling or in-law or step-relative of the same degree who  
124 receives, directly or indirectly, more than one-half of his/her support from the  
125 individual or from whom the individual receives, directly or indirectly, more than  
126 one-half of his /her support.  
127
- 128 (10) "Investigation Request" means a written and signed statement from a person  
129 stating that there are specific acts or omissions by an identified person subject to the  
130 Code from unverified sources which appear prima facie to constitute a violation of the  
131 Code and for which the requestor is seeking that an investigation be undertaken to  
132 determine whether a matter should be pursued under the Verified Compliant  
133 proceedings. The investigation request must remain confidential until disclosure is  
134 permitted or required by the Code unless the subject of the complaint requests in writing  
135 that it be made part of the public record.  
136
- 137 (11) "Lobbying" means the practice of attempting to influence legislative or  
138 administrative action by oral or written communication with any public official.  
139

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141

142 (12) "Ministerial action" means an action that an individual performs in a given state of  
143 facts in a prescribed manner in obedience to the mandate of legal authority, without  
144 regard to the exercise of the individual's own judgment as to the propriety of the action  
145 being taken.

146  
147 (13) "Organization" means any stock or Non-stock Corporation, partnership,  
148 proprietorship, firm, enterprise, franchise, incorporated or unincorporated association,  
149 trust or other legal entity other than an individual or body politic.

150  
151 (14) "Privileged information" means information obtained under government authority  
152 which has not become a part of the body of public information.

153  
154 (15) "Probable cause" means information sufficient to support a reasonable belief that an  
155 identified person has or may have violated one or more provisions of this Code.

156  
157 (16) "Public official" means any elected official or appointed official.

158  
159 (17) "Reporting period" means any 6-month period beginning with Jan. 1 and ending  
160 with June 30 or beginning with July 1 and ending with Dec. 31 or annual period  
161 beginning January 1 through December 31.

162  
163 (18) "Significant fiduciary relationship" means owning or controlling, directly or  
164 indirectly:

165  
166 (a) At least ten (10) percent of the outstanding stock or stock of any business  
167 corporation having a cost or market values of at least five thousand dollars  
168 (\$5,000.00); or

169  
170 (b) An interest of at least ten (10) percent or five thousand dollars (\$5,000.00) of  
171 any organization.

172  
173 (19) "Resources" means county supplies, services, property, or facilities not available  
174 to all citizens.

175  
176 (20) "Verified Complaint" means a written statement from a person, given under oath and  
177 subscribed before a notary public or other official authorized to administer oaths, alleging  
178 specific acts or omissions constituting a violation of the Code by an identified person  
179 subject to the Code. The Verified Complaint must remain confidential until disclosure is  
180 permitted or required by the Code unless the subject of the complaint requests in writing  
181 that it be made part of the public record.

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184  
185 **9.03 FINANCIAL DISCLOSURE**

186  
187 **(1) COUNTY OFFICIALS, CANDIDATES OR EMPLOYEES REQUIRED TO FILE**  
188 **STATEMENTS OF ECONOMIC INTEREST:** All county elected and appointed officials,  
189 candidates for elected county offices, and county employees, whose duties and  
190 responsibilities; performed for or on behalf of the county or any board or commission  
191 thereof, include the awarding or execution of contracts for the purchase of supplies,  
192 services, materials, and/or equipment; the construction of public works; and/or the sale

193 or leasing of real estate or who may be designated by the [Ethics Board](#), shall file  
194 [Statements of Economic Interests](#) as set forth in this section. In the case of members of  
195 boards and commissions, the [Ethics Board](#) may, in its discretion, require the filing of  
196 economic interest statements by members of boards and commissions. Upon failure of  
197 any such person to file the requested statement within a period of thirty (30) days from  
198 the date requested in writing by the [Ethics Board](#), such person shall be subject to those  
199 penalties applicable to others who fail to file such statements as required by this  
200 chapter.

201  
202 **(2) FILED WITH COUNTY ELECTION COMMISSION:** [Statements of Economic](#)  
203 [Interests](#) shall be filed with the county [Election Commission](#) on the date of the filing of  
204 nomination papers:

205  
206 **(a)** By all county elected officials when initially a candidate for office; and

207  
208 **(b)** By all candidates for county elected offices.

209  
210 **(3) FILE WITHIN 30 DAYS OF EMPLOYMENT OR TAKING OFFICE:** Upon entering  
211 county employment, elected office, or appointment as a public official, persons required  
212 to file [Statements of Economic Interests](#) shall do so within thirty (30) days after  
213 commencement of employment or of taking oath of office.

214  
215 **(4) ANNUAL STATEMENT OF ECONOMIC INTEREST FILING REQUIREMENT**

216  
217 **(a)** Each person required to file a [Statement of Economic Interests](#) shall file  
218 updated statements with the [Ethics Board](#) within thirty (30) days after the closing  
219 of each calendar year.

220  
221 **(b) QUARTERLY FINANCIAL DISCLOSURE REQUIRED FOR PENSION**  
222 **BOARD:** Each member of the [County Pension Board](#) and each employee of the  
223 [Pension Board](#) who is a county official or employee, shall complete and file with  
224 the [Ethics Board](#) a quarterly financial disclosure statement no later than the last  
225 day of the month following the end of each calendar quarter or any portion  
226 thereof in which he or she was a member or employee of the [County Pension](#)  
227 [Board](#). Such financial disclosure statements shall be in the form prescribed by  
228 the [Ethics Board](#) and shall identify the date and nature of any purchase, sale,  
229 put, call, option, lease, or creation, dissolution or modification of any economic  
230 interest made during the quarter for which the report is filed and disclosure of  
231 which would be required by this code.

232  
233 **(c) NO COMPENSATION UNTIL FILING:** A person required to file a [Statement](#)  
234 [of Economic Interests](#) under this section shall not receive his/her salary or other  
235 compensation until he/she files such [Statement of Economic Interests](#).

236  
237 **(d) DISCLOSURE BY SPOUSE:** County elected officials, appointed officials,  
238 candidates, and employees required to file [Statement of Economic Interests](#), as  
239 required by [section 9.03](#), shall include and file statements of a spouse's  
240 employment and financial assets and liabilities.

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243 **(5) AFFIDAVIT OF COMPLIANCE:** Within thirty (30) days after the close of each  
244 calendar year, all county employees and public officials referred to in [section 9.03\(1\)](#)  
245 shall file with the [Ethics Board](#) a sworn affidavit regarding compliance with [Statements](#)  
246 [of Economic Interests](#) provisions found in this chapter. The sworn affidavit shall be a  
247 form provided by the [Ethics Board](#) as approved by the [County Board](#) and shown as  
248 [Appendix A](#) to this chapter.

249  
250 **(6) UPDATING RECOMMEND LIST OF INDIVIDUALS COVERED:** Each department  
251 head in the service of the county shall submit to the executive director of the [Ethics](#)  
252 [Board](#) an updated list of the job titles and position numbers of those incumbents within  
253 his/her jurisdiction. He/she shall indicate on the list whom, in his/her opinion, should be  
254 required to file [Statements of Economic Interests](#) and sworn affidavits.

#### 255 256 **9.04 FORM OF STATEMENT**

257  
258 The person filing a [Statement of Economic Interests](#), as required under this chapter,  
259 shall file the statement on a form prescribed by the [Ethics Board](#), with the concurrence  
260 of [Corporation Counsel](#) and the [Department of Audit](#), and shall include the following  
261 information applicable as of the 15th day of the month preceding the month in which the  
262 statement is required to be filed:

263  
264 **(a)** The identity of every significant fiduciary relationship, organization associated  
265 with and the offices and directorships held by him/her or his/her spouse;

266  
267 **(b)** The identity and amount of bonds, debentures, or debt obligations of a  
268 municipal corporation or other corporation, in excess of five thousand dollars  
269 (\$5,000.00), held by him/her or his/her spouse;

270  
271 **(c)** The name of any creditor to whom he/she or his/her spouse owes five  
272 thousand dollars (\$5,000.00) or more and the amount owed;

273  
274 **(d)** The identity of each significant fiduciary relationship and the identity and  
275 amount of property, bonds, debentures, or debt obligations of a municipal  
276 corporation or other corporation in excess of five thousand dollars (\$5,000.00)  
277 transferred by him/her or his/her spouse to a member of his/her immediate family  
278 during the two (2) calendar years preceding the filing of the statement;

279  
280 **(e)** The identity of real property in the county or contiguous county in which the  
281 person or his/her spouse holds an interest and the nature of the interest held.  
282 Real property exempted from reporting includes:

283  
284 1. The principal residence of such person or his/her spouse; and

285  
286 2. Real property for which the pro rata share of such person or his/her  
287 spouse is less than ten (10) percent of the outstanding shares or is less  
288 than an equity value of five thousand dollars (\$5,000.00).

289  
290 **(f)** The identity of each non-stock corporation:

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292

293 1. Which such person or his/her spouse holds an office or position and the  
294 title of the office or position; and

295  
296 2. Which is doing business with the county or operating in the county.  
297

## 298 **9.05 STANDARDS OF CONDUCT**

299  
300 **(1) NO PERSONAL OR ECONOMIC INTEREST IN DECISIONS AND POLICIES:** The  
301 [County Board](#) hereby reaffirms that a county elected official, appointed official or employee  
302 holds his/her position as a public trust, and any effort to realize personal gain through  
303 official conduct is a violation of that trust. This chapter shall not prevent any county elected  
304 official, appointed official or employee from accepting other employment or from following  
305 any pursuit which does not interfere with the full and faithful discharge of his/her duties to  
306 the county. The [County Board](#) further recognizes that in a representative democracy, the  
307 representatives are drawn from society and, therefore, cannot and should not be without all  
308 personal and economic interest in the decisions and policies of government; that citizens  
309 who serve as public officials or public employees retain their rights as citizens to interests  
310 of a personal or economic nature; that standards of ethical conduct for public employees  
311 and public elected and appointed officials need to distinguish between those minor and  
312 inconsequential conflicts which are unavoidable in a free society and those conflicts which  
313 are substantial and material; and that county elected officials, appointed officials or  
314 employees may need to engage in employment and/or professional or business activities,  
315 other than official duties, in order to support their families and to maintain a continuity of  
316 professional or business activity or may need to maintain investments. However, the code  
317 maintains that such activities or investments must not conflict with the specific provisions of  
318 this chapter.

### 319 320 **(2) NO FINANCIAL GAIN OR ANYTHING OF SUBSTANTIAL VALUE:**

321  
322 **(a)** Except as otherwise provided or approved by the [County Board](#), no county public  
323 official or employee shall use his/her public position or office to obtain financial  
324 gain or anything of substantial value for the private benefit of himself/herself or  
325 his/her immediate family, or for an organization with which he/she is associated.  
326 This paragraph does not prohibit a county elected official from using the title or  
327 prestige of his/her office to obtain campaign contributions that are permitted by  
328 and reported as required by [ch. 11 Wis. Stats.](#)

329  
330 **(b) NO PERSON MAY OFFER ANYTHING OF VALUE:** No person shall offer or give to  
331 any public official or employee, directly or indirectly, and no public official or  
332 employee shall solicit or accept from any person, directly or indirectly, anything of  
333 value if it could reasonably be expected to influence the public official's or  
334 employee's vote, official actions or judgment, or could reasonably be considered  
335 as a reward for any official action or inaction or omission by of the public official  
336 or employee. This section does not prohibit a public official or an employee from  
337 engaging in outside employment.

338  
339 **(c) NO SUBSTANTIAL INTEREST OR BENEFIT:** Except as otherwise provided in  
340 [paragraph \(i\)](#), no public official or employee shall:

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344 1. Take any official action substantially affecting a matter in which the  
345 public official, employee, a member of his/her immediate family, or an  
346 organization with which the public official or employee is associated has a  
347 substantial financial interest.

348  
349 2. Use his/her office or position in a way that produces or assists in the  
350 production of a substantial benefit, direct or indirect, for the public official,  
351 employee, members of the public official's or employee's immediate family  
352 either separately or together, or an organization with which the public  
353 official or employee is associated.

354  
355 **(d) NO DISCLOSURE OF PRIVILEGED INFORMATION:** No county public official or  
356 employee shall use or disclose privileged information gained in the course of, or  
357 by reason of, his/her position or activities which in any way could result in  
358 financial gain for himself/herself or for any other person.

359  
360 **(e) NO USE OF PUBLIC POSITION TO INFLUENCE OR GAIN UNLAWFUL**  
361 **BENEFITS, ADVANTAGES OR PRIVILEGES:** No county public official or  
362 employee shall use or attempt to use his/her public position to influence or gain  
363 unlawful benefits, advantages, or privileges for himself/herself or others.

364  
365 **(f) NO OFFER OF GIFTS OR ANYTHING OF VALUE:** No county public official shall  
366 offer or give anything of value to a member or employee of a county department  
367 or entity, while that member or employee is associated with the county  
368 department or entity, and no member or employee of a department shall solicit or  
369 accept from any such person anything of value from a county official or  
370 employee.

371  
372 **(g) LIMITS ON CONTRACTS WITH COUNTY:** No county public official or employee  
373 and no business with which he/she or his/her spouse has a significant fiduciary  
374 relationship or any organization with which he/she or his/her spouse is  
375 associated shall enter into any contract with the county unless that contract has  
376 been awarded through a process of public notice and competitive bidding in  
377 conformity with applicable federal and state statutes and county ordinances.

378  
379 **(h) LIMITS ON LEASE OF REAL ESTATE WITH COUNTY:** No county public official or  
380 employee and no business in which that county public official or employee has a  
381 ten (10) percent or greater interest shall enter into a lease of real property with  
382 the county, except that the [County Board](#), upon a publicly filed and considered  
383 request, shall waive this subsection when it is in the best interests of the county.

384  
385 **(i) NO LIMITS ON LAWFUL PAYMENTS:** [Paragraph \(c\)](#) does not prohibit an elected  
386 official from taking any action concerning lawful payment of salaries or employee  
387 benefits or reimbursement of actual and necessary expenses, or prohibit an  
388 elected official from taking official action with respect to any proposal to modify a  
389 county ordinance.

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391  
392 **(j) NO SOLICITATION OF AT-WILL EMPLOYEES:** No elected county official shall  
393 knowingly solicit a campaign contribution from any "at-will employee" defined as  
394 an employee who is not under union or labor contract with the county, who is

395 hired for an indefinite term or who is under an independent contract with the  
396 county or its subparts or who can be discharged or terminated at any time for any  
397 nondiscriminatory reason.  
398

399 **(k) NO CAMPAIGN CONTRIBUTIONS TO COUNTY OFFICIALS WITH APPROVAL**

400 AUTHORITY: No person(s) with a personal financial interest in the approval or  
401 denial of a contract or proposal being considered by a county department or with  
402 an agency funded and regulated by a county department, shall make a campaign  
403 contribution to any county elected official who has approval authority over that  
404 contract or proposal during its consideration. Contract or proposal consideration  
405 shall begin when a contract or proposal is submitted directly to a county  
406 department or to an agency funded or regulated by a county department until the  
407 contract or proposal has reached final disposition, including adoption, [County](#)  
408 [Executive](#) action, proceedings on veto (if necessary) or departmental approval.  
409 This provision does not apply to those items covered by [section 9.14](#) unless an  
410 acceptance by an elected official would conflict with this section. The language  
411 in [section 9.05\(2\)\(k\)](#) shall be included in all Requests for Proposals and bid  
412 documents.  
413

414 **(l) LIMITS ON HONORARIUM FEES OR EXPENSE REIMBURSEMENTS**: No county  
415 public official or employee shall accept or solicit any honorariums, fees or  
416 expense reimbursements except in accordance with [section 9.14](#).  
417

418 **(3) LIMITS ON CONTACT**

419  
420 **(a) LIMITS ON CONTACT WITH FORMER COUNTY ASSOCIATES**: No former county  
421 public official or employee, for twelve (12) months following the date on which  
422 he/she ceases to be a county public official or employee, shall, for compensation,  
423 on behalf of any person other than a governmental entity, make any formal or  
424 informal appearance before or try to settle or arrange a matter by calling, writing,  
425 or conferring with, any county public official, officer or employee of the  
426 department with which he/she was associated as a county public official or  
427 employee.  
428

429 **(b) LIMITS ON CONTACT WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS**: No  
430 former county public official or employee for twelve (12) months following the  
431 date on which he/she ceases to be a county public official or employee, shall for  
432 compensation on behalf of himself/herself or any person other than a  
433 governmental entity, make any formal or informal appearance before, or try to  
434 settle or arrange a matter by calling, writing, or conferring with, any county public  
435 official, officer or employee of a department in connection with any judicial or  
436 quasi-judicial proceeding, application, contract, claim, or charge which was under  
437 the former public official's or employee's responsibility as a county public official  
438 or employee.  
439

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441  
442 **(c) LIMITS ON CONTACTS WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS**

443 WHERE PERSONALLY PARTICIPATED: No former county public official or  
444 employee shall, whether for compensation or not, act on behalf of any party other  
445 than the county in connection with any judicial or quasi-judicial proceeding,

446 application, contract, claim, or charge in which the former public official or  
447 employee participated substantially as a public official or employee.

448  
449 **(d) CONSIDERATION OF EXEMPTIONS:** The [Ethics Board](#) shall accept and review  
450 written requests by former appointed officials for an exemption from the  
451 prohibitions of (3). Such exemption requests must be heard and deliberated  
452 during a properly convened open session of an [Ethics Board](#) meeting and must  
453 be included in a written [Ethics Board](#) opinion stating the reason(s) that the former  
454 appointed official should be exempt from the otherwise prohibited conduct.

455  
456 **9.06 POLITICAL ACTIVITY**

457  
458 **(1) CAMPAIGN PROHIBITIONS:** No county public official or employee at his or her  
459 place of employment while engaged in his or her official duties shall, for the apparent  
460 purpose of seeking to elect or defeat a person seeking elective office:

- 461  
462 **(a)** Wear or display any campaign material.  
463  
464 **(a)** Distribute any campaign literature.  
465  
466 **(b)** Solicit contributions for any candidate.  
467  
468 **(c)** Engage in political campaign activities for any candidate.  
469  
470 **(e)** Circulate nomination papers for elected office.

471  
472 **(2) COERCION PROHIBITED:** No county employee shall in any way coerce or attempt  
473 to coerce contributions or services from subordinate employees in support of a political  
474 party or a candidate for elective office or for or against a referendum position, or  
475 retaliate against or reward an employee for refraining from participating in any political  
476 activity.

477  
478 **(3) PROHIBITION ON REWARDS:** No county elected official or candidate for a county  
479 elected office shall promise an appointment to any county position as an apparent  
480 reward for any political activity.

481  
482 **9.07 ETHICS BOARD: COMPOSITION, APPOINTMENT, STAFFING AND MEETINGS**

483  
484 **(1)** The [Ethics Board](#) shall be composed of:  
485  
486 **(a) SIX MEMBERS:** six (6) adult residents of the county;  
487  
488 **(b) NOMINATING AUTHORITIES:** the nominating authorities shall be the  
489 following entities:

- 490  
491 1. President of the National Association for the Advancement of Colored  
492 People ([NAACP](#))  
493  
494 2. Board Chair of [Public Policy Forum](#)

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- 497 3. Board Chair of [Greater Milwaukee Committee](#)  
498  
499 4. President of the [Milwaukee Bar Association](#)  
500  
501 5. Board Chair of [Inter-Faith Conference of Greater Milwaukee](#)  
502  
503 6. President of the Board of the [League of Women Voters of Greater](#)  
504 [Milwaukee](#).  
505

506 The nominating authorities are leaders of longstanding, broad-based Milwaukee County  
507 entities interested in good government and institutional integrity. [Ethics Board](#) members  
508 shall reflect the racial and ethnic diversity of Milwaukee County, serve the residents of  
509 Milwaukee County according to their oaths of office and act independently from the  
510 nominating and appointing authorities.

511 **(c) COMPLETION OF TERMS:** Upon the effective date of this Code, current  
512 [Ethics Board](#) sitting members shall complete their respective current terms, to  
513 preserve continuity and experience on the [Ethics Board](#).  
514

515  
516 1. Any sitting member at the time of the effective date of this Code is  
517 eligible for reappointment to the [Ethics Board](#) by the nominating entities.  
518

519 2. Any sitting member at the time of the effective date of this Code, if  
520 nominated by an appointing entity for a six-year term, would not be subject  
521 to the limitations of (g) for that initial nomination.  
522

523 **(d) SOLICITATION OF NOMINATIONS:** The [County Executive](#) shall solicit  
524 nominations from the nominating authorities for term appointments according to  
525 the order in which they are listed above.  
526

527 **(e) NOMINATION PROCEDURE:** Each nominating authority, upon request of the  
528 [County Executive](#), shall submit the names of two (2) nominees to the [County](#)  
529 [Executive](#) who shall then select and submit the name of one of the nominees as  
530 an appointee to the [County Board](#) for confirmation.  
531

532 1. The [County Executive](#) shall notify a nominating entity 180 days before a  
533 term is expiring which the nominating entity is to fill.  
534

535 2. The nominating entity shall submit a nomination(s) to the [County](#)  
536 [Executive](#) 120 days before the expiration of the term of the impending  
537 vacancy.  
538

539 3. In the event of a vacancy during a member's term, the [County](#)  
540 [Executive](#) will provide immediate notification of the vacancy.  
541

542 **(i)** The notification shall be provided to the nominating entity which  
543 nominated the member who is leaving the [Ethics Board](#).  
544

545 **(ii)** The nominating entity must submit nominations of two (2) names to  
546 the [County Executive](#) within 30 days.  
547

548 (iii) If the mid-term vacancy is of a [Ethics Board](#) member appointed  
549 prior to the effective date of this Code, then the [County Executive](#) will  
550 notify the nominating entity which is charged with the next  
551 nomination, as provided in [sec. 9.07\(1\)\(d\)](#).  
552

553 (iv) A resume of each nominee for appointment to the [Ethics Board](#)  
554 shall be submitted to the [County Executive](#). The [County Executive](#)  
555 shall submit the name of his/her appointee to every member of the  
556 [County Board](#) at least thirty (30) days prior to [County Board](#) action on  
557 confirmation of the nominee for appointment.  
558

559 (v) Upon receiving the nomination from the nominating entity, the  
560 [Ethics Board](#)'s Executive Director shall provide to the appointee all  
561 pertinent information concerning [Ethics Board](#) member's authority  
562 and duties and [Ethics Board](#) operations.  
563

564 (f) SIX-YEAR TERM: Except as provided in [sec. 9.07\(1\)\(c\)](#), a member shall be  
565 nominated and appointed for a term of six (6) years.  
566

567 (g) LIMIT OF TWO CONSECUTIVE TERMS: A member shall be limited to two  
568 (2) consecutive terms but in no event shall a member be appointed for more than  
569 twelve (12) consecutive years.  
570

571 (h) ELECTION OF CHAIR AND VICE CHAIR: The Chair and vice chair shall be  
572 elected annually at the Annual Meeting, pursuant to [sec. 9.07\(3\)\(b\)](#). In the event  
573 of a vacancy in the office of chair, the [Ethics Board](#) shall elect the Chair in a  
574 properly convened meeting and in open session pursuant to [sec. 9.07\(3\)\(c\)\(2\)](#).  
575

576 (i) MEMBER CANNOT BE COUNTY PUBLIC OFFICIAL OR EMPLOYEE: A  
577 member shall not hold any other public office or employment in the government  
578 of the county while serving on the [Ethics Board](#).  
579

580 (j) CANDIDATES FOR PUBLIC OFFICE MUST RESIGN: A member of the  
581 [Ethics Board](#) who officially files as a candidate for public office while serving on  
582 the [Ethics Board](#) must resign his/her position on the [Ethics Board](#) or be subject to  
583 removal by the [Ethics Board](#).  
584

585 (k) REMOVAL OF BOARD MEMBERS ONLY FOR CAUSE: Removal from the  
586 [Ethics Board](#) shall be for cause, according to the rules and procedures of the  
587 [Ethics Board](#).  
588

589 (2) APPOINTMENT OF EXECUTIVE DIRECTOR AND ADDITIONAL PERSONNEL: The  
590 [County Executive](#) shall appoint, subject to confirmation by the [County Board](#), an Executive  
591 Director who shall perform such duties as the [Ethics Board](#) assigns to him/her. The [County](#)  
592 [Board](#) shall provide such additional personnel as may be required in the administration of  
593 this chapter and execution of the duties of the [Ethics Board](#).  
594

595 (3) (a) FOUR (4) MEETINGS PER YEAR: The [Ethics Board](#) shall meet at least four  
596 times per year.  
597

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598 (b) FEBRUARY ANNUAL MEETING: A February meeting will be designated as  
599 the Annual Meeting of the [Ethics Board](#).

600  
601 (c) METHOD OF CALLING MEETINGS: All mandatory or additional meetings of  
602 the [Ethics Board](#):

- 603 1. shall be called by the Chair; or
- 604 2. by a minimum of three (3) members of the [Ethics Board](#) upon written  
605 request by the Executive Director.

606 (4) AFFIRMATIVE VOTE FOR ACTION. Any action by the [Ethics Board](#) shall require  
607 an affirmative vote of four (4) members.  
608

## 609 9.08 DUTIES OF THE ETHICS BOARD

610  
611  
612 (1) AUTHORITY: The [Ethics Board](#) shall serve as the primary authority for interpreting  
613 the Code, for applying the Code to written requests for Advisory Opinions and Formal  
614 Opinions, for deciding the outcome of Verified Complaints, for conducting meetings and  
615 for establishing policies and procedures for internal operations except for the provisions  
616 of [sec. 9.09\(3\)](#) relating to the [Corporation Counsel](#).  
617

618  
619 (2) WRITTEN RULES OF POLICY AND PROCEDURES: The [Ethics Board](#) shall adopt  
620 such written rules of policy and procedure to execute its duties and obligations under  
621 this chapter. The [Ethics Board](#) rules shall be made available for public inspection and  
622 reference.  
623

624  
625 (3) FORMS: The [Ethics Board](#) shall prescribe and make available forms for use under  
626 this chapter.  
627

628 (4) RECORDS FOR PUBLIC INSPECTIONS: The [Ethics Board](#) shall accept and file  
629 and have available for public inspection any information related to the purposes of this  
630 chapter which is supplied by any person, in addition to the information required by this  
631 chapter excepting that which this chapter provides is not to be made available for public  
632 inspection or scrutiny.  
633

634 (5) PRESERVE STATEMENTS OF ECONOMIC INTERESTS FOR SIX YEARS: The  
635 [Ethics Board](#) shall preserve the [Statements of Economic Interests](#) filed with the [Ethics](#)  
636 [Board](#) for a period of six (6) years from the date of receipt in such form as will facilitate  
637 document retention.  
638

639 (6) REPORT OF INQUIRY TO INDIVIDUAL WHO FILED STATEMENT OF ECONOMIC  
640 INTERESTS: The [Ethics Board](#) shall report in writing to the individual who filed a  
641 [Statement of Economic Interests](#), as soon as possible, the identity of any individual  
642 seeking to copy or obtain information from a [Statement of Economic Interests](#). This  
643 subsection does not apply to the [Ethics Board](#) or to any individual acting on behalf of  
644 the [Ethics Board](#).  
645

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647

648 **(7) FILE AND COMMUNICATE DETERMINATIONS:** The [Ethics Board](#) shall file and  
649 publicly communicate the determinations of Verified Complaints and formal opinions,  
650 according to the provisions of [sec.9.09](#).

651  
652 **(8) RETAIN ADVISORY OPINIONS:** The [Ethics Board](#) shall retain Advisory Opinion  
653 requests and opinions, according to the provisions of [sec.9.09](#).

654  
655 **(9) PREPARE AND FILE ANNUAL REPORT:**

656  
657 **(a)** The [Annual Report](#) shall be prepared and approved by the [Ethics Board](#) no  
658 later than April 1 of each succeeding year.

659  
660 **(d)** The [Annual Report](#) shall be submitted to the [County Executive](#) and the  
661 [County Board](#).

662  
663 **(e)** The [Annual Report](#) will report on the [Ethics Board](#)'s actions, compliance with  
664 prescribed duties, operations and activities during the preceding calendar  
665 year, including a summary of its determinations, a synopsis of each Advisory  
666 Opinion issued under [sec.9.09](#) of the code, a synopsis of each finding by the  
667 [Ethics Board](#) that a violation of the Code was committed, and the current and  
668 complete text of all opinions issued by the [Ethics Board](#).

669  
670 **(d)** Such synopses shall be redacted to remove names and any other information  
671 that would disclose identifying information of any individual county public  
672 official or employee seeking the Advisory Opinion or any person or entity  
673 discussed in the Advisory Opinion.

674  
675 **(10) PUBLIC EDUCATION:** Assist and cooperate with other county entities in the public  
676 education regarding the Code, amendments to the code, and advisory and formal opinions  
677 issued by the [Ethics Board](#).

678  
679 **(11) RETAIN EXPERTS:** Retain outside counsel, hearing examiners, and other experts as  
680 needed after solicitation of recommendations from [Corporation Counsel](#) and upon such  
681 contract for services approved for form and content by [Corporation Counsel](#).

682  
683 **(12) CONDUCT INVESTIGATIONS:** Conduct investigations, order hearings of Verified  
684 Complaints and hear cases of Verified Complaints.

685  
686 **9.09 ADVISORY OPINION, FORMAL OPINIONS, CORPORATION COUNSEL**  
687 **OPINIONS, INVESTIGATION REQUESTS AND VERIFIED COMPLAINTS**

688  
689 **(1) ADVISORY OPINION**

690  
691 **(a) REQUEST FOR ADVISORY OPINION:** A request may be made of the [Ethics](#)  
692 [Board](#) for an Advisory Opinion:

693  
694 **(i)** By any individual, either personally or on behalf of an organization or  
695 governmental body, regarding the propriety of any matter to which the  
696 person is or may be engaged in as provided by [sec. 9.09](#).

697  
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699 (ii) By any appointing authority, with the consent of a prospective  
700 appointee to a county office or position of employment in county service,  
701 regarding the propriety of any matter in which the prospective appointee is  
702 or may be engaged, as provided under [sec. 9.09](#).  
703

704 (i) Or an advisory opinion may be requested from the [Government](#)  
705 [Accountability Board](#) by the [Corporation Counsel](#) as provided in [9.09\(3\)](#).  
706

707 **(b) ADVISORY OPINION REQUESTS CLOSED FROM PUBLIC INSPECTION:**

708 Requests for Advisory Opinions, records obtained or filed in connection with  
709 requests for such Advisory Opinions and Advisory Opinions rendered by the  
710 [Ethics Board](#) shall be closed to public inspection.  
711

712 (c) The [Ethics Board](#) shall review a request for an Advisory Opinion and may  
713 advise a person or organization making the request.  
714

715 (i) Advisory Opinion requests shall be in writing.  
716

717 (ii) Advisory Opinion requests are not “public records” pursuant to [Ch. 19](#)  
718 [Wis. Stats.](#), unless the person or organization requesting the Advisory  
719 Opinion or the person who is the subject of the Advisory Opinion requests,  
720 in writing, that the matter be made part of the public record.  
721

722 (iii) It is prima facie evidence of intent to comply with this chapter when a  
723 person refers a matter to the [Ethics Board](#) and abides by the [Ethics](#)  
724 [Board](#)'s Advisory Opinion, if the material facts are as stated in the written  
725 opinion request.  
726

727 (iv) The [Ethics Board](#)'s deliberations and actions upon such  
728 requests shall be in properly noticed meetings and held in closed session,  
729 pursuant to state statute, unless the person or organization requesting the  
730 Advisory Opinion or the person who is the subject of the Advisory Opinion  
731 requests, in writing, that the matter be heard and deliberated in open  
732 session.  
733

734 (v) No member or employee of the [Ethics Board](#) may make  
735 public the identity of the individual requesting an Advisory Opinion or of  
736 individuals or organizations mentioned in the opinion.  
737

738 (vi) Advisory Opinion shall be written and provided to the  
739 requesting party. The written Advisory Opinion and the records obtained  
740 or filed in connection with requests for such Advisory Opinion shall be filed  
741 with the [Ethics Board](#) and closed to public inspection.  
742

743 (vii) This provision shall not be interpreted to preclude the [Ethics](#)  
744 [Board](#) from compiling or publishing summaries of Advisory Opinions that  
745 are redacted to remove any information that would disclose the identity of  
746 any individual or organization.  
747

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749

750 **(2) FORMAL OPINIONS.**

751

752 The [Ethics Board](#) may issue a Formal Opinion interpreting the Ethics Code or applying  
753 the Ethics Code to postulated facts without a request from a county public official or  
754 employee. This process allows the Board to interpret the application of the Code to a  
755 universal concern and to address an issue that might not otherwise be raised in an  
756 Advisory Opinion request, Investigation Request or a Verified Complaint. Formal  
757 Opinions serve as an educational tool for Code compliance and a means for persons to  
758 avoid engaging in an activity that might otherwise become a matter for the Investigation  
759 Request or the Verified Complaint processes.

760

761 **(a)** If the [Ethics Board](#) determines that a Formal Opinion would provide useful  
762 guidance on an issue of broad concern or assist individuals who are subject to  
763 the Code to comply with its terms, the [Ethics Board](#) shall adopt a resolution to  
764 that effect which identifies the issue the [Ethics Board](#) intends to address.

765

766 **(b)** Upon adoption of such a resolution, the [Ethics Board](#) shall discuss that issue  
767 in a properly noticed meeting pursuant to the Open Meetings law.

768

769 **(c)** Formal Opinions shall be written, filed with the [Ethics Board](#), included in the  
770 Annual Report and public record and provided for public inspection.

771

772 **(d)** The records obtained or filed in connection with Formal Opinion resolutions  
773 shall be filed with the [Ethics Board](#) and available for inspection.

774

775 **(3) CORPORATION COUNSEL OPINIONS**

776

777 **(a)** A county public official or employee or other person may request in writing  
778 that the [Ethics Board](#) obtain an Advisory Opinion from the [Corporation Counsel](#)  
779 regarding the application of this chapter to a given set of circumstances.

780

781 **(b)** The [Ethics Board](#) may request in writing an Advisory Opinion from  
782 [Corporation Counsel](#).

783

784 **(c)** Any written Advisory Opinion requested of [Corporation Counsel](#) under this  
785 section is subject to the provisions and process of [sec. 9.09 \(1\)](#).

786

787 **(d)** The [Ethics Board](#) may authorize the [Corporation Counsel](#) to act in its stead in  
788 instances where delay is of substantial inconvenience or detriment to the  
789 requesting party. In such instances it is prima facie evidence of intent to comply  
790 with this chapter when the requesting party abides by the [Corporation Counsel](#)'s  
791 written Advisory Opinion, if the material facts are as stated in the written opinion  
792 request.

793

794 **(e)** The [Corporation Counsel](#) may request an advisory opinion under [5.05\(6a\)](#) of  
795 Wis. Statutes from the [Government Accountability Board](#) when requested by the  
796 [Ethics Board](#) or [County Board](#).

797

798

799

800

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801 **(4) INVESTIGATION REQUESTS AND VERIFIED COMPLIANTS**

802  
803 **(a) INVESTIGATION REQUESTS AND VERIFIED COMPLAINTS IN WRITING:**  
804 Investigation Requests shall be in writing and signed. The [Ethics Board](#) shall  
805 review them. Verified Complaints shall be in writing and sworn to as provided in  
806 [sec. 9.02\(20\)](#). The [Ethics Board](#) shall review them.

807  
808 **(b) TIMELY FILING REQUIRED:** Pursuant to [Ch.19 Wis. Stats.](#), when an  
809 Investigation Request or Verified Complaint is filed it does not become part of the  
810 public record. No action may be taken on any Verified Complaint that is filed later  
811 than 3 years after a violation of the Code is alleged to have occurred. On-going  
812 alleged violations that began earlier than three years after being alleged in an  
813 Investigation Request or Verified Complaint may be reviewed to the point of  
814 origination, included in the hearing on the Verified Compliant, and be found to be  
815 violations of the Code.

816  
817 **(c) REFERRAL TO THE DISTRICT ATTORNEY:** After filing with the [Ethics](#)  
818 [Board](#), a copy of the Verified Compliant shall be provided to the [District Attorney](#).  
819 The [Ethics Board](#) will not act on the Verified Complaint if a delay is requested by  
820 the [District Attorney](#). A copy of any Investigation Request shall be provided to the  
821 [District Attorney](#) after the Investigation Request is approved by the [Ethics Board](#).  
822 The [Ethics Board](#) shall delay further action on the Investigation Request if  
823 requested by the [District Attorney](#).

824  
825 **(d) RELEASE BY DISTRICT ATTORNEY:** The [Ethics Board](#) may review the  
826 Verified Complaint when released by the [District Attorney](#).

827  
828 **(e) NOT PUBLIC RECORDS:** Investigation Requests and Verified Complaints  
829 are not “public records” unless the person who is the subject of the Investigation  
830 Request or Verified Complaint requests, in writing, that the matter be made part  
831 of the public record.

832  
833 **(f) NOTIFICATION TO ACCUSED:** Within 10 days of receiving a Verified  
834 Complaint or approving an Investigation Request, the board shall forward to the  
835 subject of the Investigation Request or Verified Complaint a copy of it and a  
836 general statement of the applicable Code provisions with respect to such  
837 Investigation Request or Verified Compliant unless a delay is requested by the  
838 [District Attorney](#).

839  
840 **(g) COMPLIANCE WITH OPEN MEETING LAW:** The [Ethics Board](#)’s  
841 deliberations and actions upon such Investigation Request or Verified Complaint  
842 shall be in properly noticed meetings and held in closed session, pursuant to  
843 state statute, unless the person who is the subject of the Investigation Request or  
844 Verified Complaint requests, in writing, that the matter be heard and deliberated  
845 in open session.

846  
847 **(h) NO DISCLOSURE OF IDENTITY:** No member or employee of the [Ethics](#)  
848 [Board](#) may make public the identity of the individual submitting the Investigation  
849 Request or Verified Complaint or of individuals or organizations mentioned in the  
850 Investigation Request or Verified Complaint.

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852 (i) REVIEW IN CLOSED SESSION: The review of the Investigation Request or  
853 Verified Complaint shall proceed in closed session.

854  
855 (j) WRITTEN DECISIONS: Decisions on Investigation Requests or Verified  
856 Complaints shall be written and provided to the subject of the Investigation  
857 Request or Verified Complaint and filed with the [Ethics Board](#).

858  
859 i. If the [Ethics Board](#) determines that the review of the Investigation  
860 Request or Verified Complaint does not produce facts sufficient to merit a  
861 conclusion that a violation of the Code has occurred, it shall take no  
862 further action on the Request or shall dismiss the Complaint and notify the  
863 subject of the Investigation Request or Verified Complaint.

864  
865 ii. If the Board determines that the Investigation Request provides a basis  
866 for finding probable cause exists sufficient to constitute a violation of the  
867 Code, the [Ethics Board](#) may make, upon its own motion in closed session,  
868 a Verified Complaint. It shall be in writing, and shall state the alleged  
869 specific acts or omissions constituting a violation of the Code by an  
870 identified person subject to the Code. Such Verified Complaint would  
871 follow the provisions of [sec. 9.10](#) et. seq.

872  
873 (k) HARASSMENT DISCLOSURE: If the Board determines that the Investigation  
874 Request or Verified Complaint was brought for harassment purposes, the Board  
875 shall so state.

876  
877 (l) NOT PUBLIC RECORDS: Investigation Requests or Verified Complaints that  
878 do not result in decisions that an alleged code violation exists would not be  
879 “public records.” This provision shall not be interpreted to preclude the [Ethics](#)  
880 [Board](#) from compiling or publishing a summary of the unsubstantiated  
881 Investigation Requests that are redacted to remove any information that would  
882 disclose the identity of any individual or organization.

883  
884 (m) PUBLIC RECORDS: Verified Complaints that result in findings of Code  
885 violations would become “public records” upon completion of all [Ethics Board](#)  
886 proceedings.

## 887 888 **9.10 PRELIMINARY CONFERENCE**

### 889 890 **(1) PRELIMINARY CONFERENCE:**

891  
892 (a) VOLUNTARY RESOLUTION: Every effort should be made to voluntarily  
893 resolve an allegation that the Ethics Code has been violated.

894  
895 (b) BOARD PROCEDURE: Following the release by the [District Attorney](#), an  
896 Investigation Request or a Verified Complaint that provides a reasonable basis for  
897 the belief that a violation of the Code has or might have occurred or is ongoing, the  
898 [Ethics Board](#) shall schedule a preliminary conference during the closed session of  
899 a properly noticed [Ethics Board](#) meeting.

900  
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902 (c) The [Ethics Board](#) shall notify both the person who filed the Investigation  
903 Request or Verified Complaint and the person who is the subject of the Request or  
904 the Complaint that a Preliminary Conference has been scheduled for closed  
905 session.

906  
907 (d) The [Ethics Board](#) shall state in the notice the nature and purpose of the  
908 Preliminary Conference and the actions or activities to be discussed, and that  
909 those notified of the Conference may bring evidence or witnesses with them for  
910 review.

911  
912 (e) The [Ethics Board](#) shall confer with each party separately.

913  
914 1. The [Ethics Board](#) shall administer an oath to each person appearing in  
915 the matter.

916  
917 2. The person who submitted the Investigation Request or the Verified  
918 Compliant shall meet with the [Ethics Board](#) first.

919  
920 3. The person(s) who is subject to the Investigation Request or Verified  
921 Complaint shall meet subsequently with the [Ethics Board](#).

922  
923 4. If the [Ethics Board](#) needs additional information it may pursue it on its  
924 own. The [Ethics Board](#) also shall provide both persons-- the person who  
925 submitted the Investigation Request or Verified Complaint and the  
926 subject(s) of the Investigation Request or Verified Complaint, additional  
927 time for submission of any further evidence or witness appearance. If  
928 necessary, the [Ethics Board](#) shall extend the Preliminary Conference and  
929 establish an additional meeting time to complete the Preliminary  
930 Conference.

931  
932 5. After obtaining all the information it needs, the [Ethics Board](#) will  
933 deliberate in closed session without either or any of the parties present.

934  
935 **(2) PRELIMINARY CONFERENCE OUTCOMES:**

936  
937 (a) **DISMISSAL**: If the [Ethics Board](#) determines that probable cause does not  
938 exist to find that a violation of the Code has occurred or that the matter does not  
939 warrant further action, it shall dispose of the Investigation Request or Verified  
940 Complaint through written dismissal.

941  
942 (b) **DISMISSAL WITH CONDITIONS**: If the [Ethics Board](#) determines during the  
943 course of the Preliminary Conference that the subject of the Investigation  
944 Request or Verified Complaint recognizes that a minor violation of the Code has  
945 occurred, which has been rectified or will be rectified, the [Ethics Board](#) may enter  
946 into a stipulation with the subject of the Investigation Request or the Verified  
947 Complaint, and shall issue a written dismissal of the Request or Complaint on  
948 condition that the matter can be reopened if similar or other minor violations  
949 occur within three years. The stipulation will remain part of the closed record.

950  
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952 **(c) SETTLEMENT:** If the [Ethics Board](#) determines during the course of the  
953 Preliminary Conference that actions or omissions of the subject of the  
954 Investigation Request or Verified Complaint constitute significant violations of the  
955 Code, it may enter into a settlement pursuant to [sec. 9.13](#).

956  
957 **(d) INVESTIGATION REQUEST: ORDER TO HEARING:** If the [Ethics Board](#)  
958 determines during the course of the Preliminary Conference that actions or  
959 omissions of the subject of the Investigation Request constitute significant  
960 violations of the Code, it may, on its own motion, file a Verified Complaint and  
961 shall issue an order to proceed to the hearing process and set a date for a  
962 hearing to determine whether a violation of the Code has occurred.

963  
964 **(e) VERIFIED COMPLAINT: ORDER TO HEARING:** If the [Ethics Board](#)  
965 determines during the course of the Preliminary Conference that the actions or  
966 omissions of the subject of the Verified Complaint constitute violations of the  
967 Code, it shall issue an order to proceed to a hearing to determine whether a  
968 violation of the Code has occurred.

969  
970 **(f) AMENDMENT:** If the [Ethics Board](#) determines during the course of the  
971 Preliminary Conference that violation(s) of the Code allegedly exist, other than  
972 the violations alleged in the Investigation Request or Verified Complaint, it may  
973 draft or amend the Investigation Request or Verified Complaint, upon its own  
974 motion, to include such violation(s).

975  
976 **(3) PREHEARING PROCESS:**

977  
978 **(a) NOTICE AND COPY OF ORDER:** The [Ethics Board](#) shall mail a copy of the  
979 order to proceed to a hearing to each subject of the Verified Complaint who is  
980 identified in the motion together with a notice informing the subject of the Verified  
981 Complaint that the matter will proceed to the hearing process. The notice shall  
982 include the written motion, a general statement of the applicable provisions of the  
983 Code that will be considered at the hearing and the date set for the hearing. Service  
984 of the notice is complete upon mailing.

985  
986 **(b) HEARING WITHIN 30 DAYS:** A hearing ordered under this subsection shall be  
987 commenced within 30 days after the date it is ordered unless the subject(s) of the  
988 Verified Complaint and hearing order petition(s) in writing for a later date and the  
989 Board consents in writing.

990  
991 **(c) DISCOVERY RIGHTS:** Prior to convening any hearing ordered under this  
992 subsection the subject(s) of the Verified Complaint and hearing order is entitled to  
993 reasonable discovery rights including adverse examination of witnesses who will  
994 testify at the hearing at a reasonable time before the date of the hearing.

995  
996 **(d) EXCULPATORY EVIDENCE:** The [Ethics Board](#) shall inform the subject(s) of the  
997 Verified Complaint and the hearing order of his/her/their counsel of exculpatory  
998 evidence in its possession.

999  
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1003 **9.11 HEARING PROCEDURE**

1004  
1005 **(1)** During any hearing the members of the [Ethics Board](#) will be the finders of fact,  
1006 decide the conclusions of law and issue orders. They will determine whether a violation  
1007 of the Code has occurred. All evidence that the [Ethics Board](#) considers shall be fully  
1008 offered and made a part of the record in the proceedings. The subject(s) of the hearing  
1009 or any other person under investigation shall be afforded an adequate opportunity to  
1010 rebut or offer countervailing evidence

1011  
1012 **(2)** The [Ethics Board](#) shall appoint a hearing examiner to conduct the hearing. The  
1013 [Ethics Board](#) may also retain outside counsel and other experts as needed with respect  
1014 to the hearing, in accordance with its policies. The selection of a hearing examiner and  
1015 outside counsel or other experts and any contract for such persons shall be made after  
1016 solicitation of recommendations from [Corporation Counsel](#) and the contract shall be  
1017 approved for form and content by [Corporation Counsel](#).

1018  
1019 **(3)** Any person, other than the subject(s) of the hearing, whose name is mentioned or  
1020 who is otherwise identified during a hearing being conducted by the [Ethics Board](#), and  
1021 who, in the opinion of the [Ethics Board](#), may be adversely affected thereby, may, upon  
1022 written request of the person or counsel of the person, or upon the request of any  
1023 member of the [Ethics Board](#), appear at the hearing to testify on his or her own behalf or  
1024 have counsel appear to represent his/her interests, and the [Ethics Board](#) may permit  
1025 any other person to appear and testify at a hearing.

1026  
1027 **(4)** Chapters [901](#) to [911](#), Wis. Stats., apply to the admission of evidence at the hearing.

1028  
1029 **(5)** The [Ethics Board](#) shall not find a violation of the Code except upon clear and  
1030 convincing evidence admitted at the hearing, according to an affirmative vote of four  
1031 member of the [Ethics Board](#).

1032  
1033 **(6)** The hearing examiner during the hearing on behalf of and/or at the behest of the  
1034 [Ethics Board](#) shall have the power to require any person to submit, in writing, such  
1035 reports and answers to questions relevant to the proceedings conducted under the  
1036 Code as the [Ethics Board](#) may prescribe, such submission to be made within such  
1037 reasonable time period and under oath or otherwise as the [Ethics Board](#) may  
1038 determine. The hearing examiner shall have the power:

1039  
1040 **(a)** To administer oaths and to require by subpoena the attendance and  
1041 testimony of witnesses and the production of any documentary evidence relating  
1042 to the hearings being conducted.

1043  
1044 **(b)** To order testimony to be taken by deposition before any individual who has  
1045 the power to administer oaths and, in such instances, to compel testimony and  
1046 the production of evidence.

1047  
1048 **(c)** To order the payment of witnesses the same fees and mileage as are paid in  
1049 like circumstances by the courts of this state.

1050  
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1052 (d) To request and obtain from the department of revenue copies of state income  
1053 tax returns and access to other appropriate information regarding all persons  
1054 who are the subject of the hearing pursuant to [Chapter 19 Wis. Stats.](#)  
1055

1056 (7) During the hearing the subject(s) of the hearing proceedings or the subject(s) of the  
1057 Verified Complaint may be represented by counsel of his or her own choosing.  
1058

1059 (8) During the hearing, the subject(s) of the hearing or his or her or their counsel, if any,  
1060 shall have an opportunity to examine all documents admitted at the hearing, to bring  
1061 witnesses, to establish all pertinent facts and circumstances, to question or refute  
1062 testimony or evidence, including the opportunity to confront and cross examine adverse  
1063 witnesses, and shall otherwise be able to exercise reasonable discovery.  
1064

1065 (9) After the conclusion of the hearing the [Ethics Board](#) shall as soon as practicable  
1066 begin deliberations on the evidence presented at such hearing and shall then proceed  
1067 to determine whether the subject(s) of the hearing violated the Code.  
1068

## 1069 **9.12 FINDINGS OF FACT AND CONCLUSIONS; ORDERS AND** 1070 **RECOMMENDATIONS**

1071  
1072 (1) If the [Ethics Board](#) determines that no violation of the Code has occurred, it shall  
1073 immediately send written notices of such determination to the subject(s) of the hearing.  
1074 Such a determination will not become part of the public record.  
1075

1076 (2) If the [Ethics Board](#) determines that a violation of the Code has occurred it must  
1077 prepare its findings of fact and conclusions of law that a violation(s) of the Code  
1078 occurred, and it must make one or more of the following orders and recommendations:  
1079

1080 (a) An order requiring the subject of the hearing to conform his/her conduct to the  
1081 Code.  
1082

1083 (b) An order requiring an individual who has been determined to have violated the  
1084 Code to forfeit an amount not less than one hundred dollars (\$100) nor more than  
1085 one thousand dollars (\$1,000) for each violation of the Code, along with a payment  
1086 deadline.  
1087

1088 (c) An order for the specified return of county property or funds or gifts and/or  
1089 restitution for the value of gifts, property and funds procured , obtained or retained  
1090 as a result of the Code or in violation of the Code.  
1091

1092 (d) Such other recommendation(s) or order(s) as may be necessary, appropriate  
1093 and consistent with the intent and purposes of the Code.  
1094

1095 (e) An order in any case when the [Ethics Board](#) determines that a violation has  
1096 occurred that includes, when the determination warrants, a recommendation that  
1097 the subject of the order be censured, suspended or removed from office or  
1098 employment.  
1099

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1101 (i) In the case of a county public official, a recommendation shall be made to the  
1102 appropriate appointing authority or county body that may censure, suspend or  
1103 take action to remove the official from office or employment.

1104  
1105 (ii) In the case of a county employee, a recommendation shall be made to  
1106 the appropriate appointing authority or county body that the county  
1107 employee be disciplined or discharged.

1108  
1109 (f) An order that the findings of fact, conclusions of law and orders be made part of  
1110 the public record, including instructions that certain information should be sealed or  
1111 redacted based on the need to protect persons and documents that in the judgment  
1112 of the [Ethics Board](#) should not be part of the public record.

1113  
1114 (3) The [Corporation Counsel](#), when so requested by the [Ethics Board](#), shall institute a  
1115 civil proceeding under [Chap. 778 Wis. Stats.](#), to recover any forfeiture, restitution or  
1116 declaratory order incurred under this section which has not been timely complied with  
1117 by the subject of the order. Any forfeiture or other funds recovered under this section  
1118 shall be remitted to the county treasurer. Any property ordered returned shall be  
1119 returned to the county department or entity from which the property was taken, or to any  
1120 other person or entity providing a gift.

1121  
1122 (4) No county entity, public official or employee shall authorize the subrogation of  
1123 forfeitures, funds, restitution, attorney fees and costs, or anything of value to assist a  
1124 person subject to a finding in an [Ethics Board](#) hearing order.

### 1125 1126 **9.13 SETTLEMENTS**

1127  
1128 (1) **AUTHORITY:** The [Ethics Board](#) may compromise and settle any action or potential  
1129 action or a violation of the Ethics Code on such terms as may be agreed upon between  
1130 the [Ethics Board](#) and the subject of the investigation or hearing. A compromise and  
1131 settlement under this section may include any of the orders or recommendations which  
1132 the [Ethics Board](#) is authorized to make under [sec. 9.13](#) of the Ethics Code.

1133  
1134 (2) **WRITTEN AGREEMENT:** Whenever the [Ethics Board](#) enters into a compromise and  
1135 settlement agreement under this section with an individual who has been alleged to  
1136 have violated the Ethics Code in an Investigation Request or Verified Complaint or who  
1137 is subject to the hearing process for a possible violation of the Ethics Code, the [Ethics](#)  
1138 [Board](#) shall reduce the agreement to writing for signature by the [Ethics Board](#) chair and  
1139 by the subject of the investigation or Verified Complaint process. The [Ethics Board](#)  
1140 shall also prepare a written statement of the findings of the [Ethics Board](#) concerning the  
1141 alleged violation and the [Ethics Board](#)'s reasons for entering into the agreement, which  
1142 statement shall be retained as part of the public record.

1143  
1144 (3) **FOUR VOTES REQUIRED:** A written settlement agreement can be entered into by  
1145 the [Ethics Board](#) only upon the affirmative vote of four members of the [Ethics Board](#).

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1152 **9.14 HONORARIUMS, FEES AND EXPENSES**

1153  
1154 **(1)** Every county elected official, appointed official or employee is encouraged to meet  
1155 with clubs, conventions, special interest groups, political groups, school groups, and  
1156 other gatherings to discuss the affairs of the county relative to the duties of that official  
1157 or employee. Such public officials and employees present at such meeting relative to  
1158 their duties as a public official or employee shall avoid accepting anything of value, not  
1159 including the value of food and beverage offered coincidentally with a talk or meeting, if  
1160 it could reasonably be expected to influence the public official's or employee's vote,  
1161 official actions or judgment, or could reasonably be considered as a reward for any  
1162 official action or inaction or omission by the public official or employee.

1163  
1164 **(2) (a)** Except as provided for in [paragraph \(b\)](#), every county public official or  
1165 employee who is required to file a [Statement of Economic Interests](#), pursuant to  
1166 sec. 9.03 and who receives any lodging, transportation, money, or other thing with a  
1167 combined pecuniary value exceeding fifty dollars (\$50.00), not including the value  
1168 of food or beverage offered coincidentally with a talk or meeting, shall report on  
1169 his/her [Statement of Economic Interests](#) the identity of every person from whom the  
1170 county public official received such lodging, transportation, money, or other things  
1171 during the preceding taxable year, the circumstances under which it was received,  
1172 and the approximate value thereof.

1173  
1174 **(b)** A county public official or employee need not report on his/her [Statement of](#)  
1175 [Economic Interests](#) under [paragraph \(a\)](#) any compensation, reimbursement, or  
1176 payment which:

1177  
1178 **(i)** The county public official or employee returns to the payer within thirty (30)  
1179 days of receipt;

1180  
1181 **(ii)** The county public official or employee can show by clear and convincing  
1182 evidence was made for a purpose unrelated to the purposes specified in  
1183 [subsection \(1\)](#) and unrelated to the duties or responsibilities of the position of the  
1184 public official or employee;

1185  
1186 **(iii)** The county public official or employee has previously reported to the [Ethics](#)  
1187 [Board](#) as a matter of public record; or

1188  
1189 **(iv)** The county public official or employee is paid by that branch of county  
1190 government or county department or agency in which the public official or  
1191 employee is empowered or to which he/she has been elected.

1192  
1193 **(3)** Notwithstanding [sec. 9.05](#), a county public official or employee may receive and  
1194 retain reimbursement or payment of actual and reasonable expenses for a published  
1195 work or for participation in a meeting and may receive and retain reasonable  
1196 compensation if the work is published or the activity is accomplished by the county  
1197 public official or employee without the use of the county's time or resources or property  
1198 and outside the course of his/her official duties.

1199  
1200  
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1202 (4) If any county public official or employee, whether or not required to file a [Statement](#)  
1203 [of Economic Interests](#), receives a payment not authorized by the Code, in cash or  
1204 otherwise, for a published work or talk or meeting, the county public official or employee  
1205 may not retain that payment. The county public official or employee shall deposit that  
1206 payment in the general revenue account of the county, or the county public official or  
1207 employee shall return that payment or its equivalent to the payer pursuant to [sec.](#)  
1208 [9.14\(2\)\(b\)\(i\)](#). If the county public official or employee is required to file a [Statement of](#)  
1209 [Economic Interests](#), he/she shall report the payment prohibited by the provision when  
1210 filing his/her next required [Statement of Economic Interests](#).

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County Ordinance No. 08-8

1215

File No. 06-283(a)(a)

1216

Adopted by [Milwaukee County Board of Supervisors](#)

1217

June 26, 2008