

MILWAUKEE COUNTY ETHICS BOARD

2010 - ANNUAL ACTIVITIES REPORT

GENERAL INFORMATION

ETHICS BOARD MEMBERSHIP

TERM

David B. Carr, Chairman	(March 2007 to February 28, 2013)
Rebecca K. Blemberg, Vice Chairwoman	(March 2006 to February 28, 2012)
Dr. Helen Sobehart (Replaced Rev. McCray)	(May 2009 to February 28, 2010)
Paul Hinkfuss	(March 2008 to February 28, 2011)
Henry Hamilton III	(March 2009 to February 28, 2014)
Christian Flores	(March 2009 to February 28, 2015)
Marcia Facey (Replaced Dr. Sobehart)	

EXECUTIVE DIRECTOR

Ms. Veronica W. Robinson

MAILING ADDRESS

Milwaukee County Courthouse
Room 212
901 North 9th Street
Milwaukee, Wisconsin 53233

TELEPHONE

(414) 278-5332

STAFF

Administrative Assistant
Administrative Intern

2010 BUDGET

\$76,387 in the 2010 adopted budget.

STATUTORY REFERENCE

Chapter 9, Milwaukee County General Ordinances, and S. 19.59, Wis. Stats.
Chapter 14, Milwaukee County General Ordinances

INTENT

It is the intent of the Milwaukee County Ethics Code that: Government decisions and policy be made in the best interests of the people, the community, and the government; public office not be used for personal gain; and the public have confidence in the integrity of the government.

HISTORY

The Ethics Board and the Ethics Code it administers were created in February 1975. The Code sets forth standards of ethical conduct for all county employees, including elected and appointed officials and members of boards and commissions. The County Board has amended the Code 26 times since its inception, with the most recent amendment occurring in 2008.

ORGANIZATION

Ethics Board

The Board consists of six members appointed by the County Executive and confirmed by the Milwaukee County Board of Supervisors for staggered six-year terms. As of 2008, new members are nominated by one of six outside entities. These authorities are leaders of longstanding, broad-based Milwaukee County entities interested in good government and institutional integrity and included:

- The President of the National Association for the Advancement of Colored People (NAACP)
- Board Chair of Public Policy Forum
- Board Chair of Greater Milwaukee Committee
- President of the Milwaukee Bar Association
- Board Chair of Inter-Faith Conference of Greater Milwaukee
- President of the Board of the League of Women Voters of Greater Milwaukee

The goal of this process is to ensure that the Board members reflect the racial and ethnic diversity of Milwaukee County, serve the residents of Milwaukee County according to their oaths of office, and act independently from the nomination and appointing authorities. An action by the Ethics Board requires an affirmative vote of four members. While serving on the Board and for one year prior to his/her appointment, no member can be a county public official or employee, or have been a candidate for public office.

At the end of 2010, all agencies except the Board Chair of Inter-Faith Conference of Greater Milwaukee and the President of the Board of the League of Women Voters of Greater Milwaukee had a nominee on the Ethics Board.

Executive Director

The Office of the Ethics Board is led by an Executive Director, who is also the Executive Secretary of the Personnel Review Board. Traditionally, the Executive Director has allotted 25% of time to the Ethics Board. However in 2010, as the goals and objectives of the Ethics Board have evolved under the direction of its new Executive Director, the position now represents two full time senior executive positions, dually held. The Executive Director is initially hired as Executive Secretary of the Personnel Review Board. The Secretary is then appointed by the County Executive, subject to confirmation by the full County Board, to the position of Executive Director of the Ethics Board. The position is in the unclassified civil service.

The Executive Director is responsible for performing any duties assigned by the Ethics Board and the Personnel Review Board, as well as strategic planning, budgeting, staff leadership, ethics and other training, and office administration for both Boards.

BOARD RESPONSIBILITIES

The Ethics Board administers the Code of Ethics written for county officials, employees, and members of county boards and commissions, and has three major responsibilities:

- First, the Board directs persons specified, pursuant to the Code, to file Statements of Economic Interests with the Board. These Statements are retained by the Board and are a matter of public record.
- Second, the Board, upon request, advises any county official, employee, or those who do business with county employees on the propriety of matters to which they may become a part, pursuant to the Code.
- Third, the Board accepts verified complaints against and requests to investigate county officials, employees, or members of county boards and commissions. The Board may conduct a preliminary investigation of verified complaints and make a determination of probable cause of a violation of the Code. If the Ethics Board determines charges should be brought against a county employee or public official, the Board appoints a hearing examiner to conduct a hearing. If a violation of the Code is found by the hearing examiner, the Ethics Board may issue orders, which may include a forfeiture up to \$1,000, and/or refer the matter with other recommendations to:
 - the Governor in the case of the County Executive, Sheriff, or Register of Deeds;
 - the Chief Judge to the First Judicial Administrative District of the State of Wisconsin in the case of the Clerk of Circuit Courts;
 - or the County Board in the case of the County Clerk, County Treasurer, or County Supervisor.

BOARD OPERATIONS

During the 12 months covered by this report (calendar year 2010), the Ethics Board met four times pursuant to county ordinance for the purpose of carrying out the Board's assigned duties and responsibilities. The meetings were preceded by public announcements of the time, place and matters to be discussed. Although requests for confidential written advice and investigations must, as a matter of ordinance, be held in closed session, the Board gives public notice of the time, place, and general subject of its closed sessions in conformance with the State Open Meeting law. All other items of the meeting agenda are held in public session.

BUDGET

Annually, along with all other funded departments in the county, the Ethics Board presents its operating budget to the County Executive and appears before the Finance Committee of the County Board seeking County Board appropriations for its operation. In 2010, in an effort to begin to comply with its requirement to provide ethics training and education at Milwaukee County, the Ethics Board budget was increased from \$46,757 to \$76,387.

MEETINGS AND ATTENDANCE

The three-year average board participation rate is 89%. In 2010, the Board achieved 100% meeting attendance of all meetings called. When necessary, Board members have participated in the meetings by conference phone. Additional data is included on page 4.

Board member attendance data

2008		2009		2010	
<u>MEMBER</u>	<u>MEETINGS ATTENDED OF MEETINGS CALLED</u>	<u>MEMBER</u>	<u>MEETINGS ATTENDED OF MEETINGS CALLED</u>	<u>MEMBER</u>	<u>MEETINGS ATTENDED OF MEETINGS CALLED</u>
Daniel Hanley Jr. (Term Ended)	1 of 1 = 100 %	Br. Bob Smith (Resigned)	1 of 1 = 100 %		
Br. Bob Smith	4 of 4 = 100 %	Rev. Trinette McCray (Resigned)	0 of 1 = 0 %	Rebecca Blemberg	4 of 4 = 100 %
Rev. Trinette McCray	4 of 4 = 100%	Rebecca Blemberg	3 of 4 = 75 %	David B. Carr	4 of 4 = 100 %
Rebecca Blemberg	3 of 4 = 75 %	David B. Carr	4 of 4 = 100 %	Paul J. Hinkfuss	4 of 4 = 100 %
David B. Carr	4 of 4 = 100 %	Paul J. Hinkfuss	4 of 4 = 100 %	Christian Flores	4 of 4 = 100 %
Paul J. Hinkfuss	3 of 3 = 100 %	Christian Flores (New)	3 of 3 = 100 %	Henry Hamilton III	4 of 4 = 100 %
		Henry Hamilton III (New)	3 of 3 = 100 %	Marcia Facey (New)	3 of 4 = 100 %
		Dr. Helen Sobehart (New)	1 of 2 = 50 %		
Average Attendance	=96%	Average Attendance	= 78%	Average Attendance	=100%

FINANCIAL DISCLOSURE

One of the Board's principal duties is to administer the financial disclosure provisions of the Code of Ethics. The Code requires that all candidates for elected County offices, all County employees, and all County elected and appointed officials, including members of boards and commissions, “whose duties and responsibilities include the awarding and execution of contracts for the purchase of supplies, services, materials, and equipment for or on behalf of Milwaukee County, for the construction of public works, or for the sale or leasing of real estate,” file a statement of economic interests and affidavit with the Office of the Ethics Board.

Required disclosures on the Statements include:

1. **OFFICES AND DIRECTORSHIPS.** The identity of any organization in which the person who is required to file is an officer, director, or holds a position. Reporting exceptions are positions held in charitable, religious, and educational organizations not doing business with Milwaukee County.
2. **SECURITIES.** The identity of any business organization, municipal or other corporation in which the person required to file owns securities having a value of \$5,000 or more or an interest of 10% or more in such business.
3. **CREDITORS.** The identity of any creditor to whom the person required to file owes \$5,000 or more, and the amount owed.
4. **REAL PROPERTY.** The identity of any real property located in Milwaukee County or a contiguous county in which the person required to file holds an interest valued at \$5,000 or more. Exceptions for reporting are one's own principal residence and any property in which the pro rata share held by the person reporting is less than 10% of the outstanding shares on the real property.

5. **TRANSFERS.** The identity of the type and amount of any securities or real property valued in excess of \$5,000, or 10% of the business or property which the person required to file has transferred his/her ownership to any member of his/her immediate family within two calendar years.

On December 18, 1996, the Ethics Board adopted a policy regarding the standard determining “real estate value” which is: “Value” shall be defined as the last assessment for real estate property tax purposes which has been issued by the public official responsible to assess property valuation for real estate tax purposes. The tax assessment shall be conclusive evidence of the “value” of said real estate unless a challenge to said assessment has been filed by the declarant at the time of the submission of the Statement of Economic Interests.

In 2010, the Board received 295 Statements. The average number of annual filers at Milwaukee County over the last five (5)-year period is 304. Selected statistics related to financial disclosure forms are shown below.

EXAMINATION OF STATEMENTS OF ECONOMIC INTERESTS

Every Statement submitted is reviewed by a member of the staff and has been reviewed by members of the Ethics Board in the past. In 2009 the Board changed its policy of having Ethics Board members review the Statements of Economic Interests. Reviews are now made by staff. Any serious discrepancies are brought to the attention of the Ethics Board for review. Whenever inconsistencies are identified during the review process, additional information may be required from the declarant to bring the Statement into conformity with the law.

All filed Statements are open to public inspection at the Board's office during regular business hours. In this reporting period, 74 requests were made to examine filed Statements. Following a policy of the Ethics Board, requests to examine are made in writing, and persons whose Statements are examined are so notified with the identity of the person requesting inspection. Selected statistics are included on page 5.

SEI PROJECT

The Ethics Board also took steps in 2010 to work in conjunction with IMSD and the Election Commission to establish means by which Statements of Economic Interests could be received electronically. The data could then be managed and housed electronically in the Board's office. Subsequently, the data could be uploaded to an online index of financial relationships modeled after that of the Wisconsin Government Accountability Board's Eye on Financial Relationships.

ANNUAL AFFIDAVIT

Every person required to file a Statement of Economic Interests is also required to file annually a sworn affidavit attesting that the Code has been read and understood, and that they have complied with the provisions of the county's Ethics Code.

SELECTED STATISTICS FROM 2010 DATA

Statements of Economic Interests

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Persons required to file Statement	315	310	307	291	295
Delinquent filing of Statements ¹ – 1 st Reminder Sent	32	50	21	37	32
Delinquent filing of Statements ¹ – 2 nd Reminder Sent	5	28	7	8	3
Delinquent filing of Statements ¹ – 3 rd Reminder Sent	0	11	0	0	0
Delinquency due to ending employment relationship	n/a	6	5	3	11
Requests to review Statements	59	62	103	118	74

Requests for Advice by Persons Subject to the Code

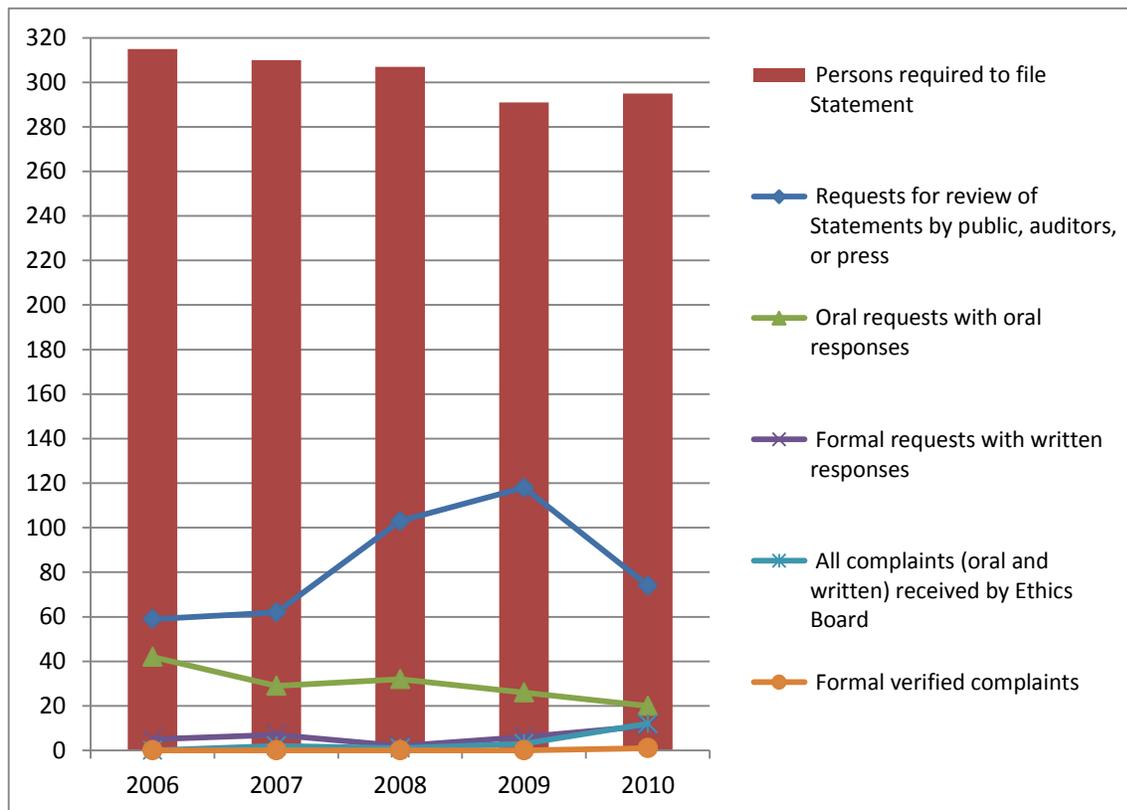
Oral requests with oral responses	42	29	32	26	20
Formal requests with written responses	5	7	2	6	11

Complaints and Investigations

All complaints (oral and written) received by Ethics Board	0	2	1	3	12
Formal verified complaints	0	0	0	0	1
Complaints giving rise to formal investigations	0	0	0	0	0
Referrals for a hearing	0	0	0	0	0

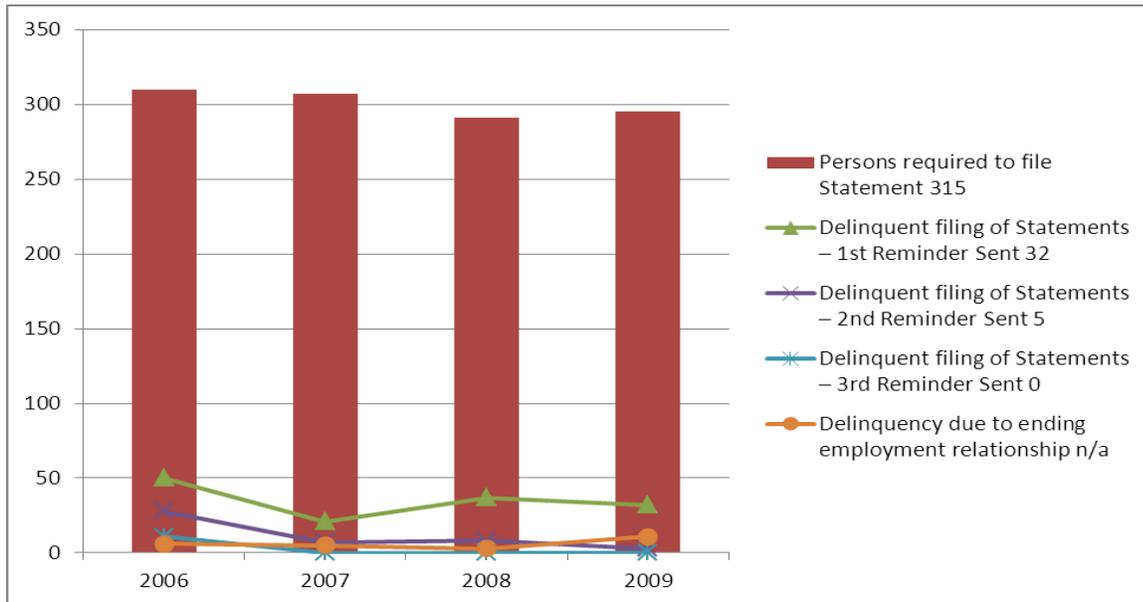
(The above data is presented in graph form on page 6.)

SEI Filing Data



¹ Delinquent filing of Statements totals represents all annual filers and first quarter ONLY totals for quarterly filers. This report does not include data regarding delinquent filing of quarterly statements for the second, third, or fourth quarters.

Delinquency Data



STANDARDS OF CONDUCT

The Code of Ethics for county officials and employees provides:

- A. **NO FINANCIAL GAIN OR ANYTHING OF SUBSTANTIAL VALUE.** Except as otherwise provided or approved by the County Board, no county public official or employee shall use his/her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated. 9.05(2)(a)
- B. **NO PERSON MAY OFFER ANYTHING OF VALUE.** No person shall offer to give to any public official or employee, directly or indirectly, and no public official or employee shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the public official or employee. 9.05(2)(b)
- C. **NO SUBSTANTIAL INTEREST OR BENEFIT.** No public official or employee may:
 1. **Take any official action** substantially affecting a matter in which the public official, employee, a member of his/her immediate family, or an organization with which the public official or employee is associated has a substantial financial interest. 9.05(2)(c)1
 2. **Use his/her office or position** in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the public official, employee, members of the

public official's or employee's immediate family either separately or together, or an organization with which the public official or employee is associated. 9.05(2)(c)2

- D. **NO DISCLOSURE OF PRIVILEGED INFORMATION.** No county public official or employee shall use or disclose privileged information gained in the course of, or by reason of, his/her position or activities which in any way could result in financial gain for himself/herself or for any other person. 9.05(2)(d)
- E. **NO USE OF PUBLIC POSITION TO INFLUENCE OR GAIN UNLAWFUL BENEFITS.** No county public official or employee shall use or attempt to use his/her public position to influence or gain unlawful benefits, advantages, or privileges for himself/herself or others. 9.05(2)(e)
- F. **NO OFFER OR GIFTS OR ANYTHING OF VALUE.** No county public official shall offer or give anything of value to a member or employee of a county department or entity, while that member or employee is associated with the county department or entity, and no member or employee of a department shall solicit or accept from any such person, anything of value from a county official or employee 9.05(2)(f)
- G. **LIMITS ON CONTRACTS WITH COUNTY.** No county public official or employee and no business with which he/she or his/her spouse has a significant fiduciary relationship or organization shall enter into any contract with the county unless that contract has been awarded through a process of public notice and competitive bidding in conformity with applicable federal and state statutes and county ordinances.
9.05(2)(g)
- H. **LIMITS ON LEASE OF REAL ESTATE WITH COUNTY.** No county public official or employee and no business in which that county public official or employee has a ten (10) percent or greater interest shall enter into a lease of real property with the county, except that the county board, upon a publicly filed and considered request, shall waive this subsection when it is in the best interests of the county. 9.05(2)(h)
- I. **NO LIMITS ON LAWFUL PAYMENTS.** Paragraph (c) does not prohibit an elected official from taking any action concerning lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses or prohibit an elected official from taking an official action with respect to any proposal to modify a county ordinance. 9.05 (2)(i)
- J. **NO SOLICITATION OF AT-WILL EMPLOYEES.** No elected county official shall knowingly solicit a campaign contribution from any "at will employee" defined as an employee who is not under union or labor contract with the county, who is hired for an indefinite term or who is under an independent contract with the county or its subparts or who can be discharged for any non-discriminatory reason. 9.05 (2)(j)
- K. **NO CAMPAIGN CONTRIBUTIONS TO COUNTY OFFICIALS WITH APPROVAL AUTHORITY.** No person(s) with a personal financial interest in the approval or denial of a contract or proposal being considered by a county department or with an agency funded and regulated by a county department, shall make a campaign contribution to any county elected official who has approval authority over that contract or proposal during its consideration. Contract or proposal consideration shall begin when a contract or proposal is

submitted directly to a county department or to an agency funded or regulated by a county department until the contract or proposal has reached final disposition, including adoption, county executive action, proceedings on veto (if necessary) or departmental approval. This provision does not apply to those items covered by Section 9.14 unless an acceptance by an elected official would conflict with this section. The language in section 9.05(2)(k) shall be included in all Requests for Proposals and bid documents. 9.05(2)(k)

- L. LIMITS ON HONORARIUMS FEES OR EXPENSES.** No county public official or employee shall accept or solicit an honorariums, fees or expense reimbursements, except in accordance with section 9.14.

The foregoing prohibitions in Section 9.05 are not to be construed to prohibit a County Board Supervisor from making inquiries for information on behalf of or representing a person before any county board, commission, or department in discharge of his/her official duties.

LIMITS ON CONTACT AFTER LEAVING COUNTY SERVICE

The Ethics Code limits contact by employees who have left County service. Specifically:

- Former county officials and employees cannot communicate with the county department with which they were formerly associated as a paid representative for 12 months after leaving public office or county service. 9.05(3)(a)
- Former county officials and employees cannot for 12 months after leaving public office or county service, for compensation, represent any person other than the county in connection with any judicial or quasi judicial proceeding, application, contract, claim, or charge in which the individual was personally and substantially involved as a county public official or employee. 9.05(3)(b)

As part of its education and training efforts – and to ensure that employees leaving county service are aware of this limit on contact – at the direction of its Executive Director the Board’s staff created a brochure for former employees. The brochure was sent to 360 employees who left county service in 2010. Additionally, the brochure was posted on the Ethics Board’s website and its availability was communicated internally to all individuals who might be in a position to ensure that employees leaving County service would receive a copy of the brochure. The Ethics Board continues to periodically request a list of terminated employees and to mail the brochure to them as a proactive means of ensuring that all former employees and officials are aware of the Code’s prohibitions on contact.

The Ethics Board will accept and review written requests for exemption from these prohibitions.

LIMITS ON POLITICAL ACTIVITY

Effective July 17, 2008, prohibitions against political activity were identified in the Ethics Code.

- County public officials and employees are prohibited from wearing or displaying any campaign material, distributing any campaign literature, soliciting contributions for any candidate, engaging in political campaign activities for any candidate or circulating nomination papers for elected office at his or her place of employment while engaged in his or her official duties shall, for the apparent purpose of seeking to elect or defeat a person seeking elective office. 9.06(1).
- County public officials and employees are prohibited from coercing OR attempting to coerce contributions or services from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliating against or rewarding an employee for refraining from participating in any political activity. 9.06(2).

- County public officials and employees are prohibited from promising an appointment to any county position as an apparent reward for any political activity. 9.06(3).

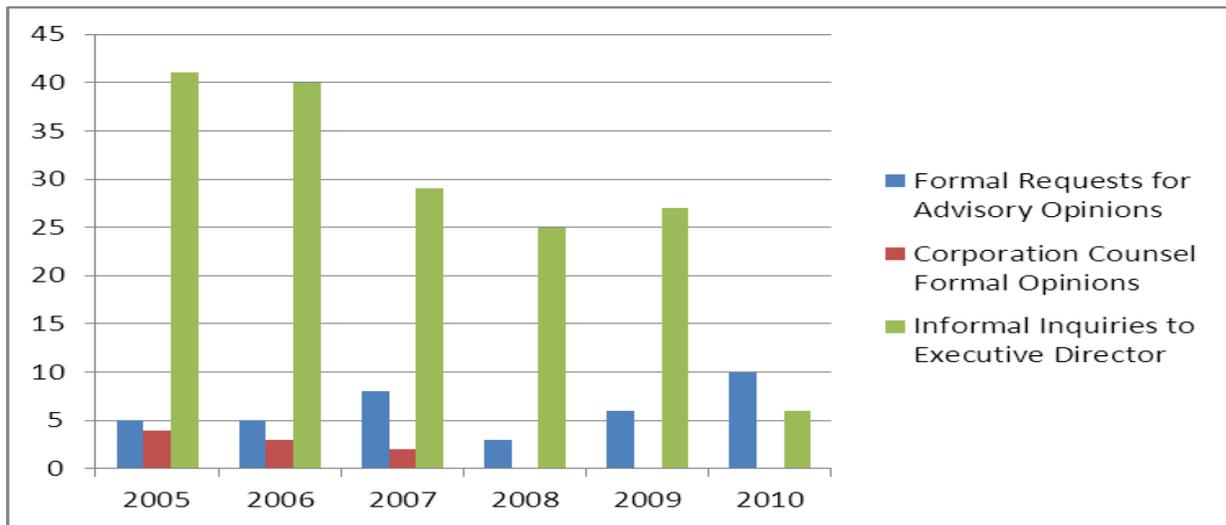
As part of the Ethics Board’s education and training efforts, these prohibitions were included on the front page of the Board’s periodic newsletter² during the fall 2010 election cycle.

REQUESTS FOR ADVICE

Anyone subject to this Ethics Code may request of the Ethics Board written advice regarding the propriety of any matter to which he or she is or may become a party. All requests for advisory opinions are confidential unless the privilege of confidentiality is expressly waived by the requestor. In 2010, six (6) oral requests for advice were made by county officials and employees, which requests were satisfied simply by an explanation of the language in the written Code. There were ten (10) written requests for advice.

The Ethics Board, directly or through its Executive Director, has received and responded to a number of inquiries from other government units, the press and citizens, regarding the applicability, contents and procedures relating to the Ethics Code. No such requests were received in 2010. Five (5)-year data regarding requests for advice is presented in graph form on page 10.

<u>Requests for advice</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Average</u>
Formal Requests for Advisory Opinions	5	5	8	3	6	10	6
Corporation Counsel Formal Opinions	4	3	2	0	0	0	2
Informal Inquiries to Executive Director	41	40	29	25	27	6	28



The data regarding requests for advice show a pronounced downward trend of the most prominent type of request, informal inquiries to the Board’s Executive Director, as well as in requests for formal opinions from the Office of Corporation Counsel. At the same time, there has been an upward trend in the requests for formal advice from the Ethics Board, although few in total number. From 2006 through 2008, the Ethics Code was being reviewed by a specially formed study committee. The final amended version of the Code was adopted in 2008. In 2010, the Executive Director resigned and for a three-month period, the Board had an interim Executive Director. In March 2010, a new Executive Director was appointed by County Executive Scott Walker. These factors may have had an effect on the downward trending of the bulk of requests.

² Robinson, V. (2010). *From the Executive Director*, Volume One, Issue Two.

The Ethics Board anticipates that part of the success of its training and education initiatives will be demonstrated by an increase in overall requests for advice in 2011.

COMPLAINTS AND INVESTIGATIONS

Pursuant to the Code, the Board accepts verified complaints of alleged violations of the Ethics Code. In 2010, the Board received one verified complaint of alleged violations of the Ethics Code by a County official or employee. In accordance with the procedures outlined in the Ethics Code, the complaint was referred to the District Attorney's Office for further review. No action was taken by the Ethics Board in 2010 while the Board awaited confirmation from the District Attorney's Office that the Board could proceed with its review of the matter. The Board received seven (7) additional written complaints of possible violations of the Ethics Code, but for various reasons, no further action was taken on the matters.

EDUCATION AND TRAINING

In 2009, the Ethics Board redesigned its website to include three tutorials designed to begin the process of education on the Ethics Code for Milwaukee County Employees, Appointed Officials and Elected Officials. In addition, under the direction of a new executive director, the Board created two new brochures, one intended for new employees and officials and the other intended for former employees and officials. The Board's Executive Director also began a series of periodic newsletters. In addition, the Ethics Board invested in basic software and some hardware needed to implement an ongoing, multifaceted ethics and education training program at Milwaukee County.

INTERAGENCY RELATIONSHIPS

Appointed and Elected Officials; Department Heads

The Board works with the Executive Branch, the Legislative Branch, the offices of the constitutionally-elected officials of county government, and with all the departments of Milwaukee County government in receiving financial disclosure statements, the filing of sworn Affidavits of Code compliance, and in enforcing specified standards of conduct, pursuant to the Code of Ethics.

Boards and Commissions

Members of boards and commissions, while governed by the Code's standards of conduct, are not initially required to file Statements of Economic Interests, nor sworn Affidavits of Code compliance. In a specific instance, a board or commission member may be required to file a Statement of Economic Interests or sworn Affidavit of Code compliance as a result of a finding of probable cause resulting from an investigation by the Ethics Board. The filed Statements of Economic Interests by candidates to elected offices are initially filed with the Election Commission and are subsequently submitted to the Ethics Board for permanent filing.

Judiciary and Other County Committees

On December 11, 1975, the Honorable County Board of Supervisors adopted a Resolution that copies of proposed amendments to the Code of Ethics be submitted to the Ethics Board at the time any such referrals are made to the Judiciary Committee by the Board of Supervisors and, further, that the Ethics Board be given an opportunity to be heard by the Judiciary Committee when the matter appears on the agenda of that committee. The Ethics Board has responded to requests for reviews, comments, and guidelines relating to potential conflicts of interest of specific practices relating to matters under consideration before the Purchasing Standardization Committee, the Audit Committee, and other committees of the County Board. For legal opinions, the Board generally seeks the services of Corporation Counsel. However, in instances where a conflict of interest may develop or exist, the Ethics Board has in its budget an allowance to obtain independent legal counsel for specific situations at the discretion of the Board.

Corporation Counsel

Corporation Counsel's legal opinions address whether the law applies to a set of facts; that is, whether or not the law is controlling to a specific set of facts. It remains the province of the Ethics Board to determine whether or not specific facts constitute probable cause of a violation of the Ethics Code. At the invitation of the Ethics Board, a staff attorney of the Corporation Counsel attends all regular meetings of the Board.

Department of Audit; Milwaukee County Sheriff's Office; District Attorney's Office

In conducting an investigation, the Board has sought the assistance of the Department of Audit and the Detective Division of the Sheriff's Department and has consulted with the District Attorney's office on charges relating to the violation of other related statutes. Effective July 2008, the Ethics Board files a copy of all verified complaints and investigation requests with the District Attorney's Office and delays further action if so requested by the District Attorney. After a determination by the hearing examiner that a violation of the Code exists, the Ethics Board contacts the county employee's appointing authority or, in the case of various elected officials of the county, the Governor, the Chief Judge, or the County Board of Supervisors, pursuant to s. 9.13, County General Ordinances.

COMMENTS AND INTERPRETATIONS ON SELECTED SECTIONS OF THE ETHICS CODE

THE PROPRIETY OF OUTSIDE EMPLOYMENT

Section 9.05(1), County General Ordinances, does not preclude any county elected official or employee from accepting other employment or following another pursuit which in no way interferes with the full and faithful discharge of their duties to the County. The Ethics Board reiterated that all County officials and employees should conduct themselves in a manner and exercise their judgment to reinforce the principle that the appearance of impropriety sometimes may be worse than the impropriety itself. The use of County salaried time and other County resources, such as facilities, supplies, and services, for personal or private gain, not available to all citizens, is prohibited.

COUNTY EMPLOYEES REQUIRED TO FILE A FINANCIAL DISCLOSURE

Section 9.03(1), County General Ordinances, applies to all County employees whose job duties include the responsibility of writing specifications and/or contain any decision-making capacity relating to the amending or execution of purchase contracts on behalf of the County. (Corporation Counsel opinion of January 30, 1981) Each department head is required to indicate annually to the Ethics Board which subordinates they believe perform assignments within the above purchasing description. The Board has determined that these designations by the department head are not controlling. After a review of these lists, the Board sends a directive to all employees who are required to file their annual Statement of Economic Interests and their accompanying Affidavit of compliance to the Code. The Ethics Board is ultimately responsible to determine who should file. Failure to file after being directed to do so by the Ethics Board could subject that employee to the sanctions of s. 9.03(4), which provides in part: "...no person...may receive his/her salary..." after failing to file.

DUAL BOARD MEMBERSHIP ON BOARDS AND COMMISSIONS

On December 18, 1996, the Ethics Board adopted the State of Wisconsin Ethics Board interpretation of the words "associated" and "organization relative to dual membership on boards and commissions.

The State Ethics Board stated in an opinion that a county official who was appointed pursuant to a state statute or a county ordinance or resolution, was representing the county's interests on that board and, therefore, was not "associated" with the organization. The elected official serves in a representative capacity, not an individual one, and protects the county's interests, and is not simply serving the organization.

The State Ethics Board opinion re-affirmed the County Ethics Board's earlier position of February 19, 1996, that, unless otherwise specified by law, a county official may not simultaneously be an officer or director of a private organization (in a capacity other than as a representative of the county's interests) and 1) take official action

substantially affecting the organization or 2) use his or her public office to produce a substantial benefit for the organization.

CAMPAIGN SOLICITATION OF AT- WILL EMPLOYEES PROHIBITED

On December 18, 2003 the County Board of supervisors adopted File No. 03-591 an ordinance amendment to Chapter 9, which prohibits elected County officials from soliciting campaign contributions from “at-will” County employees.

CAMPAIGN CONTRIBUTIONS BY CONTRACTORS RESTRICTED

On March 18, 2004, the County Board of Supervisors adopted File No. 03-593, an ordinance amendment to Chapter 9 which prohibits a person(s) with a personal financial interest in the approval or denial of a contract being considered by a County department or with an agency funded and regulated by a County department from making a campaign contribution to any elected County official who has approval authority during the contract’s consideration.

ETHICS CODE OMNIBUS AMENDMENTS 2004

On December 16, 2004, the County Board of Supervisors adopted File No. 04-191, an ordinance amendment to Chapter 9 which updated the code; provided a new designation of “appointed official;” required Pension Board members to file quarterly and elected officials to file semi-annually, and Ethics Board and Election Commission members to file reports; provided penalties for failure to report receipt of honorariums; placed a limitation on lobbying by former county officials and employees; and more clearly identified the process for the appointment of an independent fact finder.

REVISIONS TO CHAPTER 14 MCGO CONCERNING LOBBYING ACTIVITIES

In September 2004, the County Board of Supervisors adopted Resolution, File No. 04-365, directing revisions to Chapter 14, MCGO, regarding the regulation of lobbying. The changes were to: establish reasonable registration requirements to identify lobbyists and principals who seek to influence legislative or administrative actions; require lobbyists and their principals to submit a detailed description of the nature of lobbying efforts; require lobbyists and their principals to submit expense statements that accurately describe the financial value of the lobbying effort including expenses and pro-rated salaries or fees of lobbyists and principals involved in the effort; establish a reasonable system of enforcement and sanctions for violations; and revise the existing registration fee structure for lobbyists and create a fee structure for principals. The Ethics Board was given responsibility for prescribing forms and instructions for preparing and filing registration applications and expense statements and for preparing a manual on the uniform method of accounting and reporting for persons required to provide information or to file statements. The Ethics Board was directed to establish rules to enforce the various provisions of the lobbying chapter, including a schedule of sanctions and forfeitures pursuant to Section 14.11 MCGO and could now levy sanctions and penalties. These provisions went into effect as of January 1, 2006.

In 2006, the Ethics Board approved the forms to be used in registering lobbyists and adopted a schedule of sanctions and forfeitures pursuant to Section 14.11, MCGO. A lobbyist manual is now available for reference. Lobbyist registration information and forms are now available on the Ethics Board and the County Clerk websites.

ETHICS CODE OMNIBUS AMENDMENTS 2008

On July 17, 2008, the County Board of Supervisors adopted File No. 06-283(a)(a), an ordinance amendment to Chapter 9, which updated the code. The primary changes were as follows:

- An external appointment process was created to avoid the appearance of political influence for Ethics Board members which also limited board members to two terms.
- Standards of conduct were set forth in plain language.

- An advisory opinion process was formalized by requiring individuals to file written or notarized complaints and by authorizing the Office of Corporation Counsel to act in the stead of the Ethics Board where delay is of substantial inconvenience or detriment to the requesting party.
- A protocol was established for cooperating with the Milwaukee County District Attorney's Office.
- Bans were placed on political activity in the courthouse.
- County public officials and employees were prohibited from wearing or displaying any campaign material, distributing any campaign literature, soliciting contributions for any candidate, engaging in political campaign activities for any candidate or circulating nomination papers.
- County public officials and employees were additionally prohibited from coercing or attempting to coerce contributions or services from subordinate employees in support of a political party or a candidate for elective office or for or against a referendum position, or retaliating against or rewarding an employee for refraining from participating in any political activity.
- County public officials and employees were prohibited from promising an appointment to any county position as an apparent reward for any political activity.
- The Statement of Economic Interests form was expanded to cover the reporting of financial activity by spouses.

SYNOPSIS OF ETHICS BOARD 2010 ADVISORY OPINIONS

1. An employee sought advice as to whether or not it was an ethics code violation to accept an opportunity to train employees of an organization that has a business relationship with the employee's Milwaukee County department. The employee is involved in determining to what degree the agency might work with Milwaukee County, but did not indicate having any contract approval authority regarding whether or not the outside agency works with Milwaukee County. The employee was prepared to use vacation time to engage in the training activities during what would normally be her work hours. The employee had already received immediate supervisory support.

Corporation Counsel replied on behalf of the Ethics Board that the ethics code is not intended to prevent employees from engaging in other employment and/or professional or business activities. Corporation Counsel, on behalf of the Ethics Board, then advised that based on the amount of compensation for the training, the fact that the employee would be completing the training using personal time and not County time, and the fact that the employee's supervisor would be able to monitor the employee's training schedule, the training would not be a violation of the Ethics Code. However, the employee was reminded to report the training services on an annual financial disclosure form, if a required filer. (*January 2010*).

2. An elected official sought an advisory opinion based on media coverage of a factual event. The Ethics Board determined that, because the facts of the event could serve as the basis for a formal complaint in the future, giving an advisory opinion at the time of the request could give the appearance of a prejudgment of facts, and the Board respectfully declined to provide the opinion at that time. (*January 2010*).
3. An employee/trustee of a Milwaukee County committee inquired as to whether or not it was a violation of the ethics code to accept a dinner invitation while on a business trip at an annual association conference. The conference trip was not being paid for by Milwaukee County. A senior official of an organization that does contractual business with Milwaukee County would be paying the dinner costs for all attendees. The committee approves the contract for the vendor. The dinner arrangement was presented by the vendor official as an opportunity to meet the Milwaukee committee members and for the Milwaukee committee members to network with members of other similar committees.

The Board responded that although the employee would not personally benefit from the dinner, it could be reasonably expected to influence the employee's actions. The Board concluded that it would be a violation of the ethics code to accept the dinner invitation if paid for by the official. However, the committee members could attend the dinner if they paid for their own dinner. (*August 2010*).

4. An employee sought an advisory opinion as to whether or not it was a violation of the ethics code to accept part-time employment with an agency who she audits in her position at Milwaukee County. The employee did not have any contract approval authority. In order to be able to accept the part-time employment, the employee, along with the employee's supervisor's approval, was prepared to refer all audit related activities to a co-worker in a different area.

The Ethics Board responded that the ethics code is not intended to prevent employees from engaging in other employment and/or professional or business activities. However, the Board then concluded that the employee could accept the position without violating the ethics code, but also recommended the employee work closely with the employee's supervisor to ensure procedures are in place so that the employee could in no way be involved in any audit activities of the agency. (*November 2010*).

5. A supervisory employee, who is regularly engaged in specialized training as part of her day-to-day activities, was invited to provide the same specialized training to
6. a government agency in another state. The employee was prepared to use vacation time to provide the training.

The Ethics Board responded that the ethics code is not intended to prevent employees from engaging in other employment and/or professional or business activities. The Ethics Board then concluded in conjunction with Corporation Counsel that based on the supervisory employee's stated intentions for participating in the training, as well as the corresponding attendance and payment arrangements; it did not appear that the employee's participation would be a violation of the Ethics Code. (*December 2010*).

7. An employee sought an advisory opinion as to whether or not it would be a violation of the ethics code to accept a part-time teaching position at a university during non-work hours. The employee would be preparing the syllabus and teaching a topic related to the employee's area of expertise at work.

The Ethics Board concluded that the employee's work teaching evening and weekend classes at a university would not violate the Ethics Code. (*May 2010*).

8. An elected official sought an opinion as to whether or not it was a violation of the ethics code to accept an invitation to a conference. Participation in the conference would be paid for by the conference. The sponsor of the conference had no business relationship with Milwaukee County, and the official could demonstrate involvement in teaching activities related to the purpose of the conference prior to becoming an elected official.

The Ethics Board concluded that the elected official's participation in the conference did not violate the ethics code. (*October 2010*).

9. An appointed official asked for an advisory opinion as to whether or not he could accept an invitation to attend an international conference paid for by a contractual vendor of Milwaukee County. Based on the product or service provided by the vendor and the practicality of continuing the relationship in the future, it was highly likely that Milwaukee County would renew the vendor's contract.

The Ethics Board concluded that acceptance of the paid for conference could be reasonably expected to influence the official's decision making and that it would be a violation of the ethics code to participate in the trip if the vendor paid for it. (*March 2010*).

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