

DRAFT

MILWAUKEE COUNTY ETHICS BOARD

Tuesday, February 12, 2013 Ethics Board Meeting Minutes

Call to order

Chairman David B. Carr called to order a meeting of the Ethics Board at 2:05 PM on February 12, 2013 in Room 203-R of the Milwaukee County Courthouse.

1.0 Roll call

The Ethics Board Executive Director, Veronica W. Robinson, conducted a roll call. The following Board Members were present: Chairman David B. Carr, Vice Chairman Henry Hamilton III, Christian B. Flores, Marcia F. Drame, Reverend Gary B. Manning and Carol Wichmann.

2.0 Approval of the Minutes of the August 28, 2012 and September 14, 2012 Meetings

Mr. Hamilton moved, Mr. Manning seconded, and the Board voted 6-0 to approve the minutes of the August 28, 2012 and the September 14, 2012 Ethics Board meetings.

3.0 Schedule meeting dates for 2013

The Board scheduled its next regular meetings for April 25, 2013, August 27, 2013, and December 12, 2013

4.0 Election of Officers (Closed session)

Pursuant to 19.85(1) (f) and (h) the Board may meet in closed session.

Ms. Drame moved, Ms. Wichman seconded, and the Board voted 6-0 to go into closed to discuss items 4.0 and 8.0, which was taken out of order.

Mr. Manning moved, Mr. Hamilton seconded, and the Board voted to reconvene in open session. Under item 4.0:

- Mr. Hamilton nominated Mr. Carr for Chair. Mr. Manning seconded the nomination and the Board voted 6-0 to approve the nomination of Mr. David Carr to Chair of the Ethics Board.
- Mr. Hamilton nominated Mr. Carr for Vice Chair. Mr. Flores seconded the nomination and the Board voted 6-0 to approve the nomination of Mr. Henry

Hamilton for Vice Chair of the Ethics Board.

5.0 Informational Reports of the Executive Director

- 5.1 The NAACP has submitted two names to the County Executive for consideration to fill the vacancy created February 28, 2013 by the end of the term of Board Chair David B. Carr. Mr. Carr is one of the names submitted. The other name was not identified on the record.
- 5.2 The Board reviewed the Lobbying Reports from County Clerk Joseph Czarnecki and had no questions or comments.

6.0 Statement of Economic Interests Forms

6.1 Update on status of online SEI filing

The Board's Executive Director, Veronica W. Robinson, reported that the online SEI filing was delayed due to pilot testing issues. In addition, a program needed for the online filing system was being updated. Ms. Robinson anticipated the online filing efforts would resume sufficient to allow online filing in 2013 or in time for annual filing in 2014.

6.2 Late or Non-Compliant Filers

Ms. Robinson reported that the provision in the Ethics Code that allowed the Ethics Board to recommend payroll withholding for late or non-compliant filers was not enforceable under Wisconsin State law and should be removed. Alternate provisions to respond to late or non-compliant filers were needed. Ms. Robinson had received some recommendations on addressing this issue and shared them with the Ethics Board:

- a) The Board's Executive Director would submit a written report to the Ethics Board, with a copy to the County Executive and County Board Chair. The report would be a matter of public record and would be posted.
- b) Amend the Ethics Code to allow a disciplinary provision for late or non-compliant filers that are Milwaukee County employees. This provision would exist outside of the regular Investigation Request or Verified Complaint process.
- c) The Board's Executive Director would submit a Request for Investigation of late or non-compliant files, whose failure to file timely constitutes a violation of the Ethics Code.
- d) Adopt a provision in the Ethics Code to allow for civil forfeiture from non-compliant filers who are no longer County employees.

Ms. Robinson suggested the removal of the unenforceable provision to withhold pay and the adoption of alternative language to promote timely filing and compliance could be addressed through the aid of Corporation Counsel. The Board concurred.

6.3 SEI Form Sections Questions

Ms. Robinson asked the Ethics Board to clarify what it expects to see on the SEI statements with regard to the three categories below. The Ethics Board agreed that Ms. Robinson would provide the Ethics Board with examples that the Ethics Board could review at its next meeting.

6.2.1 Creditors

6.2.2 Real Estate

6.2.3 Tickets

6.4 *Annual SEI Filing Reports*

The Board's Administrative Assistant, Charmaine Gee, summarized the SEI annual filing in 2013 for the period January 1, 2012 through December 31, 2012.

Total required filers in 2013 for the period January 1, 2012 through December 31, 2012 were 305, down from 322 of the prior year. The largest departmental changes of 39 SEI filers were from administrative changes in the Department of Administrative Services and the Department of Transportation. There were a total of 37 late filers who filed on or after January 31, 2013 and a total of 25 non-compliant filers.

7.0 **Status Report from Rules of Procedure and By-Laws Review Committee**

A sub-committee of Ethics Board members has worked on creating Rules of Procedure for the Ethics Code and updating the Ethics Board's by-laws. Minor changes were made to the By-Laws to bring them into accord with the Ethics Code. The Board reviewed both documents.

Ms. Drame moved, Ms. Manning seconded, and the Board approved the By-Laws as amended.

Mr. Hamilton moved to amend the Rules of Procedure to include a provision stating that where a conflict occurred between the Ethics Code and the Rules of Procedure, the Ethics Code prevails. Mr. Carr seconded the motion and the Board approved the Rules of Procedure.

8.0 **Report of the Chairman**

8.1 *Confidential Advisories, if any*

8.2 *Confidential Verified Complaints & Investigation Requests, if any*

Item 8.0 was taken out of order. Pursuant to 19.85(1) (f) and (h) the Board may meet in closed session. Ms. Drame moved, Ms. Wichman seconded, and the Board voted 6-0 to go into closed to discuss items 4.0 and 8.0.

Mr. Manning moved, Mr. Hamilton seconded, and the Board voted to reconvene in open session. Upon reconvening into open session, the Board took no further action on item 8.0.

9.0 Adjournment

Ms. Drame moved, Mr. Flores seconded, and the meeting was adjourned.

Minutes submitted by: Veronica W. Robinson

A handwritten signature in blue ink, appearing to read "Veronica W. Robinson", is written over a horizontal blue line.

Executive Director, Ethics Board

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