

# STATEMENT OF ECONOMIC INTERESTS INSTRUCTION SHEET

## Who must file?

- All elected County Officers. (9.03(1))
- All County employees as described in 9.03(1) C.G.O. (County General Ordinances) and so identified by department heads.
- All candidates for County elected offices. (9.03(2))
- Members of Board and Commissions (Pursuant to 9.03(1) if the Ethics Board requires filing upon finding of cause).

## When and Where to file

- Incumbents running for reelection and all Candidates running for elected offices must file with the **Election Commission** on the date of filing nomination papers. (9.03(2))
- Annual filers are to file with the **Ethics Board** within 30 days after the close of each calendar year. (9.03(4))
- New employees required to file must do so within 30 days of commencement of employment with the **Ethics Board**. (9.03(3))
- All members of Board and Commissions must file within 30 days of request by the **Ethics Board**. (9.03(1))
- County Pension Board Members and County appointed / elected Pension Board employees must file with the **Ethics Board** every calendar quarter. (9.03(4)(b)).

**Filing Locations:**     **Milwaukee County Ethics Board**  
                                 Courthouse – Room 212  
                                 278-5332

**Milwaukee County Election Commission**  
Courthouse – Room G-3  
278-4060

## FILING OF ANNUAL AFFIDAVIT

All elected County Officers, Appointed Officers, County Employees and Candidates for elected office required to file a Statement of Economic Interests are also required to file a sworn affidavit regarding compliance with Chapter 9 CGO – Code of Ethics using the form shown as Appendix A to Chapter 9. (9.03(5))

STATEMENTS OF ECONOMIC INTERESTS FILED UNDER THIS ORDINANCE ARE OPEN FOR PUBLIC INSPECTION. (9.08(4))

## Selected Information

For definitions of **ANYTHING OF VALUE, SIGNIFICANT FIDUCIARY RELATIONSHIPS, BUSINESS, and OTHER** terms, refer to Section 9.02 DEFINITIONS, CODE OF ETHICS.

**NOTE:** All numbered references are to the Code of Ethics, Chapter 9, County General Ordinances, unless otherwise indicated.

**ADVICE:** Any person subject to Milwaukee County Code of Ethics may request from the Board written advice regarding the propriety of any matter to which he or she is or may become a party and/or may request the Board to obtain any advisory opinion from Corporation Counsel on the application of Chapter 9 CGO. No member or employee of the Board shall make public the content or identity of the person requesting an advisory opinion or of persons mentioned in the request or opinion. It is prima facie evidence of intent to comply with the Code of Ethics when a person refers a matter to the Board and abides by the Board's advisory opinion. (9.09)

## **Question #1 OFFICES, DIRECTORSHIPS & POSITIONS**

When listing offices and directorships, you or your spouse are also required to identify charitable, religious and educational organizations doing business with Milwaukee County.

## **Question #2 SIGNIFICANT FIDUCIARY RELATIONSHIPS**

List each business in which you or your spouse own directly or indirectly:

- a) At least ten percent of the outstanding stock of any business corporation; or
- b) Stock having a value of at least \$5,000; or
- c) An interest of at least ten percent or \$5,000 of any business.

**EXAMPLE OF ITEMS TO REPORT:** Stocks having a value of at least \$5,000 or 10% of the outstanding stock of any corporation, partnerships, future contracts, trusts, sole proprietorships, credit unions, stocks held in individual retirement accounts.

**EXAMPLE OF ITEMS NOT TO REPORT:** Certificates of Deposit, annuity contracts, insurance policies, County Government Retirement Plans, savings account in stock-held banks, mutual funds, U.S. Bonds.

## **VALUATION**

- The value of securities listed on a stock exchange shall be the closing price on the exchange.
- The value of unlisted securities traded in the over-the-counter market shall be the average of the bid and asked price.
- The value of securities for which no market information is readily available shall be determined as follows:
  - Common shares or equivalent securities – book value (net worth divided by the number of outstanding shares, times the number of shares held)
  - Preferred Stock – redemption price or par or stated value if not redeemable
- The value of sole proprietorship shall be its net worth as shown on the books of the business.
- The value of an interest in the capital of a partnership shall be the book value (net worth of the partnership times percentage of interest held). If the interest is only in “net profit or loss” of a partnership, identify the partnership and indicate that the interest is only in “net profit or loss”.

Examples of assets owned or controlled indirectly are assets held by a trust. If you or a member of your immediate family are the creator or beneficiary of a trust, note that: (a) a person is the owner of items held by a trust if he or she is the creator of the trust and has the power to revoke the trust without obtaining the consent of all the trust's beneficiaries; or (b) a person is the owner of items held by a trust to the same degree that the present or future beneficial interests in the trust vested in all the trust's beneficiaries. For example, if you or your spouse has a one-third (1/3) interest in a trust, list the name of each businesses in which the trust holds securities valued at \$15,000 or more. You or your spouse need not identify a trust, only assets held by a trust.

### **Question #3 BONDS, DEBENTURES AND DEBT OBLIGATIONS**

If bonds, debentures or debt obligations of a corporation or of a municipal corporation are held by you or your spouse which aggregate in value in excess of \$5,000, such a holding must be disclosed.

Valuation of a bond, debenture or debt obligation of a corporation or of a municipal corporation to determine whether it must be disclosed must be made within sixty (60) days of the filing deadline. If relevant information respecting the value of a bond, debenture or debt obligation is not available within sixty (60) days, the valuation must be made as of the most recent date such information is available and the date must be indicated on the form when entering the information required to be disclosed. The following methods of valuation must be used:

- The value of securities listed on a stock exchange shall be the closing price on the exchange.
- The value of unlisted securities traded in the over-the-counter market shall be the average of the bid and asked price.
- The value of securities for which no market information is readily available shall be the unpaid balances.

Indicate the name of the issuer and the city and state of its principal office. Also, give a description of the bond, debenture or debt obligation and the face amount. For example: “bond, ten years at 6%, face amount under \$50,000.” Indicate the value of the bond, debenture or debt obligation as the date valuation was made. All dollar face amounts and dollar values are to be reported in terms of “under \$50,000” or “over \$50,000”.

### **Question #4 CREDITORS**

Indicate the name of the creditor and the city and state of its principal office.

Examples:

- If more than one debt is owed to a single person or entity and the aggregate value is \$5,000 or more, the creditor must be identified.
- Identification of creditors:
  - (a) A sole proprietor must identify a creditor of his or her business to whom he or she owes \$5,000 or more.
  - (b) A general partner must identify a creditor to whom the partnership owes an amount that multiplied by his or her interest in the partnership (expressed as a percentage) is equal to or greater than \$5,000.
  - (c) Personal property mortgages are reportable.
- All dollar amounts owed are to be reported in terms of “under \$50,000” or “over \$50,000”.

### **Question #5 REAL PROPERTY**

The description of the location of property should contain sufficient information to enable a person to locate the property without extraordinary diligence. The “value” of property may be determined by the last assessment, current appraisal or recent sales price.

### **Question #6 TRANSFERS**

**Two calendar years preceding the filing of this Statement** means if you are filing a statement after the first of February of a given year, you will have to include all transfers that took place in the lapsed beginning portion of the present year plus the two whole preceding calendar years. (9.04(d))

**Immediate Family:** For application of this term see 9.02(9).

**STANDARDS OF CONDUCT FROM  
CODE OF ETHICS, CHAPTER 9, COUNTY GENERAL ORDINANCES**

**9.05. Standards of Conduct.**

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

**(2) (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. This paragraph does not prohibit a county elected official from using the title or prestige of his/her office to obtain campaign contributions that are permitted by and reported as required by ch. 11, Wis. Stats.

**(b) NO PERSON MAY OFFER ANYTHING OF VALUE:** No person shall offer or 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 or omission by of the public official or employee. This section does not prohibit a public official or an employee from engaging in outside employment.

**(c) NO SUBSTANTIAL INTEREST OR BENEFIT:** Except as otherwise provided in paragraph (1.), no public official or employee shall:

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.

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.

**(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.

**(e) NO USE OF PUBLIC POSITION TO INFLUENCE OR GAIN UNLAWFUL BENEFITS, ADVANTAGES OR PRIVILEGES:** 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.

**(f) NO OFFER OF 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.

**(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 any organization with which he/she or his/her spouse is associated 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.

**(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.

**(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 official action with respect to any proposal to modify a county ordinance.

**(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 or terminated at any time for any nondiscriminatory reason.

**(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 sec. 9.14 unless an acceptance by an elected official would conflict with this section. The language in sec. 9.05(2)(k) shall be included in all Requests for Proposals and bid documents.

**(l) LIMITS ON HONORARIUM FEES OR EXPENSE REIMBURSEMENTS:** No county public official or employee shall accept or solicit any honorariums, fees or expense reimbursements except in accordance with sec. 9.14.

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

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

**(c) LIMITS ON CONTACTS WITH JUDICIAL OR QUASI-JUDICIAL PROCEEDINGS WHERE PERSONALLY PARTICIPATED:** No former county public official or employee shall, whether for compensation or not, act on behalf of any party other than the county in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge in which the former public official or employee participated substantially as a public official or employee.

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