

MILWAUKEE COUNTY ETHICS BOARD

2012 - ANNUAL ACTIVITIES REPORT

**GENERAL INFORMATION**

**ETHICS BOARD MEMBERSHIP**

**TERM EXPIRATION YEAR**

David B. Carr, Chairman	February 28, 2013
Henry Hamilton III, Vice Chair (Nominee of NAACP)	February 28, 2014
Christian Flores (Nominee of Public Policy Forum)	February 28, 2015
Marcia F. Drame (Nominee of Milwaukee Bar Association)	February 28, 2016
Gary Manning (Inter-Faith Conference of Greater Milwaukee)	February 28, 2017
Carol Wichmann (Nominee of Women League of Voters)	February 28, 2018

**EXECUTIVE DIRECTOR**

Veronica W. Robinson

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**STAFF**

Charmaine Gee, Administrative Assistant  
Marvic Rizio, Clerical Specialist

**2012 BUDGET**

The 2012 adopted Ethics Board budget was \$62,108, an 18.7% decrease from 2011. The decrease was largely the result of County changes to the budget cross charges.

**STATUTORY REFERENCE**

The Milwaukee County Ethics Code is Chapter 9 of the Milwaukee County General Ordinances and is based largely on § 19.59, Wis. Stats. The Milwaukee County Lobbying Code is 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 include:

- 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.

## BOARD RESPONSIBILITIES

The Ethics Board administers the Code of Ethics written for county officials, employees, and members of county boards and commissions and is the primary source of interpretation of the Milwaukee County Ethics Code. The Board has three major responsibilities:

- First, the Board directs persons specified, pursuant to the Code, to timely 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 elected or appointed 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 2012), the Ethics Board met ten times, an increase of 150% over 2011. By ordinance, the Ethics Board meets four (4) times per year for the purpose of carrying out the Board's assigned duties and responsibilities. The additional six (6) meetings resulted in part from preliminary conferences held by the Ethics Board. Each meeting was 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 of Wisconsin's Open Meeting law. Most all other items of the meeting agenda are held in public session. Preliminary conferences, by ordinance, are held in closed 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 2012, the County Executive proposed merging the budget and staff of the Ethics Board into the Division of Human Resources. The Ethics Board, along with the Personnel Review Board, which shares the Ethics Board staff and most resources, petitioned the County Board of Supervisors to reject the arrangement which posed clear conflicts of interest. The proposal was overturned by a majority vote of 17-2 (Supervisors Joseph Rice and Paul Cesarz dissenting) and the Ethics Board and Personnel Review Board retained full authority over its staff and its funding. The approved 2012 budget was approved at \$62,108, a decrease of \$14,279 from 2011. The decrease largely resulted from a loss of the Ethics Board's budget for training and development related to the Milwaukee County Ethics Code.

### **MEETINGS AND ATTENDANCE**

The three-year average board participation rate is 84%, up slightly from 2011. Participation levels remain below 100% in part due to work or family conflicts experienced by the Board members. In addition, the Ethics Board held nine (9) meetings in 2012, a significant increase from years prior and a reflection of the positive impact of the Ethics Board's training and education efforts. When necessary and possible, Board members are able to participate in the meetings by conference phone. Additional data is included on page 4.

**Board member attendance data for 2012**

2010		2011		2012	
<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>
Rebecca Blemberg	4 of 4 = 100 %	Rebecca Blemberg	2 of 5 = 40%	Rebecca Blemberg (Resigned)	1 of 3 = 33 %
David B. Carr	4 of 4 = 100 %	David B. Carr	5 of 5 = 100 %	David B. Carr	8 of 9 = 89 %
Paul J. Hinkfuss	4 of 4 = 100 %	Paul J. Hinkfuss (Term Expired)	1 of 1 = 100 %	Christian Flores	9 of 9 = 100 %
Christian Flores	4 of 4 = 100 %	Christian Flores	3 of 5 = 60 %	Henry Hamilton III	7 of 9 = 78 %
Henry Hamilton III	4 of 4 = 100 %	Henry Hamilton III	3 of 5 = 60 %	Marcia Facey	7 of 9 = 78 %
Marcia Facey (New)	3 of 4 = 100 %	Marcia Facey	4 of 5 = 80 %	Gary Manning	3 of 4 = 75%
Rebecca Blemberg	4 of 4 = 100 %	Gary Manning	3 of 4 = 75%	Carol Wichmann (New)	4 of 5 = 80%
<b>Average Attendance</b>	<b>=100%</b>	<b>Average Attendance</b>	<b>= 74%</b>	<b>Average Attendance</b>	<b>=78%</b>

**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 form 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 2012, the Board had 311 required SEI filers, an increase from the year prior.

### **EXAMINATION OF STATEMENTS OF ECONOMIC INTERESTS**

In 2009 the Board changed its policy of having Ethics Board members review the Statements of Economic Interests. Reviews are now made by staff. Every Statement submitted is reviewed by a member of the staff to ensure the document is fully completed and that the accompanying affidavit is included and notarized. 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 and SEI filers are notified and given an opportunity to file an Amendment, which will be attached to and included with the original statement. Unresolved discrepancies or inconsistencies are brought to the attention of the Ethics Board for review.

All filed Statements are open to public inspection at the Board's office during regular business hours. 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.

### **SEI PROJECT**

The Ethics Board also took steps in 2010 to work in conjunction with IMSD and the Election Commission to establish a means by which Statements of Economic Interests could be received electronically. Once finalized the data will be managed and housed electronically in the Ethics Board's office. Subsequently, the data will be uploaded to an online index identifying the existence of a financial relationship between a required SEI filer and outside businesses. This online index will be modeled after that of the Wisconsin Government Accountability Board's Eye on Financial Relationships. This project was still underway at the end of 2013.

## 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. The affidavit will be incorporated into the electronic SEI filing system once it is up and running. The anticipated release date for the electronic filing system was moved from 2012 due to unforeseen delays and the final date was pending at the end of 2012.

## 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 – the Office of the Ethics Board mails a brochure to all employees that leave County service. The brochure mailings are completed on a monthly basis. The brochure is also posted on the Ethics Board’s website.

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 newsletter<sup>1</sup> during the fall 2010 election cycle. In November 2011, the Ethics Board held a public meeting to examine and clarify the prohibition against soliciting at-will employees. A formal opinion was written and published in early 2012.

### **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 2011, thirty-one (31) oral and written requests for advice that could be satisfied simply by clarifying of the language of the written Code were made by county officials and employees. This represents a slight increase over 2010, a positive trend resulting from the Ethics Board's ongoing efforts to bring the attention of County employees and officials to the Ethics Code. The upward trend is expected to continue.

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.

### **COMPLAINTS AND INVESTIGATIONS**

Pursuant to the Code, the Board accepts verified complaints of alleged violations of the Ethics Code. In 2012, the Board received one investigation request. After reviewing the matter, the Ethics Board concluded that there was no violation of the Ethics Code and took no action on the matter. The Board also received one verified complaint that resulted in a preliminary conference and a finding that minor violations of the Ethics Code occurred. The Board entered into a written stipulation with the subject of the complaint and the matter was closed. In accordance with the procedures outlined in the Ethics Code, the request for investigation and the verified complaint were referred to the District Attorney's Office for further review prior to the Ethics Board taking any action on the matter. After the matter was released from the District Attorney to the Ethics Board, the Ethics Board held a preliminary conference on the verified complaint. In accordance with the requirements of the Ethics Code, the preliminary conference is held in closed session.

### **EDUCATION AND TRAINING**

In 2012, as part of its ongoing Ethics training and education activities, the Ethics Board published six newsletters. The newsletters consisted of employee activities, employee comments, Ethics Code training segments, general applied ethics segments, as well as cartoons and news about some of the Ethics Board's activities. The Ethics Board again observed Corporate Compliance and Ethics Week with games and activities, including two half-day training sessions for officials or their representatives. In 2012, the half day training sessions were approved for continuing education credits. The Ethics Board also presented information at a table during Milwaukee County's second annual open house. The Executive Director

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<sup>1</sup> Robinson, V. (2010). *From the Executive Director*, Volume One, Issue Two.

appeared as a half-day guest presenter at a Briggs and Stratton ethics class, by invitation of the classroom instructor. The mandatory Ethics training delivered online in 2011 was not presented in 2012 as a result of a reduction in funding for ethics training.

## **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, in 2011 a staff attorney of the Corporation Counsel attended most of the 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. The Ethics Board continues to share information with the Department of Audit and the Office of Corporation Counsel in select situations.

## **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.

On November 4, 2011, the Ethics Board held an open meeting to allow the public and elected officials to weigh in on the challenges to avoiding solicitation of at-will employees. Based on the discussion and subsequent legal opinion, the Ethics Board outlined its expectations with regard to solicitation of at-will employees which included that elected officials should know that solicitation of at-will employees is a violation of the Ethics Code and that they should therefore perform due diligence efforts to identify at-will employees. Milwaukee County should be able to provide a listing of at-will employees to any elected official that requests one and should extend their due diligence efforts as needed to avoid inadvertently soliciting at-will employees. The Ethics Board will continue to examine violations of 9.05(2)(j) on a case-by-case basis and will ask elected officials to provide proof of their due diligence efforts if an at-will employee is solicited.

On February 14, 2012, the Ethics Board sent a memo to all elected officials notifying them of the Ethics Board’s expectations of due diligence efforts to avoid inadvertent solicitation of at-will 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.

In 2011, the Ethics Board created a lobbying poster that was subsequently mailed to elected officials and department heads so that it could be posted in offices and corridors as deemed appropriate.

### **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.

### **ETHICS CODE AMENDMENT EFFORTS 2011**

In 2011, a resolution was submitted by a County Supervisor to amend the Ethics Code so that release of confidential information was a violation of the Ethics Code. The resolution ultimately failed to pass.

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