



# Milwaukee County Ethics Board

DATE: February 10, 2015

TO: Chris Abele, County Executive  
Theodore Lipscomb, Sr., Chairman, Milwaukee County Board of Supervisors  
Anthony Staskunas, Chair, Judiciary, Safety and General Services Committee

CC: Kelly Bablitch, Chief of Staff, County Board of Supervisors  
Raisa Koltun, Chief of Staff, County Executive

FROM: Rebecca M. Janz, Executive Director

RE: The 2015 Milwaukee County Ethics Board Annual Report

Please find enclosed the Milwaukee County Ethics Board Report for the year 2015. The Ethics Code requires that this report be submitted annually to the County Executive and the County Board of Supervisors.

## MILWAUKEE COUNTY ETHICS BOARD

Milwaukee County Courthouse  
901 North 9th Street, Room 212-E  
Milwaukee, Wisconsin 53233  
(414) 278-5332  
ethics@milwaukeecountywi.gov

### 2015 - ANNUAL ACTIVITIES REPORT

#### ETHICS BOARD MEMBERSHIP

#### TERM EXPIRATION YEAR

Christian B. Flores, Chair (Nominee of Public Policy Forum)	February 28, 2021
Marcia F. Drame, Vice Chair (Nominee of Milwaukee Bar Association)	February 28, 2016
Gary Manning (Inter-Faith Conference of Greater Milwaukee)	February 28, 2017
Carol Wichmann (Nominee of the League of Women Voters)	February 28, 2018
Howard Schnoll (Nominee of the Greater Milwaukee Committee)	February 28, 2019
Clarence P. Nicholas (Nominee of NAACP)	February 28, 2020

The Ethics Board elected Christian B. Flores as Chair and Marcia F. Drame as Vice Chair of the Ethics Board at its February 10, 2015 meeting.

Chair Flores was re-appointed and confirmed as a member of the Milwaukee County Ethics Board in February 2015. Mr. Schnoll was confirmed as a member of the Ethics Board in March 2015.

#### BACKGROUND

##### MISSION STATEMENT

To ensure public confidence that the Milwaukee County government acts with the highest integrity and in the public interest.

##### VISION

Milwaukee County has a model ethical culture based on transparency, disclosure, and institutional integrity.

##### STATUTORY REFERENCE

The Milwaukee County Ethics Code is Chapter 9 of the Milwaukee County General Ordinances and is based largely on Section 19.59 of the Wisconsin Statutes. The Milwaukee County Lobbying Code is Chapter 14, Milwaukee County General Ordinances. The Board must also operate in compliance with other Wisconsin Statutes, such as Public Records and Open Meetings Laws.

##### 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. In the first quarter of 2013, the Ethics Board adopted revised Rules and Procedures. These revisions more clearly delineate the Ethics Board's responsibilities under the Milwaukee County Ethics Code.

## **ORGANIZATION**

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. New members are nominated by one of the following six outside entities:

- The National Association for the Advancement of Colored People (NAACP);
- The Public Policy Forum;
- The Greater Milwaukee Committee;
- The Milwaukee Bar Association;
- The Inter-Faith Conference of Greater Milwaukee; and
- 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, employee, or candidate for public office.

## **BOARD RESPONSIBILITIES**

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

- Directs persons to timely file Statements of Economic Interests as required.
- 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.
- Accepts investigation requests and verified complaints against county elected or appointed officials, employees, or members of county boards and commissions.

## **ADMINISTRATION**

### **STAFF**

Rebecca M. Janz, Executive Director, July 2014 to present  
Charmaine Gee, Administrative Assistant, through April 2015  
Alisha Terry, Administrative Assistant, June 2015 to present  
Julie Straseske (Cox), Clerical Specialist – Contractor, through August 2015  
Stephanie Hunnicutt, Paralegal, December 2015 to present

After reviewing the actual duties of staff members and the needs of the Ethics Board, the Milwaukee County Personnel Review Board, and Milwaukee County Civil Service Commission,<sup>1</sup> the Executive Director abolished an existing clerical specialist position (which had been vacant since December 2013) and created a new paralegal position in June 2015. The re-organization aims to have the paralegal focus on case management, research, and outreach, while the administrative assistant assists with administrative and operational matters.

In addition to the organizational change in 2015, two staff members left and two new staff members were hired. Ms. Charmaine Gee left for a promotional opportunity in the Department of Housing. Ms. Gee served not only as Administrative Assistant for the Ethics Board, but as interim director for a period in 2014. She was an outstanding employee and member of the Ethics Board staff. Her knowledge and insight regarding the Ethics Board and Milwaukee County were invaluable in training board members and staff. The Office and Ethics Board thank her for her service and wish her all the best.

Julie Straseske later left the Office to focus on her graduate studies. She too made an exceptional contribution to the office, both in her work and her positive attitude. The Office and the Board also thank her for her service and wish her all the best.

## **2015 BUDGET**

The 2015 adopted Ethics Board budget was \$93,739, an increase of \$8,469 (about 10 percent) from the 2014 budget. Two major components of the budget are support staff and outside counsel representation for the Board. In 2015, the increase in the Ethics Board's budget was driven by personnel costs for current staff and legacy costs for former staff.

## **BOARD MEETINGS**

In 2015, the Ethics Board met eight times, an increase of about 33 percent over 2014. By ordinance, the Ethics Board meets at least four times per year. The Ethics Board schedules additional meetings as necessary to timely respond to requests for advice or to investigate allegations of violations of the Ethics Code.

Although requests for written advice and investigations must be held in closed session pursuant to local ordinance and as permitted by state statutes, 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 Meetings law. Most all other items of the meeting agenda are held in public session.

## **MEETINGS AND ATTENDANCE**

Board member participation rates remain below 100% in part due to work or family conflicts experienced by the Board members; however, the average attendance rate for 2015 was higher than 2014.

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<sup>1</sup> The staff of the Milwaukee County Ethics Board also serves as staff to the Milwaukee County Personnel Review Board and Milwaukee County Civil Service Commission.

### Board Member Attendance Data 2013 to 2015

2013		2014		2015	
MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED	MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED	MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED
David B. Carr	4 of 4 = 100 %	David B. Carr	1 of 1 = 100 %	Christian Flores	8 of 8 = 100 %
Christian Flores	4 of 4 = 100 %	Christian Flores	5 of 6 = 83.3 %	Marcia Drame	6 of 8 = 75 %
Henry Hamilton III	4 of 4 = 100 %	Marcia Drame	4 of 6 = 66.7 %	Gary Manning	8 of 8 = 100 %
Marcia Drame (nee Facey)	4 of 4 = 100 %	Henry Hamilton III	1 of 2 = 50 %	Carol Wichmann	7 of 8 = 87.5 %
Gary Manning	3 of 4 = 75 %	Gary Manning	2 of 6 = 16.7 %	Howard Schnoll	5 of 5 = 100 %
Carol Wichmann	3 of 4 = 75%	Carol Wichmann	6 of 6 = 100 %	Clarence P. Nicholas	2 of 8 = 25 %
		Michael Spector	4 of 4 = 100 %		
		Clarence P. Nicholas	2 of 2 = 100 %		
<b>Average Attendance</b>	<b>= 78%</b>	<b>Average Attendance</b>	<b>= 71%</b>	<b>Average Attendance</b>	<b>= 81 %</b>

### ACTIVITIES RELATED TO THE DUTIES OF THE ETHICS BOARD

#### STATEMENTS OF ECONOMIC INTEREST

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 (“SEI”) form and Affidavit with the Office of the Ethics Board.

In 2015, 325 people were required to file a Statement of Economic Interest with the Ethics Board, an increase from 296 people required to file in 2014.

The Board received four requests to review SEIs in 2015; it also provided copies of SEIs in response to two open records requests.

#### SEI ELECTRONIC FILING PROJECT

Over the past few years, the Ethics Board worked diligently to launch an electronic filing process for Statements of Economic Interests. Although a process was developed, tested, and finalized to launch in 2013, the launch did not occur due to factors outside the control of the Office. In 2015, the Office learned that the 2013 system is now obsolete, and a new system must be developed. The Office is working with the Milwaukee County Information Management Services Division to create a new electronic filing system; however, there is no timeline for completion as of the time this report was drafted.

## **HEARING PROCEDURES**

In 2015, the Ethics Board held its first hearing under the current Ethics Code ordinance, which was implemented in 2008. The Ethics Board successfully conducted the hearing; however, the process highlighted the need for more detailed procedural rules regarding preliminary conferences and hearings. In 2016, the Ethics Board will create additional rules and procedures for these proceedings.

## **INVESTIGATION PROCEDURES**

In 2015, the Ethics Board changed its Rules of Procedure related to investigations to delegate its investigative authority to others for limited specific purposes.

The rule change was prompted by the Audit Services Division's ("ASD") proposal to act as an agent of the Ethics Board when it receives an allegation that includes a violation of the Ethics Code. ASD would develop facts and evidence related to the allegation and have access to the Ethics Board's records without prompting notification to SEI filers. Any access to records will be preceded by a written memorandum of understanding and a description of which records ASD wants to review. After it completes its investigation, ASD will submit a report to the Ethics Board about the evidence and ASD's findings. If ASD finds evidence that may support a finding of a violation of the Ethics Code, ASD will submit a verified complaint and a copy of ASD's investigative case file to the Ethics Board for review.

The Ethics Board has investigative authority under the Ethics Code, but it does not have the resources for a separate investigation division within its Office, as some other government ethics agencies do. Such a division would need to be separate from the Ethics Board staff who assist the Ethics Board with its deliberative and fact-findings functions to prevent any preconceived opinions regarding the merits of an allegation. This arrangement with ASD allows the Ethics Board to exercise its investigation authority while preserving its objectivity when reviewing allegations of ethics violations. It also gives the Ethics Board the benefit of ASD's expertise in investigations and audits.

## **ETHICS COMPLIANCE & TRAINING**

The Ethics Board increased its outreach and training efforts in 2015. The new officials and employee brochure was updated and simplified to highlight the broader themes of the Ethics Code to individuals who may be new to public service.

The Ethics Board also issued a fall edition of its newsletter, "Ethically Speaking." The newsletter focused on ethics issues related to gifts.

The Office also worked with the Department of Human Resources to add ethics information in the New Employee Orientation program. The orientation now includes information on employees' obligations under the ethics code and on how to contact the Ethics Board with questions.

The Office is currently working with Milwaukee County Training and Development staff to launch an introductory ethics training for Milwaukee County officials and employees. The training will be available online through Milwaukee County's Learning Management System and should launch before summer 2016.

## ETHICS BOARD DETERMINATIONS AND ADVISORIES

During 2015, the Ethics Board considered the following requests for advisory opinions, investigation requests, or other matters. Pursuant to rules established by County Ordinance and Statutes, these actions were discussed in closed session, and the synopses are written in a manner that protects the integrity of the closed session meetings and the confidentiality of the requesters. These summaries are for informational purposes and should not be relied on as authoritative advice for other factual scenarios.

1. A Milwaukee County employee asked if it would be appropriate to send a letter from an elected official's office requesting donations to the Department from vendors and other non-County entities outside for a charity fundraiser. The Board determined it would not be appropriate and such a letter would likely violate the Ethics Code because it directly solicited things of value that could reasonably be expected to influence officials and employees or reasonably be seen as a reward.

County officials and employees should not fundraise from non-County entities in their official capacity. A donation or lack of donation to a Department's charity drive could reasonably be expected to influence the Department regarding vendors or outside entities, and the public could reasonably see such donations as rewards for past or future actions by County officials or employees.

County employees and officials may tell other County employees and officials of opportunities to donate to charities, but even in that case, the employees and officials should ensure that any donations will be anonymous. If the names of donors are known to County employees and officials in charge of the campaign, posted, or made public in any way, County employees and officials may feel pressured or influenced to participate. Additionally, any County official or employee who organizes a campaign for a charity campaign with which he or she is associated with that charity may violate the Ethics Code.

2. A county employee requested an opinion whether a candidate for employment with Milwaukee County could accept the position and continue working for a contractor of the County. The Board determined the candidate could not do so under the Ethics Code.

The Ethics Board determined that, in this situation, the continued employment with the contractor could reasonably be expected to influence the candidate's official actions and judgment if she accepted the position with Milwaukee County. In the potential position with the County, the candidate would be able to refer clients and other individuals she met through her County employment to the contractor's business and vice versa. The candidate could reasonably be seen as more likely to refer Milwaukee County clients to the contractor, even if only because she is more familiar with the services of the contractor through her employment. The increased business sent to the contractor could then indirectly benefit the candidate by increasing the likelihood that the contractor will continue to get contracts from Milwaukee County and continue to pay the candidate.

3. A Department wanted to enter a contract with a former county official who previously supervised that Department. The former official had left County service less than 12 months earlier.

The Board noted that the post-employment restrictions in Chapter 9.05(3) are not limited to lobbying activities, and this contract was permissible given the specific situation. The former official would not be working at the same level of decision-making as his former position, and the contracted role would be limited to a specific subject area. Also, the former official was self-employed and could not advocate or appear in front of County officials or employees to resolve issues.

Although not discussed in its opinion, similar situations might be better evaluated as a request for a waiver of post-employment restrictions for former appointed officials under Chapter 9.05(3)(d).

4. A County employee requested an advisory opinion as to whether he could accept an internal consulting position with a firm that had previously contracted with Milwaukee County on a matter unrelated to his work. The consulting position would be related to the same subject matter as the employee's work for the County, but as a consultant, he would have no contact with the firm's clients; he would only interact with members of the firm and advise them on best practices. Provided certain conditions were met, the Ethics Board found this outside position would not violate the Ethics Code.

The firm previously contracted with Milwaukee County, but not with the Department for which the employee works. The employee had no interaction or involvement with the firm or the project on which the firm worked during the duration of that contract. The consulting and the employee's work are related to systems the County completes internally, so no contracts would be available related to those systems.

The Board found that the consulting position would not violate the Ethics Code, provided that the employee's supervisor approved of the outside employment; the employee had no ability to influence the selection of contractors with his Department; the employee will recuse himself from any matter involving the firm that might come before the County and any matter involving the County that might come before the firm; and he did not share any non-public information with the firm.

5. A County employee requested an advisory opinion as to whether she could take a second job with an agency that contracted with Milwaukee County, but the contract was not with the Department for which she works.

The Ethics Board found that the concurrent employment would not violate the Ethics Code because the employee could not use her County position to benefit herself or the outside agency and the position could not reasonably be seen as a reward for any actions she did in her County role. The individual would work with clients from separate, and distinct populations in each role; she would not have any ability to refer her County clients to the agency or her agency clients to the County; and the employee had no input or influence over contracts between the County and the agency.

6. An employee of a County Department involved in a sporting competition among various community and governmental groups requested an opinion about accepting a donated, low-cost item to use a trophy for the winner. The Ethics Board determined such a donation would be



permissible as long as the donation was not from a direct vendor with Milwaukee County and the trophy did not display the donor's logo.

7. A County Department requested an advisory opinion as to whether a program allowing discounted programming in the Department for full-time County employees and officials would violate the Ethics Code. The Board determined that because the program was open to all full-time Milwaukee County employees and officials, it would not violate the Ethics Code; however, if such a program required approval by the County Board of Supervisors or other oversight pursuant to Milwaukee County procedures, the Department should ensure such procedures were followed.
8. A County employee was invited to a conference related to his work on a non-County committee. A federal agency offered to pay his transportation and lodging. As far as the employee was aware, the County did not have any contracts with the agency or have any reasons to enter any contracts with the agency in the future. The Board found the payment of expenses by the agency would not violate the Ethics Code, provided the employee went to the conference on his own time and declared the payments on his Statement of Economic Interests, if he is a required filer.
9. A County employee was invited by a vendor to a conference to speak about how the County had utilized the vendor's software, for which the County has received national recognition. The vendor offered to pay for the employee's airfare and lodging, and the employee wanted to know if the payment would violate the Ethics Code. The Board found the vendor could pay for the employee's expenses and that payment would not create a conflict of interest, provided the employee attended the conference on his own time and no stipend is provided by the company. Additionally, if he is required to file a Statement of Economic Interest, the employee should declare the payments as other expenses.
10. In 2014, the Board received an investigation request and verified complaint related to an elected official's use of county funds. After the District Attorney's office determined to not take action on the matter, the Board found probable cause that a violation of the ethics code occurred and held a hearing on the matter. The Board found that the evidence did not meet the clear and convincing evidentiary standard required by the Ethics Code; thus, the Board found no violation and closed the case.
11. The Board received an investigation request alleging that a public official used the official's public position to obtain financial gain for private benefit. The District Attorney's office took no action on the request. After reviewing the request, the Board determined that it did not produce facts sufficient to merit a conclusion that a violation of the Code occurred, and the Board dismissed the request.
12. The Board received an investigation request alleging that a public employee used the employee's public position to obtain financial gain for the private benefit of another. The District Attorney's office took no action on the request. After reviewing the request, the Board determined that it produced facts sufficient to merit a conclusion that a violation of the Code occurred, and the Board held a preliminary conference. At the time of this writing, the matter is still pending.

## **PUBLIC RECORDS REQUESTS**

The Ethics Board received four requests for records pursuant to Wisconsin Public Records laws. The Office provided copies of Statements of Economic Interests in response to two requests; a partial response to the third; and was unable to provide any records in response to the fourth.

The Office of the Ethics Board is revising its public records policy and creating a frequently asked questions document for 2016 to help requesters understand what records the Office can and cannot provide under public records requests.

- END -