

## MILWAUKEE COUNTY ETHICS BOARD

Milwaukee County Courthouse  
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### 2022 - ANNUAL ACTIVITIES REPORT

#### ETHICS BOARD MEMBERSHIP

#### TERM EXPIRATION YEAR

|  |                    |
|--|--------------------|
| Christopher Meuler, Chair (Nominee of the Milwaukee Bar Association) | February 28, 2028  |
| Christine Hansen, Vice Chair (Nominee of League of Women Voters)     | April 1, 2023      |
| Richard Donner (Nominee of Wisconsin Policy Forum)                   | April 30, 2027     |
| Dana Guthrie (Nominee of the Greater Milwaukee Committee)            | December 12, 2025  |
| Clarence P. Nicholas (Nominee of NAACP)                              | March 12, 2026     |
| Rachel Yates (Nominee of Interfaith Conference of Greater Milwaukee) | September 24, 2026 |
| Dean Daniels (Nominee of Interfaith Conference of Greater Milwaukee) | September 22, 2028 |

The Ethics Board elected Christopher Meuler as Chair and Christine Hansen as Vice Chair of the Ethics Board at its February 3, 2022, meeting. Rachel Yates resigned from the Ethics Board on June 3, 2022. Dean Daniels was confirmed as a member of the Ethics Board on September 22, 2022, with his first Ethics Board meeting on November 3, 2022.

### 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.

#### APPLICABLE STATUTES

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 of 1975. The current Rules of Procedure of the Ethics Board (which contains the processes by which the Board conducts its business) were adopted in 2013. 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 32 times since its inception. The three most recent revisions to the Code are as follows:

- March 2020: Section 9.02(1) was amended to establish a uniform value threshold for gifts, honorariums, fees, and expense throughout the Code;
- September 2021: Section 9.14(2)(a) was amended to modify the Statement of Economic Interests (“SEI”) form (SEI filers now acknowledge whether a gift reported in Item 7A was given to them by or on behalf of a vendor of that filer’s department); and
- December 2021: Sections 9.03 and 9.04 were amended to discontinue the requirement that a notarized Affidavit supplement SEI submissions.

## **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 Wisconsin Policy Forum;
- The Greater Milwaukee Committee;
- The Milwaukee Bar Association;
- The Interfaith 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 SEIs 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; and
- Addresses investigation requests and verified complaints against county elected or appointed officials, employees, or members of county boards and commissions.

## **ADMINISTRATION**

### **STAFF**

Adam Gilmore, Executive Director, June 2019 to present

Alisha Terry, Paralegal, October 2022 to present

Alisha Terry, Administrative Assistant, June 2015 to September 2022

## 2022 BUDGET

The 2022 adopted Ethics Board budget was \$15,300. In 2017, the Ethics Board budget was combined with the Personnel Review Board and Civil Service Commission budgets for efficiency and cost-saving purposes. Thus, the 2022 personnel costs for the three departments are now primarily taken from the Personnel Review Board budget. The budget of the Ethics Board is utilized almost entirely for outside counsel representation when necessary.

## BOARD MEETINGS

In 2022, the Ethics Board met seven times. By ordinance, the Ethics Board shall meet at least four times per year, with a February meeting designated as the annual meeting. 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

The average Board member attendance rate in 2022 was 90%.

**Board Member Attendance Data 2020 to 2022**

| 2020                      |                                      | 2021                      |                                      | 2022                      |                                      |
|---------------------------|--------------------------------------|---------------------------|--------------------------------------|---------------------------|--------------------------------------|
| MEMBER                    | MEETINGS ATTENDED OF MEETINGS CALLED | MEMBER                    | MEETINGS ATTENDED OF MEETINGS CALLED | MEMBER                    | MEETINGS ATTENDED OF MEETINGS CALLED |
| Christopher Meuler        | 5 of 5 = 100%                        | Christopher Meuler        | 5 of 5 = 100%                        | Christopher Meuler        | 7 of 7 = 100%                        |
| Christian Flores          | 5 of 5 = 100%                        | Christian Flores          | 1 of 1 = 100%                        | Christine Hansen          | 7 of 7 = 100%                        |
| Clarence Nicholas         | 4 of 5 = 80%                         | Clarence Nicholas         | 4 of 5 = 80%                         | Clarence Nicholas         | 6 of 7 = 86%                         |
| Dana Guthrie              | 5 of 5 = 100%                        | Dana Guthrie              | 5 of 5 = 100%                        | Dana Guthrie              | 4 of 7 = 57%                         |
| Christine Hansen          | 5 of 5 = 100%                        | Christine Hansen          | 5 of 5 = 100%                        | Rachel Yates              | 3 of 3 = 100%                        |
| Cynthia Herber            | 1 of 1 = 100%                        | Rachel Yates              | 4 of 5 = 80%                         | Richard Donner            | 6 of 7 = 86%                         |
| Rachel Yates              | 1 of 1 = 100%                        | Richard Donner            | 4 of 4 = 100%                        | Dean Daniels              | 1 of 1 = 100%                        |
| <b>Average Attendance</b> | <b>= 97%</b>                         | <b>Average Attendance</b> | <b>= 94%</b>                         | <b>Average Attendance</b> | <b>= 90%</b>                         |

## ACTIVITIES RELATED TO THE DUTIES OF THE ETHICS BOARD

### STATEMENTS OF ECONOMIC INTEREST

The Code requires that the following individuals file an SEI form with the Ethics Board:

- All County employees fitting the description in Section 9.03(1) and as identified by their department head;
- Certain new employees (Section 9.03(3));
- Elected and Appointed County Officials (Section 9.03(1));
- Candidates for Elected County Office and Incumbents seeking re-election (Section 9.03(2)); and
- Members of Boards and Commissions at the determination of the Ethics Board.

In 2022, 370 people were required to file an SEI with the Ethics Board, an increase from the 342 people required to file in the 2021 SEI drive. 2022 marks the second year the SEI filing process has been hosted online through the MyCounty Customer Portal. Developed in 2021, the portal is intended to increase the accessibility of certain county services by bringing them to a digital forum. The portal offers:

- A quicker, simpler filing process for employees, officials, and candidates for office;
- Increased efficiency in the maintenance and custodianship of records by the Ethics Board's office; and
- An easier and more prominent method by which citizens may request SEIs in an effort to enhance transparency in our County government.

The Ethics Board's office has received a great deal of positive feedback from filers who appreciate the convenience of the portal, though it also received comments related to issues with the submission process from four filers. The office will take these issues into consideration as it works to refine the process for next year's drive.

### ETHICS COMPLIANCE AND TRAINING

The Milwaukee County Administrative Manual of Operating Procedures (AMOP) requires mandatory, online, annual ethics training for Milwaukee County employees. The office of the Ethics Board works with County departments to provide further ethics training when requested.

The Ethics Board recommends individuals visit its County website to review past newsletters.

### ETHICS BOARD DETERMINATIONS AND ADVISORIES

During 2022, the Ethics Board considered the following requests for advisory opinions, investigation requests, or other matters. Pursuant to rules established by Milwaukee County Ordinance and Wisconsin State 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. 46 advisories; 1 investigation/complaint:

1. A county employee notified the Ethics Board of their plans to provide administrative support to their daughter's Certified Public Accountant (CPA) business. The Ethics Board saw no inherent

violation with the secondary employment and the employee was provided related sections of the Ethics Code for reference. Selections from MCO §9.02, §9.05.

2. A county employee inquired whether there was a conflict of interest for a contractor, who is a cousin of the department's clerical assistant, to apply to be a part of the department's BID process. The Ethics Board Executive Director determined there was no violation since the contractor is not considered "immediate family" as it is defined in the Ethics Code and the clerical assistant had no significant fiduciary relationship and was not otherwise associated with the cousin's contracting business. Related sections of the Code were provided to the employee for reference. Selections from MCO §9.02, §9.05.
3. A county official interested in attending a training session inquired whether they could accept transportation provided by the training session organizers. The Ethics Board determined that doing so had the potential to create an appearance of influence over the official's judgment. The Ethics Board advised the official to not accept the gesture. MCO §9.14.
4. A county employee inquired whether their work with two community efforts conflicted with their county position. The first opportunity was described as consultation on advertising and social media outreach for a local mentorship program. The second opportunity was described as participation in a local drive for get-well cards in the name of a neighborhood member. The Ethics Board Executive Director advised that neither opportunity presented an inherent violation of the Ethics Code. The employee was advised to not overlap their county time with work done related to either effort and to not use county resources or privileged information gained through the county while working on either effort. Selections from MCO §9.02, §9.05.
5. A county official was preparing to attend an out-of-state conference with the intention of paying for their travel and lodging. The conference organizers informed the official that they had taken the liberty of booking appropriate lodging. The official confirmed that the organizers had not paid for the room and that the official would be paying all fees related to the lodging. The Ethics Board Executive Director advised the official that it was acceptable to utilize the booking, but that they should confirm with the lodging that no fee waivers were being applied to the room when paying for the stay. The official was also provided the rules related to accepting honorariums and reporting their value on their next SEI filing. MCO §9.14.
6. An organization inquired whether complimentary memberships could be offered to certain county officials. The Ethics Board Chair advised that the officials' acceptance of such a benefit could have the appearance of potential violations of the Ethics Code. MCO §9.05(2)(a), §9.05(2)(c)(2).
7. An organization hosts discussion programs that involve community leaders. The organization inquired whether they could compensate county employees and officials participating in the program with an annual membership to their facilities. The Ethics Board Chair and Ethics Board Executive Director advised that county employees and officials who participated in the program could enjoy the organization's facilities on the day they were invited to participate. The organization was advised to inform those employees and officials if the value of a ticket for a member of the public to enjoy the same facilities for a day exceeds fifty dollars (\$50) for SEI reporting purposes. MCO §9.05(2)(a), §9.05(2)(c)(2), §9.14.

8. A potential new county employee inquired whether they could continue to serve as the chair of a local organization that works directly with the department they were slated to start with. Some of the members of the council have direct contact with the position the individual would be accepting. The Ethics Board Executive Director advised the individual that they could continue to be an active member/volunteer with the organization but that they should step down from the leadership council and discontinue their association with the organization as that term is defined in the Ethics Code. MCO §9.02(2), §9.05(2)(a), §9.05(2)(c-d).
9. A county employee was asked to serve on the board of directors for a non-profit organization. The employee would also serve as chair of one of the board's subcommittees. The employee's department had voiced their support for the official to accept the position. The organization did not have a contractual relationship with the county. The employee understood that they could not conduct business for the organization on county time or with the use of county resources. The Ethics Board Executive Director determined that no inherent violation existed but advised the employee to reach out to the Ethics Board in the future if they identify a potential ethics issue. MCO §9.05(2)(d).
10. A current vendor reached out to an employee that they have frequently worked with asking for them to serve as a reference to speak to the vendor's history working with a governmental agency. The employee confirmed to the Ethics Board Executive Director that they are not associated with the vendor as that term is defined in the Ethics Code and did not stand to privately gain anything of value from providing the reference. The employee was advised that they may provide a reference to the vendor. MCO §9.05(2)(a), §9.05(2)(c).
11. A county elected official applied for an unclassified county position. The official's term would end prior to the start date of the position. The Ethics Board Chair and Executive Director determined there was no inherent violation in considering the official as an applicant but advised the department to continue circulating the job notice through the appropriate candidate pools to ensure fair consideration to all potential applicants. MCO §9.05(2)(b).
12. The Ethics Board was presented with a dual employment question. The Ethics Board Chair and Executive Director determined that there was no inherent violation of the Ethics Code. The individual was advised to contact the Ethics Board should they become aware of any potential ethics issues or conflicts with either of their county roles. MCO §9.05(2)(a-f).
13. Prior to retiring, a county employee deleted privileged information from their county-issued laptop and forwarded privileged information to a personal e-mail address. The Ethics Board Chair and Executive Director determined that, while a potential violation may have existed, the individual was no longer in the Ethics Board's jurisdiction as they had already retired from County service prior to being notified of the situation. The department was advised to contact the District Attorney's office. MCO §9.05(2)(d).
14. A new county employee was considering applying for a part-time job in their previous field. The Ethics Board Executive Director determined there was no inherent violation but reminded the employee to be mindful not to disclose any privileged information gained through their position with the county and to contact the Ethics Board should any Ethics Code issues or conflicts arise in the future. MCO §9.05(2)(a), §9.05(2)(c-d).

15. A county employee interacted with a couple regarding business the couple had with the employee's department. Appreciative of the employee's service, the couple insisted on leaving a tip with the employee, who tried to politely decline. The couple refused to leave without leaving a token of their appreciation and left the employee with five dollars (\$5) and other novel items. The Ethics Board Executive Director determined there was no violation as the "gift" in this matter did not meet the "anything of value" threshold of fifty dollars (\$50). However, the Executive Director also relayed that the Ethics Board and its office does not intend this position to condone accepting such gestures regularly going forward. MCO §9.05(2)(b).
16. A county employee running for elected office inquired about whether photos and videos of them acting in their official county capacity could be used by their campaign. The photos and videos were made available to the public by their department previously. The Ethics Board Executive Director advised that the use of publicly available materials did not appear to be a violation of the Ethics Code. The employee also asked whether they could answer questions about their candidacy working in their official county capacity. The Executive Director advised the employee not to answer any questions related to their candidacy while on county time. MCO §9.06(1).
17. A county employee commonly interacted with a member of the public (the "client/customer") while working in their official county capacity and providing county services to the client/customer. The employee and the client/customer had no relationship beyond their interactions while the employee was working in their official capacity. After some time passed, the employee was informed that the client/customer had passed away and, unbeknownst to the employee, had named the employee as a beneficiary to an insurance policy. The employee inquired whether the money could be used for funeral expenses for the client/customer. The Ethics Board advised the employee that, while their cause was noble, they should refrain from exercising any authority over the benefit and relinquish their claim. MCO §9.05(2)(b).
18. A board/committee of the county inquired whether there was a potential violation of the Ethics Code where several county employees were discovered to not have received a cost-of-living-adjustment to their pay for multiple years. The Ethics Board advised that the facts of the situation as presented, while problematic, did not create specific violations of the Ethics Code. The Ethics Board advised the board/committee on how to identify potential violations of the Ethics Code as they continue their work related to resolving the matter.
19. A county official inquired whether they need to report food provided at a speaking engagement on their SEI. The Ethics Board Executive Director determined that they did not need to report the food and/or beverage being provided at the speaking engagement on their SEI. MCO §9.14(1).
20. A county official inquired whether they could donate a basket of Milwaukee County items including passes to various county facilities (pools, golf courses, gardens, etc.) to a raffle. The Ethics Board Executive Director determined that if the official was not associated with the hosting organization as that term is defined in the Ethics Code, there was no apparent violation. MCO §9.02(2), §9.05(2)(c)(2).
21. A county department was one of the sponsors of a community event. With the sponsorship, the department was given a table for eight people to attend the event. Staff members from this

department and another department ended up with four of the seats. The department inquired whether the four staff attending could each bring a guest of their choosing to fill the other four seats. The Ethics Board Executive Director advised that it would be acceptable, but if the cost of attending the event for the public exceeds fifty dollars (\$50), any attending staff member that is required to file an SEI should report the value of the guest's ticket on their next SEI. MCO §9.14(1).

22. A county employee inquired whether elected officials could hold secondary employment and use their county office to conduct work for that secondary employer. The Ethics Board Executive Director advised that, while the concept of county employees and officials having secondary employment is not an inherent violation of the Ethics Code, conducting work for a secondary employer while on county time/property or using county resources would run afoul of multiple Ethics Code provisions.
23. A county employee inquired whether their department could distribute promotional products, worth twenty-five dollars (\$25) each, at a community event hosted by county leadership. The Ethics Board Executive Director advised that there was no inherent violation in the activity but recommended that no department personnel involved in organizing the event or their immediate family take home three or more of the products themselves. MCO §9.05(2)(a), §9.05(2)(c)(2).
24. A county employee inquired whether they could accept the opportunity to sit on the board of a group home. The home currently contracts with a state department, but not with the county. The employee acknowledged that, should the home enter into a contract with the county in the future, the employee would recuse themselves from any decision-making related to such a contract. The Ethics Board Chair advised that there was no inherent violation in the employee taking the position on the board, but the employee should be mindful to work within the bounds of the Ethics Code. The employee was provided related sections of the Ethics Code for reference. MCO §9.05(2)(a-d).
25. A county employee inquired whether their department, in an effort to boost morale, can raffle ten-dollar (\$10) meal gift cards for employees to use on their off time. The Ethics Board Executive Director advised that there was no violation so long as no single employee accumulated so many gift cards that they exceed the fifty dollar (\$50) "anything of value" threshold within a one-year span. MCO §9.02(1), §9.05(2)(b).
26. A county department was looking for ways to bolster staffing. They inquired whether current county employees from other departments with the appropriate credentials could be considered for dual employment. The Ethics Board Executive Director advised that the dual employment within the county is governed by MCO §17.23 (as opposed to secondary employment outside of the county, which is of concern to the Ethics Code). The department was advised to explore the potential for this effort with the Department of Human Resources.
27. A county employee attended a work conference out of state, with the county reimbursing travel and flight expenses. The return flight of the county employee was delayed and the airline offered the individual a monetary incentive to take a later flight in the form of credit for a future flight due to the inconvenience of spending a night in the airport. The employee was confirmed to not work with the airline in their official county capacity. The Ethics Board Chair and



Executive Director agreed that the scenario was analogous to the common practice of employees who travel for work personally retaining airline miles they accumulate regardless of other forms of reimbursement and found no violations of the Ethics Code based on the facts presented.

28. A county official attended and spoke at a conference out of state. They personally funded their travel and lodging but inquired whether they were able to accept an honorarium for the speaking engagement. The official confirmed that their participation in the event was not under the auspices of the county and that they did not specifically discuss the affairs of the county relative to their duties. The Ethics Board Executive Director advised that such a payment would not be reportable as an honorarium as that term is defined in the Ethics Code and should not be reported as such on the official's next SEI filing. The Executive Director also recommended that the official not accept an amount exceeding fifty dollars (\$50) to remain below the "anything of value" threshold of other potentially applicable Ethics Code provisions. MCO §9.02(1), §9.05(2)(a-b), §9.05(2)(c)(2).
29. A county employee showed interest in a piece of county equipment that had fallen into disrepair. They voiced their intent to repair and restore the equipment. The department confirmed that the equipment was not of substantial value or otherwise useful in its current state and that it was comfortable releasing the equipment to the employee whose duties did not include any purchasing or bargaining authority within the department. Based on the facts of the request, the Ethics Board Executive Director identified no potential violation of the Ethics Code.
30. A county department was offered ten (10) tickets to a Milwaukee Brewers game as part of an appreciation night event at the ballpark. The department was confirmed to not have a contractual relationship with the organization offering the tickets. The tickets were valued at fourteen dollars (\$14) apiece. As the value of the tickets did not exceed the "anything of value" threshold established in the Ethics Code and the department had no other business with this organization, the Ethics Board Executive Director identified no potential violation of the Ethics Code. MCO §9.02(1), §9.05(2)(b).
31. A volunteer group hosted a fundraising event. The group wanted to invite county elected officials and employees and offer them a discounted ticket price. The group also wanted to invite some officials and employees to speak and participate at the event. The Ethics Board Executive Director advised the volunteer group to not offer a discount of more than fifty dollars (\$50) to those attending but not participating. Individuals participating in the event were able to attend at no charge, but those individuals should declare the value of what a discounted ticket would have cost them on their next SEI should they be required to file one. MCO §9.05(2)(c)(2), §9.14.
32. A county department inquired whether a letter soliciting donations to a non-profit organization could be circulated to employees. The letter was written by a representative of the organization and father of a department employee. The Ethics Board Executive Director advised that potential violations could arise if the employee or other administrators within the department are themselves associated (as that term is used in the Ethics Code) with the organization. If no current members of the department were associated with the organization, then there is no

provision of the Ethics Code that would prohibit the circulation of the letter in this scenario. MCO §9.05(2)(b), §9.05(2)(c)(2).

33. A county employee retired approximately three years ago, taking a position with a vendor of their county department whom the employee worked with in their county capacity. Due to a staffing shortage, the retired employee's department reached out to them to retain their services on a temporary basis, after which the employee would return to their current position with the department's vendor. The employee was confirmed to have no purchasing or bargaining authority in their role with either the county department or the vendor. The Ethics Board Executive Director determined that, as the individual had been out of County service for over a year, was not associated (as that term is defined in the Ethics Code) with the vendor, and holds no bargaining power with either entity, no violation of the Ethics Code had been presented. MCO §9.05(3).
34. A local organization planned a substantial donation of equipment to a county department. A county employee planned to attend an event for the organization celebrating the gesture and was invited to enjoy the event. The Ethics Board Executive Director advised the employee to report the value of a ticket to the event for the public on their next SEI filing. MCO §9.14.
35. A county employee inquired whether county elected officials could use county funds to attend a fundraiser or if they should pay for attending (and not otherwise participating) personally. Tickets for the fundraiser were valued at one hundred fifty dollars (\$150). The Ethics Board Chair and Executive Director determined that whether the use of county funds in this scenario was wholly appropriate was not within the Ethics Board's jurisdiction and recommended that the employee inquire with other county parties on this point. Should the proposed usage be approved, the Chair and Executive Director recommended that no more than fifty dollars (\$50) of county funds be used to supplement their attendance. MCO §9.05(2)(a).
36. A county employee inquired as to the rules in the Ethics Code on allowable political activity as it related to a fellow employee's political campaign. The Ethics Board Executive Director pointed the employee to the Ethics Code section on political activity and other potentially relevant provisions. MCO §9.05(2)(a-c), §9.06.
37. A potential vendor submitted bids on two Requests for Proposal (RFP's) issued by a subdivision of a larger division within a county department. As part of their submission, the vendor provided a notice of potential conflict of interest: one of the vendor's Board Members worked as an employee of a different subdivision of the same larger division of the department. The Ethics Board Chair and Executive Director determined that, based on the facts presented, there was at most a tangential relationship between the employee's role with their own subdivision and the work the vendor would be conducting for the other subdivision. It was established that the employee had no oversight, influence, or input in contracting as it relates to the subdivision contracting with the vendor. There was no appearance that the employee had the ability to leverage their county role to benefit the vendor they are associated with. Ultimately, no violation of the Ethics Code was identified. MCO §9.05(2)(a), §9.05(2)(c).
38. A County elected official was approached by the parent company of a major social media application to monetize their County office social media account due to the amount of traffic the account generates from its posts. The official inquired whether the funds could be collected

and donated to charity. The Ethics Board advised the official not to accept the company's offer to monetize their County office social media account. Any posts made to the account are made in the official's capacity as an elected official. The funds to be gained from the monetization constituted "anything of value" as defined in the Ethics Code and could reasonably be considered a reward for the official actions of the public official. The Board also noted that ordinances require that any funds generated by official County websites (including an office's social media pages) must be collected on behalf of the County and deposited into the appropriate County fund. MCO §9.05(2)(b). (Pursuant to MCO §9.09(1)(c)(2), attached to this report please find the public advisory opinion in full).

39. A County department inquired whether they could offer a service at either a free or reduced-price to their department's employees as a perk. The Ethics Board advised that County Board approval of the proposal would be required to eliminate any potential of a violation of §9.05(2)(a). MCO §9.05(2)(a).
40. A County department inquired whether its employees could receive reward payments from a County vendor for their participation in a training program offered by the vendor and related to their county position. The reward would be disbursed in the form of a gift card with the potential to exceed fifty dollars (\$50) in value. The Ethics Board sent follow-up questions to the inquirer, but the department responded that the organization was requested not to issue any gift cards to the county employees to avoid a potential violation of the Ethics Code. MCO §9.05(2)(b).
41. A County employee with extensive experience in their field is often asked to travel and provide consulting services to other institutions in their field. The County employee uses their vacation time and own resources to travel and conduct the consultations. The Ethics Board Executive Director advised there is no inherent violation of the Ethics Code. The facts described secondary employment outside the County, a concern of Chapter 9. Based on the information provided, County time and resources were not used in the scope of the secondary employment. Requests for the employee's services were determined to stem not from the employee's county position but rather their extensive experience and expertise gained from their many years in their field. The employee was advised not to disclose any privileged information gained in their work with Milwaukee County; as well as, keeping M.C.G.O. 9.05(2)(b) in mind. MCO §9.05(2)(b), §9.05(2)(d).
42. A County employee inquired whether they could participate, as one of the interviewers and decision-makers, in interviews for an RFP. One of the interviewees is a friend of the employee. The County employee only shared information regarding the RFP that was publicly available with the interviewee. The County employee is not an immediate family member of the interviewee nor are they associated with the interviewee's organization. Nothing of value was being offered by or directly to the employee regarding the RFP. The Ethics Board Executive Director advised, based on the information provided, that no inherent violation of the Ethics Code was present.
43. A County employee inquired whether they could start applying for secondary part-time employment. The employee does not have the authority to enter into contracts or make purchases in their County position. The employee did not anticipate a relationship between their prospective employer and the County. The employee affirmed that they were not being

hired due to their current County position. The employee did not foresee any potential for their secondary employer to exert influence on their County position or duties. The Ethics Board Executive Director saw no violations of the Code based on the facts presented.

44. A County department inquired whether they could provide gift certificates to a group that included both County and non-County employees for their work on a project. The Ethics Board Executive Director advised the department that the value of gift certificates received by County employees should not exceed fifty dollars (\$50), and no further similar gifts should be offered by the department to those employees for a calendar year. MCO §9.05(2)(b).
45. A small group of County employees were invited to attend a ceremony celebrating a program that their department is involved with during a local sporting event. The hosts of the event provided tickets to the event at no cost to the employees. The Ethics Board Executive Director advised the employees who attended the event and ceremony to report the value of the individual tickets, if greater than fifty dollars (\$50) on their next Statement of Economic Interests if they are required to file. MCO §9.05(2)(b).
46. A County employee inquired whether County departments can use their tax levy budget to make donations to non-profits. The Ethics Board Executive Director advised of several concerns involved, including whether any officials and employees in the county department(s) have the authority, oversight, or potential to be involved in granting the funds while also associated with the organizations or individuals receiving the monies, or if such activity could potentially violate another statute/ordinance and in turn violate MCO §9.05(2)(e). MCO §9.05(2)(a), §9.05(2)(c)(2), §9.05(2)(e).
47. The Board received an investigation request alleging that a county employee received a substantial private benefit from a vendor of their department in violation of the Ethics Code. The District Attorney's office took no action on the request. The Board held a preliminary conference and deliberations on the matter and, based on the evidence available to the Board, ultimately found no probable cause to conclude that violations of the Ethics Code had occurred. The Board made recommendations on how the employee could act with greater transparency in the future. The Board and the employee entered into a stipulated dismissal with conditions, to remain part of the closed record, pursuant to MCO 9.10(2)(b).

## **PUBLIC RECORDS REQUESTS**

The Ethics Board received eight requests for records pursuant to Wisconsin Public Records Laws. The Board's office provided copies of Statements of Economic Interest in response to the eight requests.

- END -



# Milwaukee County Ethics Board

DATE: November 21, 2022  
TO: Milwaukee County Supervisor Ryan Clancy  
FROM: Christopher Meuler, Board Chair, Milwaukee County Ethics Board  
RE: Request for Advisory Opinion Regarding Social Media Monetization

Dear Supervisor Clancy:

At its meeting November 3, 2022, the Ethics Board discussed the inquiry which it understood to be as follows:

You maintain three Facebook accounts: a personal page, a campaign page, and an official County Supervisor page. Meta, parent company of Facebook, approached you (as current manager of the account) and informed him that his County Supervisor page could be monetized due to the high traffic it has recently generated. You represented that this offer is being made due to the large number of anonymous “right-wing troll” accounts responding to the posts on that page. You communicated a desire to collect the funds Meta is offering in the interest of taking the less-than-scrupulous behavior of the anonymous accounts and turning it into something useful.

Section 9.05(2)(b) of the Ethics Code, contained in relevant part below with emphasis added, addresses the issue presented by your scenario:

9.05(2)(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 the public official** or employee.

Under the scenario presented, a public official posts content on the official County Supervisor Facebook page of that district. This constitutes an action taken in the Supervisor's official capacity. Meta is proposing to monetize the content based on the amount of traffic generated. Those funds fall within "anything of value" described in the Code and could reasonably be considered a reward for the official actions of the public official.<sup>1</sup> Based on the information presented, it is the Ethics Board's opinion that accepting the funds offered to you by Meta would not comply with the Ethics Code. Should further information or context be provided, the Ethics Board is open to considering it.

A final comment. You have warranted that this offer is being made due to controversial responses on the page feeding the generation of traffic. The Ethics Board has not reviewed the posts and the actual content of the posts are not at issue here. Rather, it believes that the situation would have the appearance of the County being incentivized to collect from the generation of controversial behavior on social media. This presents a "slippery slope" that the Ethics Board does not see as good practice.

The Board would like to thank you for actively seeking its input in this matter. This opinion only applies to the scenario set forth in your request and should not be used for general application to other facts or scenarios. If the situation changes or may change, a new opinion should be requested based on those facts. Following the initial issuance of this opinion, you requested in writing on November 18, 2022, pursuant to Section 9.09(1)(c)(2) of the Ethics Code, that your initial request and this opinion be made a public record. With that, this opinion will accompany the Ethics Board's 2022 Annual Report when issued next year and copies of this opinion and your initial inquiry will be available for request by the public from the Ethics Board's office immediately.

Sincerely,

/s/ Christopher Meuler  
Christopher Meuler, Chair  
Milwaukee County Ethics Board

cc: Margaret Daun, Milwaukee County Corporation Counsel

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<sup>1</sup> You (Supv. Clancy) have suggested that any funds collected would be given to charity. Unlike some of the other provisions of the Ethics Code, Section 9.05(2)(b) does not include language regarding who must benefit from the act of accepting something of value in order to find a violation of this provision (*see* M.C.G.O. 9.05(2)(a), (c)(2), (d) and (e)). Moreover, while the idea to give the funds to charity is laudable, the Ethics Board understands that ordinances require that any funds that an official County website (including Facebook pages) generates must be collected on behalf of the County and entered into the appropriate general County fund.

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