



**The Board of Ethics**

April 28, 2010

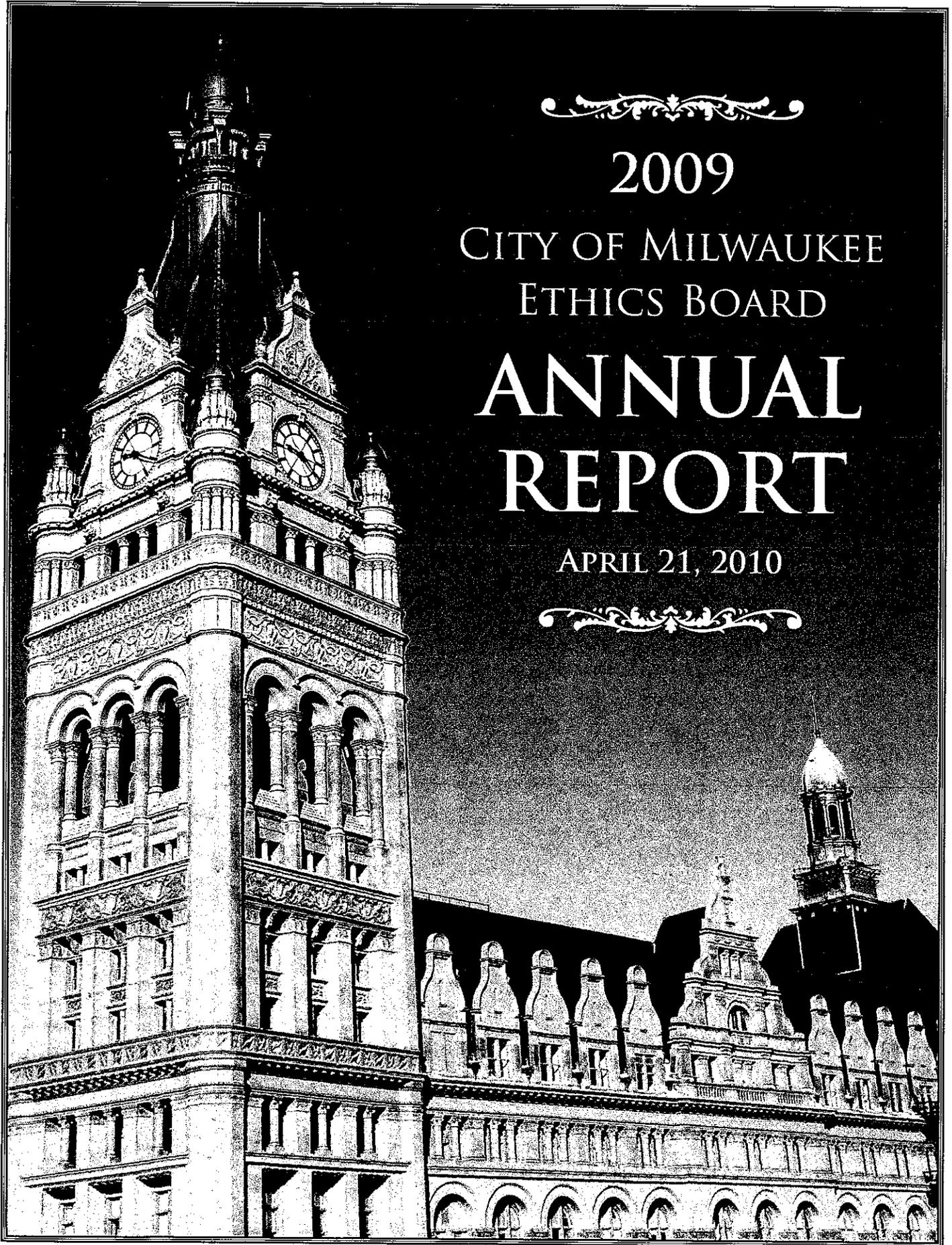
To the Honorable Common Council,

A communication from the City of Milwaukee Ethics Board transmitting the 2009 Annual Report.

Very truly yours,

*Dwight Ellis* *nms*

Dwight Ellis, Chair  
Ethic Board



2009

CITY OF MILWAUKEE  
ETHICS BOARD

# ANNUAL REPORT

APRIL 21, 2010





**The Board of Ethics**

To the Honorable Mayor of Milwaukee  
and the Common Council

**The City of Milwaukee Board of Ethics  
2009 Annual Report**

The City of Milwaukee Board of Ethics administers the Code of Ethics, Chapter 303, which promotes the essential elements of public trust. The Board works to implement the Code by issuing confidential advisory opinions, investigating sworn complaints, requiring and reviewing annual financial statements and providing educational materials. Seven volunteers, having no affiliation to the City of Milwaukee except for residency, make up the Board of Ethics. Board members are nominated by seven community groups based in the greater Milwaukee area and appointed by the Mayor. The seven groups are: The League of Women Voters of Milwaukee County, the Milwaukee Area Labor Council, the Public Policy Forum, the Milwaukee Bar Association, the Metropolitan Milwaukee Association of Commerce, the Milwaukee Branch of the N.A.A.C.P. and the Interfaith Conference of Greater Milwaukee.

In the year 2009, the Ethics Board held ten regular board meetings. The Board confidentially addressed four requests for advisory opinion from a variety of sources, including employees, officials, board/commission members, and citizens. Summaries of the opinions are included in this report. These summaries should not be viewed as definitive advice, but rather as a guide to the types of situations addressed by the Board. If persons subject to the ethics code have any questions regarding their actions, they should request a confidential opinion from the Board of Ethics. In late April, the Board filed affidavits of violation of the Code of Ethics with the City Attorney's office against five individuals who failed to file the 2008 Statement of Economic Interests form. In addition, the Board heard one complaint filed by a citizen.

In February, Board member, Eliot Bernstein, resigned from service due to relocation outside of the City of Milwaukee. Mr. Bernstein faithfully served the Ethics Board for four years, six months. The Board will truly miss his thoughtful manner and delightful humor. The Board welcomed new member, Rob Shelledy, in June. Mr. Shelledy, the appointee from the Interfaith Conference of Greater Milwaukee, has continued the faithful standard set by Mr. Bernstein.

The Board focused its energy during the last quarter of 2009 on revising the Rules and Procedures. The revision was necessary in order to bring the Rules current with Ethics Code revisions that were adopted late in 2008. The revision that the Ethics Board

proposed were met with some concerns by the City Clerk's office and at the end of the year the approval process was held pending further research and consideration.

In September, the Board requested that all Department Heads review the list of persons within their departments who are required to file an annual Statement of Economic Interests. The Department Heads then responded to the Board regarding any position they felt should be added to or deleted from the current list. The Board then reviewed these requests in light of the Ethics Code and the current job descriptions and forwarded a final recommendation to the Finance and Personnel Committee for changes to the Positions Ordinance. This process is intended to keep the annual list of filers accurate while giving Department Heads an annual opportunity to refresh their understanding of Chapter 303, Ethics Code.

The Board relies on the professional support services of an independent contractor and several City Employees. The Board wishes to thank: Edward Ehrlich, of the City Attorney's office, who provides legal counsel; Linda Elmer, Staff Assistant from the City Clerk's office, who staffs the Board's meetings; and Charlotte Rodriguez, Council File Specialist from the City Clerk's office, who provides additional secretarial support. We greatly appreciate our research assistant, Nola Devereaux, who, as an independent contractor, provides invaluable research and technical support. We also wish to thank the City Clerk, Ronald Leonhardt, for providing additional administrative support to the Board.

Please feel free to contact any member of the Board of Ethics should you have any questions or desire additional information. We welcome any comments or suggestions you may have.

Very truly yours,

Dwight Ellis, Chair

# SUMMARIES

## Confidential Advisory Opinions

### **MEB 09-1            Potential Conflicting Employment**

**ISSUE:** A City employe requested an opinion as to whether or not a conflict of interest exists in her/his pursuing a freelance project, requested by another City official, if the work was conducted on her/his own time and using resources that are entirely separate from those provided by the City.

**ADVICE:** The Board determined that pursuing the freelance work, generated by another City official would not violate the Code of Ethics, because the funds for the project are not derived in whole or in part by City funds. The requestor stated that the funds for the project would be derived from the other City Official's personal resources.

### **MEB 09-2            Gift/Payment of Expenses**

**ISSUE:** A City official requested an opinion as to whether or not it is permissible under the Code of Ethics to accept an invitation for three members of a City board to attend a sporting event. The purpose of the invitation is twofold 1) to give the executive committee, officers and committee members and opportunity to socialize and become better acquainted and 2) to thank attendees for their roles as officers/chairs and key participants/supporters. Additionally, the requestor was asked to assist in hosting the event and stated that no City funds were used to support the event.

**ADVICE:** The Board determined that no conflict of interest exists in accepting the invitation to attend and co-host the sporting event. The Board based its opinion on the Code of Ethics, s. 303-9-1 and 303-9-2a. The Board found that attendance at the proposed gathering would be consistent with the requirements of the City's Code of Ethics. Further, the Board reminded the requestor to report any ticket or admission with a total pecuniary value of greater than \$50.00 on the annual Statement of Economic Interest form.

### **MEB 09-3            Gift/Payment of Expenses**

**ISSUE:** A representative of a City department requested an opinion as to whether or not it is permissible under the Code of Ethics to accept "free" tickets offered to all City of Milwaukee Employees from a local sports organization. The sporting organization would like the City to publicize the offer through the City's e-notify system. The employees would then contact the sports organization directly to obtain tickets face value of \$16.00

each with at a \$2.50 service charge per ticket. Each employee could reserve as many tickets as they would like.

**ADVICE:** The Board determined that acceptance of the ticket offer by a City employee would not constitute a violation of the Code of Ethics, Chapter 303. The Board bases this opinion on the fact that the offer will be universally distributed to all City employees, that the sports organization offering the tickets is not currently in any contractual agreements with the City of Milwaukee and that the purpose of the promotion is to generate attendance at the event. Further, the board advised that any person who is an official and therefore required to file an annual Statement of Economic Interest, should disclose the acceptance of the tickets on their annual Statement (or separate Gift form) if the value of the accepted tickets reaches the \$50 reporting threshold (e.g. 4 or more tickets).

#### **MEB 09-4                      Post employment restrictions**

**ISSUE:** A City employee requested an opinion as to whether or not she/he would be in violation of the Code of Ethics in becoming a principal in a real estate development company upon leaving employment with the City of Milwaukee. The requestor's specific concern is whether or not her/his involvement in a private development company and her/his work on matters involving the City of Milwaukee and the department from which the requestor currently serves, would violate the post employment restrictions contained in s. 303-5-8(a&b), Milwaukee Code Ordinances.

**ADVICE:** The Board was unable to provide an advisory opinion as authorized under Chapter 303-7-2, because the requestor had not set forth a factual situation with the specificity required for the issuance of such an advisory opinion. The Board encouraged the requestor to return to the Board when more facts were known regarding the potential employment opportunity.

## **Complaints**

#### **MEB 09-06-01**

A complaint brought by a citizen against a City official was filed. The Board dismissed the complaint, concluding that the complaint did not allege fact sufficient to constitute a violation of the Code of Ethics, Chapter 303, Milwaukee Code Ordinances.

# THE CITY OF MILWAUKEE ETHICS BOARD 2009 FACT SHEET

## ETHICS BOARD MEMBERS

## TERMS

<b>Dwight Ellis, Chair</b> Public Policy Forum	(Dec. 2003 to May 2011)
<b>Martha Toran, Vice Chair</b> Milwaukee Branch – N.A.A.C.P.	(Sept. 2002 to April 2012)
<b>Joanne Barndt</b> League of Women Voters of Milwaukee County	(Oct. 2007 to Feb. 2013)
<b>Annie Wacker</b> Milwaukee Area Labor Council	(Oct. 2005 to Feb. 2012)
<b>Patricia Hintz</b> Milwaukee Bar Association	(April 2005 to June 2011)
<b>Robert Shelledy</b> Interfaith Conference of Greater Milwaukee	(June 2009 to Oct. 2012)
<b>Devon Turner</b> Metro. Milwaukee Assoc. of Commerce	(June 2002 to April 2012)

## MAILING AND EMAIL ADDRESSES

Ethics Board  
City Hall, Room 205  
Milwaukee, WI 53202  
[ethics@milwaukee.gov](mailto:ethics@milwaukee.gov) and [ndeever@milwaukee.gov](mailto:ndeever@milwaukee.gov)  
Website: [www.city.milwaukee.gov](http://www.city.milwaukee.gov)

## TELEPHONE

(414) 286-8641  
(414) 286-0723 FAX

## STAFF

Nola M. Devereaux, Research Assistant (part-time, independent contractor)

## 2009 BUDGET

\$31,000 in the 2008 adopted budget

## STATUTORY REFERENCE

Section 303, Milwaukee Code of Ordinances