



The Board of Ethics

June 9, 2008

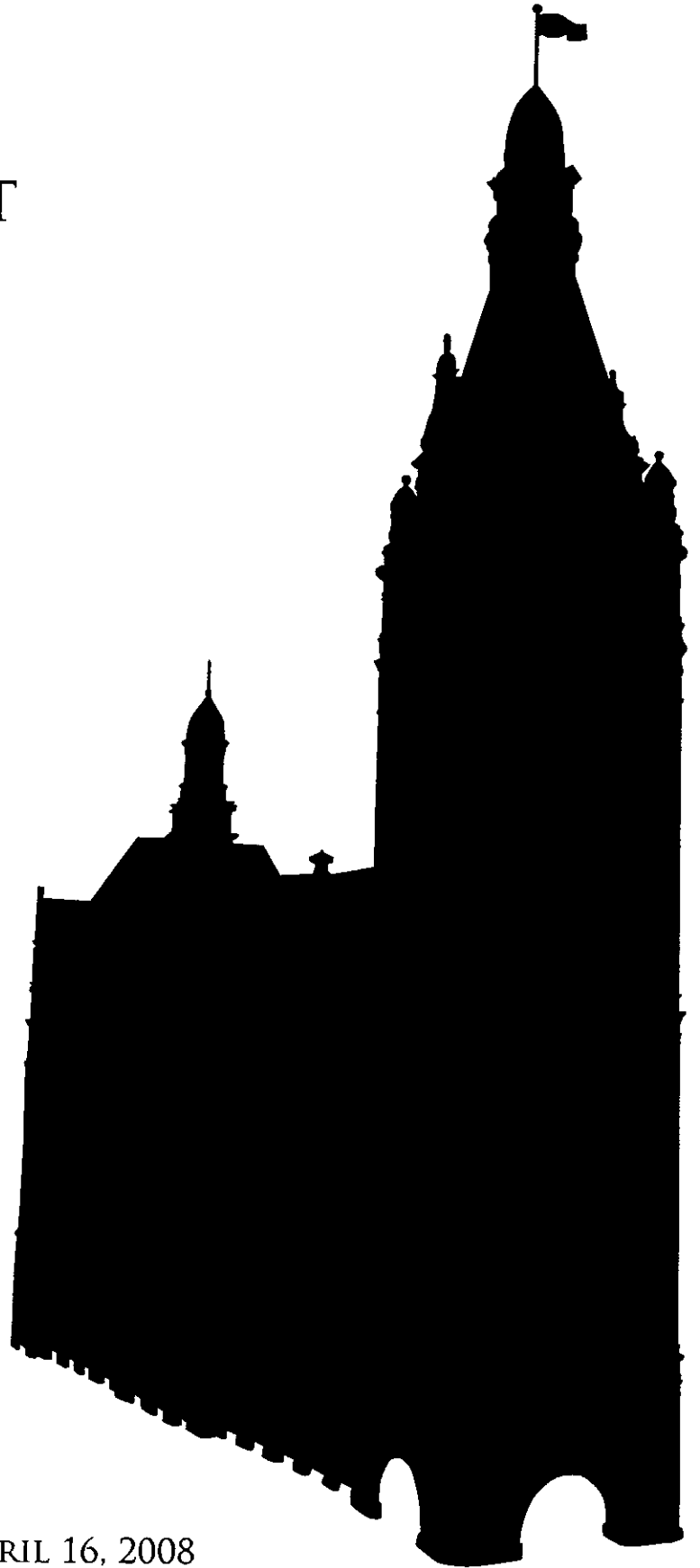
To the Honorable Common Council,

A communication from the City of Milwaukee Ethics Board transmitting the 2007 Annual Report.

Very truly yours,

Dwight Ellis, Chair
Ethic Board

2007
ETHICS BOARD
ANNUAL REPORT



APRIL 16, 2008





The Board of Ethics

To the Honorable Mayor of Milwaukee
and the Common Council

**The City of Milwaukee Board of Ethics
2007 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 2007, the Ethics Board held eleven regular board meetings, and one subcommittee meeting. The Board confidentially addressed twelve 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 addition, the Board filed six complaints against individuals who failed to file the Statement of Economic Interests form in a timely manner.

The Board appointed a subcommittee in April to review the 2006 Statement of Economic Interests forms. The purpose of this review was to check for accuracy and inconsistencies in a random selection of completed forms. Overall, the committee found the Statements of Economic Interest forms to be properly completed and did not recommend any changes to the statement of economic interest form.

In an effort to supply information on the Code of Ethics and the functions of the City of Milwaukee Ethics Board, the Board distributed an informational brochure to all City employees through the City Treasurer's office as a payroll stuffer. Because this is an efficient and inexpensive way to distribute information, the Board plans to repeat the distribution in the future.

In August, 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 according to the Ethics Code and current job descriptions and forwarded the final recommendation to the Finance and Personnel Committee. This process is intended to keep the annual list of filers accurate while giving Department Heads a yearly opportunity to refresh their understanding of Chapter 303, Ethics Code.

The Ethics Board welcomed one new board member in 2007. Joanne Brandt, representing the League of Women Voters of Milwaukee County, brings new perspective to the Board. She replaced Frances Swigert who passed away in June 2007. Ms. Swigert's service to the Board was brief and she is sadly missed by our members and staff.

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 Joanna Polanco, 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

THE CITY OF MILWAUKEE ETHICS BOARD 2007 FACT SHEET

ETHICS BOARD MEMBERS

TERMS

Dwight Ellis, Chair Public Policy Forum	(Dec. 2003 to Feb. 2008)
Martha Toran, Vice Chair Milwaukee Branch – N.A.A.C.P.	(Sept. 2002 to Mar. 2009)
Joanne Barndt League of Women Voters of Milwaukee County	(Oct. 2007 to Oct. 2010)
Annie Wacker Milwaukee Area Labor Council	(Oct. 2005 to Oct. 2008)
Patricia Hintz Milwaukee Bar Association	(April 2005 to April 2008)
Eliot Bernstein Interfaith Conference of Greater Milwaukee	(Oct. 2004 to June 2009)
Devon Turner Metro. Milwaukee Assoc. of Commerce	(June 2002 to Mar. 2009)

MAILING AND EMAIL ADDRESSES

Ethics Board
City Hall, Room 205
Milwaukee, WI 53202
ethics@milwaukee.gov and ndeever@milwaukee.gov
Website: www.city.milwaukee.gov

TELEPHONE

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

STAFF

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

2007 BUDGET

\$26,341.00 in the 2007 adopted budget

STATUTORY REFERENCE

Section 303, Milwaukee Code of Ordinances

SUMMARIES

Confidential Advisory Opinions

MEB 07-1 Gift Disclosure

ISSUE: A City official requested an opinion as to whether or not she/he is required to disclose gifts received prior to her/his official appointment. The requestor further explained that she/he has never been offered or accepted any gift given because of her/his position(s) with the City.

ADVICE: The Board determined that the requestor must disclose any gifts valued at \$50 or more received within the taxable year preceding the filing of the statement of economic interest form. The Board based its determination on s. 303-13-7 which states, "the identity of each person from which the individual who is required to file received, directly and indirectly, any gift or gifts having an aggregate value of more than \$50 within the taxable year preceding the time of filing."

MEB 07-2 Former City Employment

ISSUE: A former City official requested an opinion as to whether or not other she/he could represent defendants in court after having served the Court previously. The requestor's particular concerns deal with certain restrictions within the Code of Ethics, Chapter 303, which restricts former City employees and officials from dealings with their former department within 12 months following the date on which she/he ceases to be an official or employee.

ADVICE: The Board determined that the former City official would not violate the Ethics Code, Chapter 303 by representing defendants in court so long as she/he does not represent a defendant in any matter that had come before her/him in her/his previous capacity. The Board based its decision on the interpretation of s. 303-5-8-a.

MEB 07-3 Gift/Payment of Expenses

ISSUE: A City official requested an opinion as to whether or not she/he may accept a \$200 stipend offered by a city board for participation on an application review committee. The requestor further disclosed that she/he took a vacation day to participate in the review and that the committee work was not related in any way to her/his city position.

ADVICE: The Board determined that accepting the stipend would not violate the City's Code of Ethics.

MEB 07-4 Misdirected opinion request

ISSUE: The member of the Milwaukee Public Schools Board of Directors requested an opinion of the City of Milwaukee Ethics Board.

ADVICE: The Board was advised by the City Attorney's office that the Ethics Board does not have jurisdiction in matters relating to the Milwaukee Public School Board of Directors.

MEB 07-5 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties as a board/commission member and her/his employment.

ADVICE: The Board determined that because of the nature of the requestor's employment and the express purposes and responsibilities of the board/commission membership, the requestor's continued service as a member of the board/commission would violate the Code of Ethics as long as she/he continues to be employed by that particular employer.

MEB 07-6 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties as a board member and her/his livelihood as a consultant. The requestor took consulting work with an agency that may receive funds from the City board of which she/he is currently a member. Further, if a conflict is apparent, the requestor questioned what step she/he could take to continue serving as a board member and working as a consultant.

ADVICE: The Board determined that a conflict of interest existed under the Code of Ethics, s. 303-5-2 and that any participation on the board by the requestor would violate the Code of Ethics. Further, the Board determined that because of the particular facts of this situation, any participation on the part of the requestor on the board would violate the Code of Ethics, s. 303-5-4. Thus, the Ethics Board determined that because of the responsibilities of the board membership, the requestor's continued service on the board would violate the City's Code of Ethics so long as the requestor continues to have a contractual relationship with any organization affiliated with the particular City board in question.

MEB 07-7 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties as a board member and her/his employment. The specific concern dealt with whether a violation of the code exists if her/his employer would apply for funds from the City of Milwaukee board of which she/he is currently a member.

ADVICE: The Board determined that it could not consider the request because the questions are hypothetical and not based upon existing facts. The Board urged the requestor to return to the Board of Ethics if the facts and circumstances change. Further, the Board provided information on avoiding a conflict of interest by recusal from participation including pertinent sections of the Code of Ethics (303-5-2 and 303-3-2) and State of Wisconsin Guideline No. 219 for local public officials for future reference. The Board also, cautioned the requestor to be aware of s. 303-5-4 relative to the use of any non-public information.

MEB 07-8 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties as a board member and her/his employment. The specific concern dealt with whether a violation of the code exists if her/his employer would apply for funds from the City of Milwaukee board of which she/he is currently a member.

ADVICE: The Board determined that it could not consider the request because the questions are hypothetical and not based upon existing facts. The Board urged the requestor to return to the Board of Ethics if the facts and circumstances change. Further, the Board provided information on avoiding a conflict of interest by recusal from participation including pertinent sections of the Code of Ethics (303-5-2 and 303-3-2) and State of Wisconsin Guideline No. 219 for local public officials for future reference. The Board also, cautioned the requestor to be aware of s. 303-5-4 relative to the use of any non-public information.

MEB 07-9 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties as a board member and her/his employment. The specific concern dealt with whether a conflict of interest exists if her/his employer would apply for funds from the City of Milwaukee board of which she/he is currently a member. The requestor states that the application of funds from the City is unlikely.

ADVICE: The Board determined that it could not consider the request because the questions are hypothetical and not based upon existing facts. The Board urged the requestor to return to the Board of Ethics if the facts and circumstances change. Further, the Board provided information on avoiding a conflict of interest by recusal from participation including pertinent sections of the Code of Ethics (303-5-2 and 303-3-2) and State of Wisconsin Guideline No. 219 for local public officials for future reference.

MEB 07-10 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties as a board member and her/his employment. The specific concern dealt with whether or not she/he needs to resign from the board or whether she/he can recuse herself/himself from official action if a conflicting matter arises. At the time of the request, her/his employer had not sought funds, either alone or as a partner with another organization, from the City board.

ADVICE: The Board determined that it could not consider the request because the questions are hypothetical and not based upon existing facts. The Board urged the requestor to return to the Board of Ethics if the facts and circumstances change. Further, the Board provided information on avoiding a conflict of interest by recusal from participation including pertinent sections of the Code of Ethics (303-5-2 and 303-3-2) and State of Wisconsin Guideline No. 219 for local public officials for future reference.

MEB 07-11 Conflict of interest in official action

ISSUE: A member of a City of Milwaukee board or commission requested an opinion dealing with a potential conflict of interest between her/his official duties and her/his employment. The specific concern dealt with the fact that her/his employer has applied for grants from the City board/commission. The member has suspended her/his membership and has not been involved in any discussions regarding the application of funds from her/his employer.

ADVICE: The Ethics Board determined that her/his participation in an official capacity as a board member on any matter relating to her/his employer would constitute a conflict of interest under the Code of Ethics, Chapter 303. Section 303-7-1-a states: "No official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest." In addition, s. 303-7-1b states: "No official may use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official's immediate family either separately or together, or an organization with which the official is associated." Section 303-3-2 of the Code defines "associated" as follows: "when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a

director, officer or trustee, or owns or controls, directly or indirectly, and severally or in aggregate, at least 10% of the outstanding equity or of which an individual or a member of his or her immediate family in an authorized representative or agent.”

Further, the Board cautioned in the matter of any and all information the requestor might gain as a result of her/his service on the Board. With regard to any information that is gained that is not a matter of public record, s. 303-5-4 of the Code provides that: “No official may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself . . . or for any other person, if the information has not been communicated to the public or is not public information.” This section of the Ethics Code makes clear that each public official has ethical duties not to use any non-public information in any way that might result in receipt of anything of value by that public official, by any organization with which that official is associated or “any other person.”

MEB 07-12 Potential conflict of interest in Board membership

ISSUE: A City Department Head requested an opinion as to whether or not a conflict of interest exists in accepting membership on the Board of Directors of a local organization. Further, the organization requires that she/he sign a “conflict of interest policy” in order to be a member of the Board.

ADVICE: The Board determined that the acceptance of membership on the Board of Directors does not violate the City’s Code of Ethics nor present her/him with a conflict of interest in exercising her/his official duties with the City of Milwaukee. Additionally, the Board could not comment on the specifics of the “conflict of interest policy” developed by another entity. Further, the Board reminded the official that by becoming a member of the Board of Directors, she/he will be “associated” with the local organization as defined by the Code of Ethics, Chapter 303.

Complaints

MEB 07-407-1

The Ethics Board filed a complaint against a member of a City employee for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual subsequently filed the completed Statement of Economic Interests and the complaint was dismissed.

MEB 07-407-3

The Ethics Board filed a complaint against a member of a City employee for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual subsequently filed the completed Statement of Economic Interests and the complaint was dismissed.

MEB 07-407-4

The Ethics Board filed a complaint against a member of a City Board or Commission for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual subsequently filed the completed Statement of Economic Interests and the complaint was dismissed.

MEB 07-407-6

The Ethics Board filed a complaint against a member of a City Board or Commission for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual subsequently filed the completed Statement of Economic Interests and the complaint was dismissed.

MEB 07-407-7

The Ethics Board filed a complaint against a member of a City Board or Commission for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual did not file the completed Statement of Economic Interests. The Ethics Board notified the appointing authority with the recommendation that the Board member be removed from official duties.

MEB 07-407-9

The Ethics Board filed a complaint against a member of a City Board or Commission for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual subsequently filed the completed Statement of Economic Interests and the complaint was dismissed.

