

**Potential Conflict of Interest Form**  
**City Agency Employee, Desire to Purchase City-Owned Property**

GH/PB 5-25-2021, CAO Doc # 274848

Buyer Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address of City-owned real estate (“**Property**”) that Buyer wants to buy: \_\_\_\_\_

\_\_\_ I am an employee of one of the following (herein called “**City Agencies**”):

\_\_\_ the City of Milwaukee. Identify department: \_\_\_\_\_

\_\_\_ the Housing Authority of the City of Milwaukee (“**HACM**”)

\_\_\_ the Redevelopment Authority of the City of Milwaukee (“**RACM**”)

My job title is: \_\_\_\_\_ and my supervisor is: \_\_\_\_\_.

My work phone number is: \_\_\_\_\_ My work email is: \_\_\_\_\_

My supervisor’s phone number is: \_\_\_\_\_

My supervisor’s email is: \_\_\_\_\_

\_\_\_ I am a spouse, sibling, parent or child of an employee of one of the City Agencies. Identify:

City Agency (either City and Department, RACM or HACM): \_\_\_\_\_.

Relationship to employee of City Agency: \_\_\_\_\_.

Name and job title of employee of City Agency: \_\_\_\_\_.

Supervisor of employee of City Agency: \_\_\_\_\_.

Does the City Agency employee, through his or her employment, or you as Buyer, have influence regarding the City’s marketing, sale, or price-setting of the Property, regarding the Offer, regarding any health or building code issues associated with the Property, or regarding any City Agency financing relating to the Property?

\_\_\_ Yes. Explain: \_\_\_\_\_

\_\_\_ No, I do not believe so.

Will you be applying for any City financing in association with the City-owned Property?

\_\_\_ Yes. Explain: \_\_\_\_\_

\_\_\_ No, I do not believe so.

**Affirmation:** I, as Buyer, wish to submit to the City, to its Department of City Development (“**DCD**”), an offer to purchase (“**Offer**”) the Property, and I understand that I must complete and submit this form with the Offer, or prior to submitting the Offer.

By signing this form, I affirm: **(a)** that I have read Wis. Stat. 946.13 and the City of Milwaukee’s Ethics Code, as set forth in Chapter 303 of the Milwaukee Code of Ordinances, **(b)** that, to the best of my knowledge, I am not in violation of that statute or the City’s Ethics Code, including, but not limited to, the standards of conduct set forth in MCO 303-5 (copy **attached**), and **(c)** that I have provided a copy of this Form to the City of Milwaukee Ethics Board by email to [ethics@milwaukee.gov](mailto:ethics@milwaukee.gov). I am aware of the right to seek an Advisory Opinion from the Ethics Board under MCO 303-12 if I choose.

Buyer signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Supervisor review and signature.** I am the supervisor of \_\_\_\_\_ (the City Agency employee identified above).

\_\_\_ **No undue influence.** I believe, to the best of my knowledge, that the City Agency employee has not had, and does not have, the type of influence regarding the marketing, sale, or price-setting of the Property, or regarding the Offer, or regarding any health or building code issues associated with the Property, or regarding any City Agency financing relating to the Property, that could reasonably call into suspicion whether **(a)** the Buyer received or may reasonably receive favorable treatment (more favorable than a true third-party purchaser would receive), or **(b)** the Buyer exerted or may exert undue influence regarding the Property and its possible sale to the Buyer.

\_\_\_ **Possible undue influence.** I believe that possible undue influence or favorable treatment may or could exist and I ask the DCD Commissioner for further review.

Supervisor signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name printed: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**DCD Commissioner or Designee conflict determination.**

- I believe, to the best of my knowledge that no conflict of interest or undue influence exists.
- I believe a possible conflict of interest or possible undue influence exists, and recommend the following action to address the conflict:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DCD Commissioner/Designee Signature

\_\_\_\_\_  
Date

**MCO 303-5. Standards of Conduct.**

1. **OUTSIDE EMPLOYMENT.** The common council reaffirms that an official or other city employee holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This chapter does not prevent any official or other city employee from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this city. The common council further recognizes that officials and other city employees are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that officials and other city employees retain their rights as citizens to interests of a personal or economic nature; that standards of ethical conduct for officials and other city employees need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material and that officials and other city employees may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the provisions of this chapter.

2. **FINANCIAL GAIN.** No official or other city employee may use his or her public position or office to obtain financial gain or anything of value for the official's or other city employee's private benefit or that of his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit an elected official from using the title or prestige of his or her office to obtain contributions permitted and reported under ch. 11, Wis. Stats.

3. **OFFER, SOLICITATION, OR ACCEPTANCE OF ANYTHING OF VALUE.** No person may offer or give to an official or other city employee, directly or indirectly, and no official or other city employee may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's vote, the official's or other city employee's official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the official or other city employee. This subsection does not prohibit an official or other city employee from engaging in outside employment.

4. **MISUSE OF INFORMATION.** No official or other city employee 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, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information. This provision shall not be interpreted to prevent such official or other city employee from reporting violations of this chapter or other illegal acts to the proper authorities.

5. **MISUSE OF POSITION.** No official or other city employee may use or attempt to use his or her position to influence or gain unlawful benefits, advantages or privileges for himself or herself or others.

6. **CONTRACTS AND LEASES.** No official or other city employee, member of an official's or other city employee's immediate family, nor any organization with which the official or other city employee or a member of the official's or other city employee's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from city funds, unless the official or other city employee has first made written disclosure of the nature and extent of such relationship or interest to the board and to the department involved in regard to the contract or lease. Any contract or lease entered into in violation of this subsection may be voided by the city in an action commenced within 3 years of the date on which the ethics board, or the department or officer acting for the city in regard to the allocation of funds from which such payment

is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of s. 946.13, Wis. Stats.

#### 7. REPRESENTATION FOR COMPENSATION.

a. No official or other city employee may represent a person for compensation before a department or any employee thereof, except:

a-1. In a contested case which involves a party other than the city with interests adverse to those represented by the official or other city employee; or

a-2. At an open hearing at which a stenographic or other record is maintained; or

a-3. In a matter that involves only ministerial action by the department.

b. This subsection does not apply to representation by an official acting in his or her official capacity.

8. RESTRICTIONS FOR FORMER CITY OFFICIALS AND EMPLOYEES. No former official or other city employee: a. For 12 months following the date on which he or she ceases to be an official or employee, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employee of a department with which he or she was associated as an official or employee, within 12 months prior to the date on which he or she ceased to be an official or employee. b. May for compensation act on behalf of any party other than the city in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former official or other city employee participated personally and substantially as an official or other city employee.

9. PRIVATE PRACTICE OF LAW PROHIBITED FOR CITY ATTORNEY. The city attorney may not engage in the private practice of law for compensation during the period in which he or she holds office.

10. ACTIONS TAKEN FOR NO COMPENSATION. This section does not prohibit an elected official from making inquiries for information on behalf of a person or organization or from representing a person or organization before a department if he or she receives no compensation therefor beyond the salary and other compensation or reimbursement to which the elected official is entitled by law.

11. CONFLICTS OF INTEREST PROHIBITED. Except in accordance with the board's advice under sub. 12 and except as otherwise provided in sub. 13, no official or other city employee may:

a. Take any official action substantially affecting a matter in which the official or employee, a member of his or her immediate family, or an organization with which the official or employee is associated has a substantial financial interest.

b. 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 or employee, one or more members of the 303-9 Code of Ethics 1/21/2020 -22- official's or employee's immediate family either separately or together, or an organization with which the official or employee is associated.

## 12. ADVISORY OPINIONS.

- a. Any individual, including former officials and other city employees, either personally, or on behalf of an organization or governmental body, may make a written request of the board for an advisory opinion relating to the propriety of any matter or matters to which the person, organization or governmental body is or may become a party.
- b. Any appointing officer, with the consent of a prospective appointee, may make a written request of the board for an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party.
- c. The board shall review a written request for an advisory opinion and may advise the person making the request. Advisory opinions shall be in writing. The board's deliberations and actions upon requests shall be in meetings not open to the public.
- d. If the material facts contained in a written request for an advisory opinion are correct, then it is prima facie evidence of intent to comply with this chapter when an individual making the request abides by the board's advisory opinion.
- e. No member of the board or its staff may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.
- f. Requests for confidential advisory opinions, records obtained or filed in connection with requests for confidential advisory opinions and confidential advisory opinions rendered shall be closed in whole to public inspection. This shall not be interpreted to preclude the board from compiling or publishing summaries of opinions rendered under this subsection if identification is not made, either directly or indirectly, of the requestor or of any organization identified in the opinion.

13. SALARIES, BENEFITS, REIMBURSEMENTS, AND PROPOSALS TO MODIFY LAW. This section does not prohibit an official or other city employee from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an official from taking official action with respect to any proposal to modify law.

## **WIS. STAT. 946.13 Private interest in public contract prohibited.**

- (1) Any public officer or public employee who does any of the following is guilty of a Class I felony:
- (a) In the officer's or employee's private capacity, negotiates or bids for or enters into a contract in which the officer or employee has a private pecuniary interest, direct or indirect, if at the same time the officer or employee is authorized or required by law to participate in the officer's or employee's capacity as such officer or employee in the making of that contract or to perform in regard to that contract some official function requiring the exercise of discretion on the officer's or employee's part; or (b) In the officer's or employee's capacity as such officer or employee, participates in the making of a contract in which the officer or employee has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer's or employee's part.
- (2) Subsection (1) does not apply to any of the following: (a) Contracts in which any single public officer or employee is privately interested that do not involve receipts and disbursements by the state or its political subdivision aggregating more than \$15,000 in any year. (b) Contracts involving the deposit of public funds in public depositories. (c) Contracts involving loans made pursuant to s. 67.12. (d) Contracts for the publication of legal notices required to be published, provided such notices are published at a rate not higher than that prescribed by law. (e) Contracts for the issuance to a public officer or employee of tax titles, tax certificates, or instruments representing an interest in, or secured by, any fund consisting in whole or in part of taxes in the process of collection, provided such titles, certificates, or instruments are issued in payment of salary or other obligations due such officer or employee. (f) Contracts for the sale of bonds or securities issued by a political subdivision of the state; provided such bonds or securities are sold at a bona fide public sale to the highest bidder and the public officer or employee acquiring the private interest has no duty to vote upon the issuance of the bonds or securities. (g) Contracts with, or tax credits or payments received by, public officers or employees for wildlife damage claims or abatement under s. 29.889, for farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71, soil and water resource management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and nonpoint source water pollution abatement under s. 281.65.
- (3) A contract entered into in violation of this section is void and the state or the political subdivision in whose behalf the contract was made incurs no liability thereon.
- (4) In this section "contract" includes a conveyance.
- (5) Subsection (1) (b) shall not apply to a public officer or public employee by reason of his or her holding not more than 2 percent of the outstanding capital stock of a corporate body involved in such contract.
- (6) Subsection (3) shall not apply to contracts creating a public debt, as defined in s. 18.01 (4), if the requirements of s. 18.14 (1) have been met. No evidence of indebtedness, as defined in s. 18.01 (3), shall be invalidated on account of a violation of this section by a public officer or public employee, but such officer or employee and the surety on the officer's or employee's official bond shall be liable to the state for any loss to it occasioned by such violation.
- (7) Subsection (1) shall not apply to any public officer or public employee, who receives compensation for the officer's or employee's services as such officer or employee, exclusive of advances or reimbursements for expenses, of less than \$10,000 per year, merely by reason of his or her being a director, officer, employee, agent or attorney of or for a state or national bank, savings bank or trust company, or any holding company thereof. This subsection shall not apply to any such person whose

compensation by such financial institution is directly dependent upon procuring public business. Compensation determined by longevity, general quality of work or the overall performance and condition of such financial institution shall not be deemed compensation directly dependent upon procuring public business.

(8) Subsection (1) shall not apply to contracts or transactions made or consummated or bonds issued under s. 66.1103.

(9) Subsection (1) does not apply to the member of a local committee appointed under s. 289.33 (7) (a) acting as a member of that committee in negotiation, arbitration or ratification of agreements under s. 289.33.

(10) Subsection (1) (a) does not apply to a member of a local workforce development board established under 29 USC 2832 or to a member of the council on workforce investment established under 29 USC 2821.

(11) Subsection (1) does not apply to an individual who receives compensation for services as a public officer or public employee of less than \$10,000 annually, exclusive of advances or reimbursements for expenses, merely because that individual is a partner, shareholder or employee of a law firm that serves as legal counsel to the public body that the officer or employee serves, unless one of the following applies: (a) The individual has an interest in that law firm greater than 2 percent of its net profit or loss. (b) The individual participates in making a contract between that public body and that law firm or exercises any official discretion with respect to a contract between them. (c) The individual's compensation from the law firm directly depends on the individual's procurement of business with public bodies.

(12) (a) In this subsection: 1. "Research company" means an entity engaged in commercial or nonprofit activity that is related to research conducted by an employee or officer of the system or to a product of such research. 2. "System" means the University of Wisconsin System. (b) Subsection (1) does not apply to a contract between a research company and the system or any institution or college campus within the system for purchase of goods or services, including research, if the interest that a system employee or officer has in the research company has been evaluated and addressed in a management plan issued by the individual or body responsible for evaluating and managing potential conflicts of interest and the management plan complies with the policy adopted under par. (d). (d) The board shall adopt a policy specifying the contents required for a management plan under par. (b).