



Milwaukee County Ethics Board

DATE: March 22, 2021

TO: David Crowley, County Executive
Marcelia Nicholson, Chairwoman, County Board of Supervisors
Anthony Staskunas, Chairman, Judiciary, Safety and General Services Committee

CC: Mary Jo Meyers, Chief of Staff, County Executive
Kelly Bablitch, Chief of Staff, County Board of Supervisors
Margaret Daun, Corporation Counsel, Office of Corporation Counsel

FROM: Adam Gilmore, Executive Director, Ethics Board

RE: 2020 Ethics Board Annual Report

Please find enclosed the Milwaukee County Ethics Board Annual Report for the year 2020. Per §9.08(9)(b) of the Ethics Code, this report is submitted annually to the County Executive and the County Board of Supervisors.

MILWAUKEE COUNTY ETHICS BOARD

Milwaukee County Courthouse
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Milwaukee, Wisconsin 53233
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2020 - ANNUAL ACTIVITIES REPORT

ETHICS BOARD MEMBERSHIP

TERM EXPIRATION YEAR

Christopher Meuler, Chair (Nominee of the Milwaukee Bar Association)	February 28, 2022
Cynthia Herber, Vice Chair (Nominee of the Milwaukee Bar Association)	April 1, 2023
Christian B. Flores, Vice Chair (Nominee of Public Policy Forum)	February 28, 2021
Clarence P. Nicholas (Nominee of NAACP)	March 12, 2026
Christine Hansen (Nominee of League of Women Voters)	April 1, 2023
Dana Guthrie (Nominee of the Greater Milwaukee Committee)	December 12, 2025
Rachel Yates (Nominee of Interfaith Conference of Greater Milwaukee)	September 24, 2026

The Ethics Board elected Christopher Meuler as Chair and Cynthia Herber as Vice Chair of the Ethics Board at its February 5, 2020 meeting. Clarence Nicholas' first term ended February 28, 2020. On March 26, 2020, the County Board reappointed him for a second term expiring March 12, 2026. Cynthia Herber resigned from the Board effective May 6, 2020. Rachel Yates was confirmed as a member of the Ethics Board on September 24, 2020, with her first Ethics Board meeting on November 12, 2020.

BACKGROUND

MISSION STATEMENT

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

VISION

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

STATUTORY REFERENCE

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

HISTORY

The Ethics Board and the Ethics Code it administers were created in February, 1975. The Code sets forth standards of ethical conduct for all county employees, including elected and appointed officials and

members of boards and commissions. The County Board has amended the Code 29 times since its inception, with the most recent amendments occurring in 2016 and 2020. The current Ethics Board Rules and Procedures were adopted in 2013. These revisions more clearly delineate the Ethics Board's responsibilities under the Milwaukee County Ethics Code.

ORGANIZATION

The Board consists of six members appointed by the County Executive and confirmed by the Milwaukee County Board of Supervisors for staggered six-year terms. New members are nominated by one of the following six outside entities:

- The National Association for the Advancement of Colored People (NAACP);
- The Public Policy Forum;
- The Greater Milwaukee Committee;
- The Milwaukee Bar Association;
- The Inter-Faith Conference of Greater Milwaukee; and
- The League of Women Voters of Greater Milwaukee.

The goal of this process is to ensure that the Board members reflect the racial and ethnic diversity of Milwaukee County, serve the residents of Milwaukee County according to their oaths of office, and act independently from the nomination and appointing authorities. An action by the Ethics Board requires an affirmative vote of four members. While serving on the Board, and for one year prior to his/her appointment, no member can be a county public official, employee, or candidate for public office.

BOARD RESPONSIBILITIES

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

- Directs persons to timely file Statements of Economic Interests as required;
- Upon request, advises any county official, employee, or those who do business with county employees on the propriety of matters to which they may become a part; 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, Administrative Assistant, June 2015 to present

2020 BUDGET

The 2020 adopted Ethics Board budget was \$8,650. 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 2020 personnel costs for the three departments are now primarily taken from the Personnel Review Board budget. The two components of the 2020 Ethics Board budget are outside counsel representation and funding for the Statement of Economic Interests electronic filing project.

BOARD MEETINGS

In 2020, the Ethics Board met five 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 was 97%.

Board Member Attendance Data 2018 to 2020

2018		2019		2020	
MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED	MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED	MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED
Christopher Meuler	6 of 6 = 100%	Christopher Meuler	5 of 5 = 100%	Christopher Meuler	5 of 5 = 100%
Christian Flores	5 of 6 = 83%	Christian Flores	5 of 5 = 100%	Christian Flores	5 of 5 = 100%
Clarence Nicholas	2 of 5 = 40%	Clarence Nicholas	5 of 5 = 100%	Clarence Nicholas	4 of 5 = 80%
Howard Schnoll	2 of 5 = 40%	Howard Schnoll	1 of 1 = 100%	Dana Guthrie	5 of 5 = 100%
Christine Hansen	6 of 6 = 100%	Christine Hansen	5 of 5 = 100%	Christine Hansen	5 of 5 = 100%
Cynthia Herber	5 of 6 = 83%	Cynthia Herber	4 of 5 = 80%	Cynthia Herber	1 of 1 = 100%
Average Attendance	=74%	Average Attendance	= 97%	Average Attendance	= 97%
				Rachel Yates	1 of 1 = 100%

ACTIVITIES RELATED TO THE DUTIES OF THE ETHICS BOARD

STATEMENTS OF ECONOMIC INTEREST

The Code requires that all candidates for elected County offices, all County employees, and all County elected and appointed officials, including members of boards and commissions, “whose duties and

responsibilities include the awarding and execution of contracts for the purchase of supplies, services, materials, and equipment for or on behalf of Milwaukee County, for the construction of public works, or for the sale or leasing of real estate,” file a Statement of Economic Interests (“SEI”) form and Affidavit with the Office of the Ethics Board.

In 2020, 337 people were required to file a Statement of Economic Interests with the Ethics Board, a slight decrease from the 345 people required to file in 2019.

The Board received four requests to review Statements of Economic Interest in 2020.

SEI ELECTRONIC FILING PROJECT

This project was put on hold at the onset of the current health crisis in March of 2020. The Ethics Board hopes to pick up this project with IMSD in the spring of 2021 in the interest of providing more digital solutions for filing SEIs.

HEARING PROCEDURES

The Ethics Board is working to revise its rules and recommend revisions to the Ethics Code as it relates to its hearing procedures. These revisions and recommendations are primarily for clarifying the roles of participants (e.g., Board Members, Hearing Examiner, etc.) in said hearings.

ETHICS COMPLIANCE & TRAINING

The Milwaukee County Administrative Manual of Operating Procedures (AMOP) requires mandatory, online, annual ethics training for Milwaukee County employees.

The Ethics Board issued a summer edition of its newsletter, “Ethically Speaking”. The summer newsletter focused on issues related to gifts. The Ethics Board recommends individuals visit their County website to review past newsletters for

ETHICS BOARD DETERMINATIONS AND ADVISORIES

During 2020, the Ethics Board considered the following requests for advisory opinions, investigation requests, or other matters. Pursuant to rules established by County Ordinance and Statutes, these actions were discussed in closed session, and the synopses are written in a manner that protects the integrity of the closed session meetings and the confidentiality of the requesters. These summaries are for informational purposes and should not be relied on as authoritative advice for other factual scenarios. 15 advisories; 5 investigations/complaints

1. The Board received a request for advice concerning whether it is permissible for an organization to make a donation subsidizing a program when an appointed County official working on said program is a member of said organization. The Ethics Board Administrator concluded there was no violation of the Code, given the lack of a contractual relationship between the organization and the County and that the official was not “associated” with the organization for the purposes of the Code. 9.02(2), 9.05(2)(a-c).

2. The Board received a request for advice concerning whether a candidate for a County position, who currently sub-contracts with the County, as well as their spouse individually, if hired, would create a conflict of interest if the spouse continued sub-contracting with the County. It was determined by the Ethics Board Administrator that it was not a violation of the Ethics Code, but also pointed the inquirer to provisions of the Ethics Code that were pertinent. 9.05(2)(a-c).
3. The Board received a request for advice concerning whether a County department could partner with a vendor that does not have a contract with the County on an event. It was determined by the Ethics Board Administrator that there was no violation of the Ethics Code but confirmed that no one with bargaining power in the department, or their immediate families, have any significant fiduciary relationship/ties to the vendor. 9.05(2)(a-c).
4. A County employee informed the Board that they received campaign solicitation from a County elected official. They were concerned that other County employees were receiving the same solicitations. Before further inquiry could take place, the official was no longer elected to their position. 9.06(1)(b).
5. A County employee requested an advisory opinion regarding whether they could accept, from a County contracted vendor, a waived conference fee for multiple County employees. The purpose of the conference was for further education on an application currently in use by the County. The Ethics Board Chair determined that there was no violation in light of the conference being an educational opportunity related to an application already being utilized by the County. 9.05(2)(a-c).
6. A County employee requested an advisory opinion regarding whether they could do work for an organization while on County time. The Ethics Board Administrator determined that, while there was no inherent Code violation in this scenario, the employee should work with his supervisor and Human Resources, if necessary, to determine what balance of time, if any, was allowable, and to be mindful of the Code when on County time, specifically provisions in 9.05(2).
7. The Board received a request for advice concerning whether a County employee can sit as an ex-officio board member of a non-profit that will be making a donation to the County. The Ethics Board Administrator determined there was no violation as long as the County employee was truly an ex-officio member with no voting authority. He also stated that if the employee ever exercised voting authority that the individual would become “associated” with the organization and it could be construed as an Ethics Code violation. 9.02(2), 9.05(2)(c)(1-2).
8. A County appointed official requested an advisory opinion regarding whether a gift could be given to a County employee retiring from County service. The Ethics Board Administrator informed the inquirer that the threshold had changed to \$50 from \$25 in March of 2020. 9.02(8), 9.05(f).
9. A County employee requested an advisory opinion regarding whether they could accept an event invitation with meal valued over \$50 in the process of performing duties. The Ethics Board Administrator informed the employee that it would be a violation to accept the meal, gift, reimbursements, vouchers, etc. valued over \$50. And if done so, it needed to be included on their SEI. 9.05(2)(a), (b), and (c)(2).

10. A County employee requested an advisory opinion regarding whether they could accept a gift from a vendor after a roundtable discussion. The Ethics Board Administrator informed the employee that as long as the gift was under the \$50 threshold it would not be a violation. However, it would be a violation to accept the meal, gift, reimbursements, vouchers, etc. valued over \$50. 9.05(2)(a), (b), and (c)(2).
11. The Board received a request for advice concerning whether a board could be setup as a supporting organization to a citizen's donation to the County. Also, whether a County department director could appoint a County employee to the Board. The Ethics Board Chair concluded that the question, if the Board can be setup as a supporting organization, is better suited for Corporation Counsel. In terms of whether a County department Director could be the person to appoint someone to the Board and if County employees can be appointees to the Board, the Ethics Board Chair saw no inherent violation, so long as the appointer and appointees adhere to the Ethics Code in the scope of fulfilling their duties, specifically the provisions of 9.05(2).
12. A County official inquired whether it would be acceptable to sponsor a resolution that would grant money to an organization that employs the official, but with which the official is not "associated" for the purposes of the Ethics Code. The official would not privately, personally benefit related to the resolution or its passing. The Ethics Board Chair concluded there was no violation of the Ethics Code, given the lack of a private benefit the official could receive from the organization. 9.02(2), 9.05(2)(a) and (c)(1).
13. A County employee inquired whether it would be acceptable to accept a position on an organization's board in which they were involved in the RFP process for. It was determined by the Ethics Board Chair that there is a potential violation of the Ethics Code due to the "association" between the County employee and the organization's board. This potential violation would extend to any County employee whose duties and responsibilities with the County would be intertwined with the financial interests of the organization. 9.05(2)(a-e).
14. A County official requested an advisory opinion regarding whether it was acceptable for them to promote an event via social media. The Ethics Board Administrator determined that there was no violation if the message did not reference the County official's nomination, the upcoming election or an effort to increase voter turnout. If this occurs and the materials are distributed while on County time, then there could be a potential Ethics Code violation. 9.06(1)(a-d).
15. Previously, a County employee inquired whether it would be acceptable to accept a contractor position with a County vendor. The employee had been involved in the RFP process related to the vendor's contract with the County. In the scope of their duties with the County, the employee continues to work with and hold a degree of authority over said vendor and the contract. At that time, the Board advised the employee not to accept the position until they step away from any further involvement with the contract in their County duties. The employee updated the Ethics Board Administrator that they have accepted a part-time consulting job with the vendor and have passed their County duties related to the vendor's contract to another County employee. 9.05(2)(a-e).

16. The Board received a verified complaint request addressing concerns of an elected official violating Wisconsin open meetings laws. After review of the request, the Board found that the official was not within the jurisdiction of the Board.
17. The Board received an investigation request regarding the conduct of a County employee. After review of the request, the Board found that conduct and issues described were more likely Civil Service Rule violations than Ethics Code violations. They determined the matter was not within the jurisdiction of the Board.
18. The Board received an investigation request concerning a former employee who had contact with former colleagues as a result of their new job. The issue was resolved prior to the matter going before the Board and the Board issued an advisory opinion to the County party involved.
19. The Board received an investigation request regarding the conduct of a County employee. After review of the request, the Board found that conduct and issues described were more likely Civil Service Rule violations than Ethics Code violations. They determined the matter was not within the jurisdiction of the Board.
20. The Board received a complaint request regarding the conduct of multiple County employees. After review of the request, the Board found that the complaint did not meet the qualifications for a complete verified complaint or investigation request. The Board requested that the individual resubmit their complaint to be considered again, which did not occur.

PUBLIC RECORDS REQUESTS

The Ethics Board received four requests for records pursuant to Wisconsin Public Records laws. The Office provided copies of Statements of Economic Interests in response to the four requests.

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