



Milwaukee County Ethics Board

DATE: February 19, 2018

TO: Chris Abele, County Executive
Theodore, Lipscomb, Sr., Chairman, County Board of Supervisors
Willie Johnson, Jr., Chairman, Judiciary, Safety and General Services Committee

CC: Raisa Koltun, Chief of Staff, County Executive
Kelly Bablitch, Chief of Staff, County Board of Supervisors

FROM: Stephanie Hunnicutt, Executive Director, Ethics Board

RE: 2017 Ethics Board Annual Report

Please find enclosed the Milwaukee County Ethics Board Annual Report for the year 2017. The Ethics Code requires that this report be submitted annually to the County Executive and the County Board of Supervisors.

MILWAUKEE COUNTY ETHICS BOARD

Milwaukee County Courthouse
901 North 9th Street, Room 212-E
Milwaukee, Wisconsin 53233
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2017 - ANNUAL ACTIVITIES REPORT

ETHICS BOARD MEMBERSHIP

TERM EXPIRATION YEAR

Christian B. Flores, Chair (Nominee of Public Policy Forum)	February 28, 2021
Christopher Meuler, Vice Chair (Nominee of the Milwaukee Bar Association)	February 28, 2022
Howard Schnoll (Nominee of the Greater Milwaukee Committee)	February 28, 2019
Clarence P. Nicholas (Nominee of NAACP)	February 28, 2020
Cynthia Herber (Nominee of Interfaith Conference of Greater Milwaukee)	April 1, 2023
Christine Hansen (Nominee of League of Women Voters)	April 1, 2023

The Ethics Board elected Christopher Meuler as Chair and Christian Flores as Vice Chair of the Ethics Board at its February 15, 2018 meeting.

Reverend Gary Manning resigned from the Ethics Board on February 7, 2017. Cynthia Herber was confirmed as a member of the Ethics Board in March, 2017 and Christine Hansen was confirmed as a member of the Ethics Board in April, 2017, with their first Ethics Board meeting in May, 2017.

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 28 times since its inception, with two amendments occurring in 2016. In the first quarter of 2013, the Ethics Board adopted revised Rules and Procedures. 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

Stephanie Hunnicutt, Executive Director, January 2017 to present
Alisha Terry, Administrative Assistant, June 2015 to present
Adam Gilmore, Paralegal, September 2017 to present

2017 BUDGET

The 2018 adopted Ethics Board budget was \$23,785, a decrease of \$59,031 from the 2017 budget. 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 2018 personnel costs for the three departments are now primarily taken from the Personnel Review Board budget. The two components of the 2018 Ethics Board budget are outside counsel representation and funding for the Statement of Economic Interests electronic filing project.

BOARD MEETINGS

In 2017, 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 slightly below 100%.

Board Member Attendance Data 2015 to 2017

2015		2016		2017	
MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED	MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED	MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED
Christian Flores	8 of 8 = 100%	Christian Flores	5 of 5 = 100%	Christian Flores	5 of 5 = 100%
Marcia Drame	6 of 8 = 75%	Carol Wichmann	4 of 4 = 100%	Christopher Meuler	5 of 5 = 100%
Gary Manning	8 of 8 = 100%	Marcia Drame	2 of 2 = 100%	Gary Manning	1 of 1 = 100%
Carol Wichmann	7 of 8 = 87.5%	Gary Manning	5 of 5 = 100%	Clarence Nicholas	4 of 5 = 80%
Howard Schnoll	5 of 5 = 100%	Howard Schnoll	5 of 5 = 100 %	Howard Schnoll	4 of 5 = 80%
Clarence P. Nicholas	2 of 8 = 25%	Clarence P. Nicholas	2 of 5 = 40%	Christine Hansen	4 of 4 = 100%
Average Attendance	= 81%	Christopher Meuler	3 of 3 = 100%	Cynthia Herber	3 of 4 = 75%
		Average Attendance	= 92%	Average Attendance	= 91%

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 2017, 295 people were required to file a Statement of Economic Interest with the Ethics Board, a decrease from 325 people required to file in 2016.

The Board received six requests to review Statements of Economic Interest in 2017.

SEI ELECTRONIC FILING PROJECT

After working with IMSD to create an electronic filing system, it was determined that the original goal of creating a stand-alone website for employees to file and store their SEIs online proved to be a project that would require substantial funding.

IMSD offered an alternative that satisfied two of the original project requests in that SEIs will be stored in an electronic database, beginning 2018, and filers will be able to make changes to their SEI in an electronically-fillable format starting in 2019.

DUAL EMPLOYMENT POLICY

Human Resources presented the Ethics Board with a proposed dual employment policy for Milwaukee County employees. The proposed policy will require all employees to disclose any secondary employment outside of the County for review by Human Resources and his/her supervisor. The purpose of the policy is to determine whether there are any potential conflicts with secondary employment, whether ethical otherwise. The Ethics Board is working with Human Resources to provide guidelines and examples to assist in determining whether there are any potential Ethics Code violations. Should Human Resources or the supervisor find that an ethical conflict may exist, a request will be submitted to the Ethics Board for an advisory opinion.

Due to the resignation of the Director of Employee Relations in 2017, Human Resources has requested postponing further discussions until a new Director of Employee Relations is hired.

HEARING PROCEDURES

The Ethics Board is working to revise the procedural rules for clarity purposes.

ETHICS COMPLIANCE & TRAINING

The Milwaukee County Administrative Manual of Operating Procedures (AMOP) is being finalized for roll out in early 2018 and will require mandatory, online, annual ethics training for Milwaukee County employees. The online ethics training is currently available on a voluntary basis.

ETHICS BOARD DETERMINATIONS AND ADVISORIES

During 2017, 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. A County employee requested an advisory opinion as to whether an individual's service on a governing body conflicted with services the individual was providing to an agency under the same County department. The Board found there is no conflict of interest between the two roles as neither involve a benefit to the other. The governing body neither funds nor approves contracts concerning the agency and the governing body has no role in the selection process for services to the agency.
2. A County employee requested an advisory opinion regarding a potential conflict of interest with two potential vendors. The employee was a member of the selection committee regarding a proposal for services. The employee was a cousin of the owner of one vendor and attended the same church as the owner of the other vendor. The services to be provided would not be professional services as described in M.C.G.O. 56.30(1)(a). The Board found that the relationship between the employee and the potential vendors did not constitute a violation as the employee is not associated with either vendor, as defined in M.C.G.O. 9.02(2) of the Ethics Code.
3. The Board received a request for advice concerning hiring an employee on a part-time basis, through a third-party staffing agency, who previously worked for Milwaukee County fewer than 12 months prior to the request. The requestor indicated that the employee previously worked in the same department. However, the employee would be in a different role, assisting with the implementation of a new system. The Board noted that the post-employment restrictions in Chapter 9.05(3)(a) concerning hiring employees for contractual services provides sole authority to the County Board Committee on Finance and Audit to determine whether that prohibition may be waived. The Board advised that the hiring department head request a waiver from the Finance and Audit Committee for the contractual services.
4. The Board received a request for advice concerning hiring an employee on a part-time, temporary basis, through a third-party staffing agency, who previously worked for Milwaukee County fewer than 12 months prior to the request. The requestor indicated this employee has the knowledge base to temporarily assist in finalizing a project while training her replacement. The Board noted that the post-employment restrictions in Chapter 9.05(3)(a) concerning hiring employees for contractual services provides sole authority to the County Board Committee on Finance and Audit to determine whether that prohibition may be waived. The Board advised

that the department head request a waiver from the Finance and Audit Committee for the contractual services.

5. The Board received a request for advice concerning hiring employees directly, on a part-time basis, who previously worked for Milwaukee County, in a different position, fewer than 12 months prior to the request. The requestor indicated that the selection pool for the position is limited. The Board found that there is no violation in that the post-employment restrictions in Chapter 9.05(3)(a) is limited to contractual services only, and that directly hiring employees who previously worked for Milwaukee County fewer than 12 months prior is not prohibited by the Ethics Code.
6. A County employee requested an advisory opinion as to whether he could continue his current employment with the County if he were to become an elected County official. The Board advised that, if elected, he immediately resign from his employment with the County. The Board also advised that, while campaigning for elected office, he adhere to the campaign prohibitions cited in M.C.G.O. 9.06(1).
7. A County employee requested an advisory opinion as to whether it would be a conflict of interest to work for the County and serve in local government at the City level. The Board did not find a conflict between the two positions. The employee did not have any ability to use his County position to give a private advantage to himself or the City. The populations he works with in each role are different and he has no contract authority in his role with the County. The Board advised that, should his role in either position change, such that he could be involved in a potential contract between the City and County, the Board encouraged the employee to request a new advisory opinion.
8. A County employee requested an advisory opinion regarding outside employment with a County vendor. The employee worked with the vendor to design a web page to promote a County event. The vendor asked the employee to design web pages for other events the vendor promotes across the country. The Board did not see a conflict of interest between these two positions since the employee is working for the vendor outside of County duties and not on County time.
9. A County employee requested an advisory opinion regarding volunteer service on a committee for an agency that contracts with the County. The employee would be voluntarily reviewing and recommending potential contracts to the agency for final determination to be made by the agency's board. The Board did not see a conflict of interest between these two positions. The employee does not have access or input into County budget or contracts concerning the agency and the employee would not be a voting board member for the agency.
10. A County employee requested an advisory opinion regarding wellness initiatives for employees in his/her department, including whether prizes provided as part of the initiatives would violate the Ethics Code. The Board did not see a violation of the Ethics Code in administering the wellness initiatives or issuing prizes. The value of the items and prizes is under \$25.00 and the funding is coming from the department and/or a supervisor, and not from a subordinate to a supervisor. The Board recommended the employee inform his/her Human Resources Partner concerning the wellness initiatives so that they are aware of the program and may address any potential issues they may see with the program.

11. A County employee, through his position with the County, was approached by a private organization to be a member of a workgroup. The employee would provide guidance and feedback concerning a study and would participate in the study on his own time. His manager is also aware of the program. The employee would be paid \$500 at the end of the year-long study. The Board did not see a conflict of interest since the employee is participating in the workgroup outside of his County duties and not on County time.
12. A County employee requested an advisory opinion as to whether it would be a violation of the Ethics Code for a vendor to pay for employees' travel and lodging to attend a workshop. The Board recommended that any employees with contract authority not accept the vendor's offer to pay for travel and lodging as it could give the appearance of impropriety.

However, the Board did not see a violation if any employee with contract authority attended the workshop on his/her own time and paid his/her own airfare and expenses to attend. Additionally, the Board does not see a violation if the vendor were to pay the airfare and lodging for those employees who do not have contract authority, provided they attended the workshop on their own time.
13. A County employee requested an advisory opinion as to whether it would be a conflict of interest for the County to enter into a contract with an agency whose annual report shows a County elected official as a financial contributor. The Board found that it would be a conflict of interest for the County to contract with the agency. Since the official has a fiduciary relationship with the agency, the official is "associated" with the agency, pursuant to 9.02(2). Additionally, 9.05(2)(c)(2) prohibits officials and employees from using their position to provide a benefit to an organization with which the employee or official is associated.
14. A County employee requested an advisory opinion as to whether it would be a conflict of interest if the County were to enter into a contract with an agency whose Board of Directors contains a voting board member who is also a County elected official. The Ethics Board found there would be a conflict of interest if the department were to enter into the contract. Ch. 9.05(2)(c)(2) prohibits officials and employees from using their position to provide a benefit to an organization with which the employee or official is associated. Ch. 9.02(2) of the Code defines "associated" to include any organization in which an individual or a member of his/her immediate family is a director, officer, or trustee.
15. An employee requested an advisory opinion as to what additional SEI reporting, if any, would be required for a County employee to attend a conference wherein the County would pay for travel and lodging and another agency, also functioning in a representative capacity for the County, would pay for the cost of the training course. The Board found that no additional reporting is needed.
16. The Board received an investigation request addressing concerns about the public behavior of an elected official. After review of the request, the Board found that the matters addressed in the investigation request are not related to the conflicts of interest under the jurisdiction of the Ethics Code and, therefore, cannot be addressed by the Ethics Board. The Board took no further action regarding the request.

17. The Board received an investigation request regarding the public behavior of an elected official. After review of the request, the Board found that the matters addressed in the investigation request are not related to the conflicts of interest under the jurisdiction of the Ethics Code and, therefore, cannot be addressed by the Ethics Board. The Board took no further action regarding the request.
18. The Board received an investigation request alleging that an elected official was engaged in political activity while acting in official capacity. The official's service with the County terminated prior to the Board issuing an opinion, however, the Board continues to review and discuss the potential factors that determine when one is acting in official capacity.
19. The Board received an investigation request alleging that a public employee was responsible for a contractor of the County performing work outside the scope of the contract in violation of the Code. The District Attorney's Office took no action on the request. The Board held a preliminary conference and found that a minor violation of the Code had occurred, which has since been rectified. The Board and the employee entered into a stipulated dismissal with conditions, to remain part of the closed record, pursuant to M.C.G.O. 9.10(2)(b).
20. The Board received an investigation request alleging an employee used privileged information gained in the course of his/her position which resulted in financial gain for another person. The District Attorney's office took no action on the request. At the time of this writing, the matter is still pending before the Board.

PUBLIC RECORDS REQUESTS

The Ethics Board received seven requests for records pursuant to Wisconsin Public Records laws. The Office provided copies of Statements of Economic Interests in response to six requests and was unable to provide any records in response to the seventh.

- END -