



Milwaukee County Ethics Board

DATE: January 16, 2025

TO: Chairwoman Marcelia Nicholson, Milwaukee County Board of Supervisors

FROM: Adam Gilmore, Milwaukee County Ethics Board Executive Director

RE: Revision of §9.03 to Clarify and Update Financial Disclosure Requirements

Chairwoman Nicholson,

I write to you and the County Board to consider the recommendation of myself and the Ethics Board that MCGO §9.03 be revised to clarify and update the language on which individuals are required to file Statements of Economic Interests (“SEIs”), when they are required to do so, and to remove outdated, unenforceable, and/or redundant language currently codified in the subsection.

BACKGROUND

In May of 2023, I began serving as part of the Office on Equity’s (“OoE”) Equitable Policy Recommendation Panel, tasked with reviewing a variety of county ordinances, Administrative Manuals of Procedure (“AMOPs”), select departmental work rules, and other relevant materials such as plans used for hiring, salary determination, and employee retention. Chapter 9 of the MCGO (the “Ethics Code” or “Code”) was among the ordinances reviewed.

The panel developed a number of potential changes for the Code, with the largest among them being a suggested redraft of MCGO §9.03 that would include:

- A simplified description of individuals in county service (both employees and officials) that are required to file an SEI (known as “filers”) in MCGO §9.03(1),
- Clarification that individuals hired from outside of county service into a position that requires them to file an SEI are required to do so within 30 days of commencing county employment, but individuals promoted from within county service to such a position are not expected to file an SEI until the next annual SEI drive occurs (every January),

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- Addressing ambiguous language used in MCGO §9.03(2) that is susceptible to varying interpretation,
- Removing MCGO §9.03(4)(b), a rule that would see a filer's salary and/or other compensation be withheld until the filer has met their SEI filing requirements under MCGO §9.03, as it is impractical to enforce,¹ and
- Removing MCGO §9.03(4)(c) due to redundancy with the SEI filing content requirements listed out in MCGO §9.04.

Regarding the issue with MCGO §9.03(2), there has been recent conflicting interpretation of the subsection between the offices of the Ethics Board and the Election Commission (the "ECO"). That subsection reads as follows:

Filed with county election commission: Statements of economic interests shall be filed with the county elections commission on the Friday following the date of the filing of nomination papers:

- (a) By all county elected officials when initially a candidate for office;
and
- (b) By all candidates for county elected offices.

The election commission shall provide the ethics board with a copy of all filings under this paragraph by county elected officials who have filed to be a candidate for office.

The ECO interprets this section (specifically subsection (b)) to require any candidate for a county elected office to file an SEI with the Election Commission as part of the nomination confirmation process.² However, this reasoning and conclusion renders subsection (a) irrelevant. I, along with the Ethics Board and the Office of Corporation Counsel ("OCC"), interpret the purpose of MCGO §9.03(2) to be that all individuals running for county elected offices have an SEI on file with the Ethics Board and available to the public upon request. If a candidate is an incumbent County elected official, they would have filed an SEI within thirty (30) days of being sworn into office (*see* MCGO §9.03(3)). Those filers would have continued to submit SEIs on an annual basis with the Ethics Board's office as part of the annual SEI drive ever January (*see* MCGO §9.03(1)). The Ethics Board and I, along with OCC, believe that the intention of MCGO §9.03(2)(a) is to waive this candidacy-related filing requirement for those candidates who are already incumbent to a

¹ There is no record of the Ethics Board and its office enforcing this rule in its nearly fifty-year history (as it would likely run afoul of fair labor laws). Instead, the updated provision will point to available disciplinary avenues that both the Ethics Board and the appropriate appointing authority may rely on.

² This action can be completed by filing a hard copy SEI with the ECO or filing an SEI through the filing portal maintained by the Ethics Board's office (candidate SEIs filed through the portal are received by the ECO and the Ethics Board's office simultaneously).

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County office as they have SEIs already on file with the Ethics Board's office and available upon request.³

As mentioned, OCC agrees with this interpretation, however, they consider the current phrasing of the subsection to be ambiguous and more open to interpretation than it should be. To address the issue, the revision recommended as part of the proposed resolution clearly states that incumbent candidates are not required to file an SEI as part of their declaration of candidacy process when seeking another term in office or a term in a different office.

Given the impact this update will have not just the Ethics Board's office, but the ECO's operations and the process by which individuals seek to be nominated to elected office in Milwaukee County, I, with the support of OoE and the Ethics Board, have chosen to withdraw the proposed redraft from the OoE's planned recommendations (which are still in development) in the interest of putting this resolution before the County Board to clarify our election processes as soon as practically possible.

RECOMMENDED AMENDMENT

To address the issues enumerated above, the Ethics Board submits a resolution (File #25-141) that proposes amending and reorganizing the language of MCGO §9.03 to read as follows:

9.03. Financial disclosure.

(1) *County officials and employees required to file statements of economic interest:* The following county elected and appointed officials and county employees are required to file statements of economic interests as set forth in this chapter:

(a) Those whose duties and responsibilities, performed for or on behalf of the county or any board or commission thereof, include:

1. The awarding or execution of contracts for the purchase of supplies, services, materials, and/or equipment,
2. The construction of public works, and/or
3. The sale or leasing of real estate.

(b) Those who may be designated by the ethics board, in its discretion, as being required to file, including members of county-affiliated boards and commissions.

(2) *Cause to file statement of economic interests:* Those required to file statements of economic interests as set forth in this chapter shall do so under the circumstances herein. Failure to comply with this requirement may be considered a violation of the Ethics Code and subject to discipline under the Code as well as applicable civil service and/or departmental work rules.

(a) *For employees new to a position that requires them to file:* Within thirty (30) days of commencing county employment. This subsection

³ This waiver would also apply to elected officials running for a different elected office than the one they currently hold.

does not apply to individuals promoted internally to a county position that would require them to file a statement of economic interests.

(b) *For newly elected or appointed officials:* Within thirty (30) days of taking their oath of office.

(c) *For all individuals required to file statements of economic interests:* Within thirty (30) days of the closing of the calendar year. Such filings fulfill that individual's annual filing requirement.

(3) *Candidates for county elected office required to file statements of economic interests:* Candidates for county elected office who are not current appointed or elected county officials with statements of economic interests on file with the ethics board shall file a statement of economic interests with the county election commission on the Friday following the date of the filing of nomination papers. The election commission shall provide the ethics board with a copy of all filings submitted to its office under this chapter. Failure to comply with this provision may result in disqualification of one's candidacy.

(4) *Updating department lists of individuals covered:* Each department head in the service of the county is responsible for keeping the ethics board executive director updated as to the job titles and names of individuals under their purview whom, in their opinion, should be required to file statements of economic interests.

Once the resolution is passed, the updates on who is required to file SEIs and when will begin to be enforced by the Ethics Board's office and the ECO.

Submitted by,



Adam Gilmore, Executive Director
Milwaukee County Ethics Board

cc: Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors