



# Milwaukee County Ethics Board

DATE: February 28, 2019

TO: Chris Abele, County Executive  
Theodore, Lipscomb, Sr., Chairman, County Board of Supervisors  
Anthony Staskunas, 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: Adam Gilmore, Interim Director, Ethics Board

RE: 2018 Ethics Board Annual Report

Please find enclosed the Milwaukee County Ethics Board Annual Report for the year 2018. 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  
(414) 278-5332  
ethics@milwaukeecountywi.gov

### 2018 - ANNUAL ACTIVITIES REPORT

#### ETHICS BOARD MEMBERSHIP

#### TERM EXPIRATION YEAR

Christopher Meuler, Chair (Nominee of the Milwaukee Bar Association)	February 28, 2022
Christian B. Flores, Vice Chair (Nominee of Public Policy Forum)	February 28, 2021
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.

#### 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**

Nicole Robbins, Executive Director, June 2018 to present

Adam Gilmore, Paralegal, September 2017 to present

Alisha Terry, Administrative Assistant, June 2015 to present

Stephanie Hunnicutt, Executive Director, January 2017 to March 2018

### **2018 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 2018, the Ethics Board met six 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 74%.

### Board Member Attendance Data 2016 to 2018

2016	
MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED
Christian Flores	5 of 5 = 100%
Carol Wichmann	4 of 4 = 100%
Marcia Drame	2 of 2 = 100%
Gary Manning	5 of 5 = 100%
Howard Schnoll	5 of 5 = 100 %
Clarence P. Nicholas	2 of 5 = 40%
Christopher Meuler	3 of 3 = 100%
<b>Average Attendance</b>	<b>= 92%</b>

2017	
MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED
Christian Flores	5 of 5 = 100%
Christopher Meuler	5 of 5 = 100%
Gary Manning	1 of 1 = 100%
Clarence Nicholas	4 of 5 = 80%
Howard Schnoll	4 of 5 = 80%
Christine Hansen	4 of 4 = 100%
Cynthia Herber	3 of 4 = 75%
<b>Average Attendance</b>	<b>= 91%</b>

2018	
MEMBER	MEETINGS ATTENDED OF MEETINGS CALLED
Christopher Meuler	6 of 6 = 100%
Christian Flores	5 of 6 = 83%
Clarence Nicholas	2 of 5 = 40%
Howard Schnoll	2 of 5 = 40%
Christine Hansen	6 of 6 = 100%
Cynthia Herber	5 of 6 = 83%
<b>Average Attendance</b>	<b>= 74%</b>

## 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 2018, 309 people were required to file a Statement of Economic Interests with the Ethics Board, a decrease from 325 people required to file in 2017.

The Board received five requests to review Statements of Economic Interest in 2018.

### **SEI ELECTRONIC FILING PROJECT**

The SEI online filing project has been temporarily terminated. The office of the Ethics Board will look at other options after the start of 2019.

### **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) now requires mandatory, online, annual ethics training for Milwaukee County employees.

The Ethics Board issued a summer and fall edition of its newsletter, “Ethically Speaking”. The summer newsletter tackled issues related to conflicts of interests. The fall edition focused on gifts and statements of economic interests.

### **ETHICS BOARD DETERMINATIONS AND ADVISORIES**

During 2018, 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. 20 advisories; 2 investigations/complaints

1. 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.
2. The Board received a request for advice concerning hiring an employee on a limited-term basis, 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. 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.

3. The Board received a request for advice concerning soliciting in-kind donations from vendors that contract with the department. The Ethics Board found there would be a conflict of interest if the department were to solicit donations from vendors. Ch. 9.05(2)(b) states no public official or employee shall solicit or accept from any person, directly or indirectly, anything of value if it (a) could reasonably be expected to influence the public official's or employee's vote, official actions, judgement, or (b) could reasonable be seen as a reward for any official action or inaction or omission by the public official or employee.
4. The Board received a request for advice concerning an employee's proposed appointment to become an ambassador for an organization outside of their County employment. The Board found no inherent violation as long as the employee took care to maintain a distinction between the two positions.
5. The Board received a request for advice concerning whether it is permissible for an employee to participate in fundraising as a part of their activities as a member of a professional organization whose positions are aligned with the County. The Board found that there would be a violation if the employee participated in the fundraising for the organization. The employee can continue to participate as a member of the organization as long as they act consistent with the Ethics Code provisions under Chapter 9 and their County position does not change.
6. A County employee requested an advisory opinion regarding a recognition program for employees in his/her department, including whether prizes provided as part of the recognition would violate the Ethics Code. The Board did not see a violation of the Ethics Code in administering the employee recognition program or issuing prizes as long as the employees can receive a prize no more than once a year to avoid the \$25.00 limit (9.05(2)). The funding is coming from the department, and not from a subordinate to a supervisor.
7. The Board received a request for advice concerning whether it was permissible for a vendor that would be providing a four hour presentation over the lunch hour, could provide a business lunch. The Board determined that, if the lunch costs less than \$25 per person (the "anything of value" limit), it is allowable. It is up to the employees to make sure they aren't crossing the \$25 dollar annual limit by participating in the lunch and it was stressed to not let this become a recurring event throughout the year, as it would push employees all the closer to the annual value limit.
8. The Board received a request for advice concerning whether an employee can recommend a vendor they worked with in the private sector who now works for a different organization. The Board found no violation as the Employee has no connection to the attorney's current firm either individually, through their family, or through any professional organizations the Employee is currently associated with outside their county employment.
10. A County employee requested an advisory opinion regarding whether a County department can purchase used equipment from a non-profit that a County employee sits on the Board of. The Board determined there was no violation as long as the purchase was compliant with the

County's procurement process. The County employee is not a responsible decision-maker with the non-profit nor the County, and purchase price was based on current market value.

11. A County employee requested an advisory opinion regarding whether County employees can support legislation related to county operations by contacting their Federal Representative and/or Senator. According to county policy an employee can support such legislation as long as it is not done on county time and they do not identify themselves as a county employee.
12. A County employee reported that a consultant was campaigning while providing training to County staff. The consultant apologized and refused payment for the training since realizing the comment was inappropriate. The Board handled the matter by including information about campaigning in the Ethics Board newsletter.
13. The Board received a request for advice concerning a disclosure of conflicts of interest a vendor provided with an RFP, as well a County employee disclosing a former affiliation with the vendor. The Board determined there was no violation, as the individuals included on the disclosure were not a part of the RFP process. The County employee with a former affiliation with the vendor, is not a violation as long as the employee is not the decision making authority on the RFP.
14. The Board received a request for advice concerning hiring interns as contractors. 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.
15. The Board received a request for advice concerning whether a County department can accept a charitable donation from an organization in which the donation is raised through a fundraising event and the department is required to participate on the planning committee for the event. The Board advised that the department's participation with the fundraising event or its planning committee would be considered a violation of the Milwaukee County Ethics Code, 9.05(2)(b), because it could be perceived to be a solicitation or acceptance of something of value which may influence the County's decision if the organization sought a contract with Milwaukee County in the near future. Moreover, the donation would not be an arm's length contribution to the County because the County is required to participate with the fundraising initiative and work closely with the organization to obtain the funds.
16. The Board received a request for advice concerning whether a County official/employee can accept reimbursement from a third party for fines imposed upon them while committing an act of civil disobedience. The Board advised that accepting such reimbursement would qualify as financial gain for their private benefit under Chapter 9.05(2)(a) and would constitute a violation of the Ethics Code.
17. The Board received a request for advice concerning hiring an employee who previously worked for Milwaukee County fewer than 12 months prior to the request. The requestor indicated that the employee previously worked in a different department. 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.

18. A County elected official requested an advisory opinion regarding whether an elected official can seek secondary employment with an organization. The Board determined there was no violation as long as the organization does not seek to do direct business with Milwaukee County and the elected official does not use their position in the County as unethical leverage in the scope of their duties with the organization.
19. A County employee requested an advisory opinion regarding whether a County employee can petition State and Federal governmental bodies while representing themselves as a County employee. The Board determined there was not violation as long as the employee does not identify themselves as a County employee and does not call on County time.
20. A County employee requested an advisory opinion whether listening to political talk radio at radio constituted an ethics violation. The employee was advised while such behavior may constitute a Civil Service Rule violation, there is no Ethics Code violation unless the co-worker was campaigning/soliciting on behalf of a specific candidate.
21. 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.
22. 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.

## **PUBLIC RECORDS REQUESTS**

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

- END -