



Milwaukee County Ethics Board

DATE: July 30, 2024

TO: Chairwoman Marcelia Nicholson, Milwaukee County Board of Supervisors

FROM: Adam Gilmore, Milwaukee County Ethics Board Executive Director

RE: Legislative History of MCGO §9.04(1) and Potential Updates to §9.04(1)(a) and (f)(1) to Expand the Scope of Information Collected on the County SEI Form Relative to Those Provisions

BACKGROUND

At its February 1, 2024 meeting, the Ethics Board (the “Board”) questioned how the language of MCGO §9.04(1) was developed. The provision reads as follows:

The person filing a statement of economic interests, as required under this chapter, shall file the statement on a form prescribed by the Ethics Board, with the concurrence of Corporation Counsel and the Office of the Comptroller, and shall include the following information applicable as of the 15th day of the month preceding the month in which the statement is required to be filed:

When the Board posed its question regarding the phrasing of Chapter 9, it was due to their identification of an issue with the scope of information requested in §§9.04(1)(a) and (f). Those provisions read:

9.04(1)(a) The identity of every significant fiduciary relationship, organization associated with and the office and directorships held by [them] or [their] spouse;

9.04(1)(f) The identity of each non-stock corporation:

1. Which such person or [their] spouse holds an office or position and the title of the office or position; and
2. Which is doing business with the county or operating in the county.

Under Section 9.04 of the Ethics Code, given the “15th” language of §9.04(1) and the phrasing of these provisions, an individual who is required to file a Statement of Economic Interest (“SEI”) every January as part of the annual drive could start a business on November 16 of year one and not have to report it on the SEI filed in January of year two. If

the business is dissolved by November 14 of year two, the business would not appear on the SEI the individual files in January of year three. The phrasing of the requirements at the state level offered no guidance; in fact, in considering the phrasing of Wis. Stat. §19.43(1-4), this same loophole appears to exist at the state level.

RECOMMENDED AMENDMENT

To address the issue, the Ethics Board submits a draft resolution as a proposal for amending the language of MCGO §§9.04(1)(a) and (f)(1) to broaden the scope of the information requested in the provisions. The updated provisions would read as follows:

9.04(1)(a) The identity of every significant fiduciary relationship, organization associated with and the office and directorships held by *them or their spouse during the one (1) calendar year preceding the filing of the statement*;

9.04(1)(f) The identity of each non-stock corporation:

1. Which such person or *their spouse, during the one (1) calendar year preceding the filing of the statement*, holds an office or position and the title of the office or position; and
2. Which is doing business with the county or operating in the county.

Once the resolution is passed, language in SEI filing materials will be updated to reflect the change. These proposed updates to the filing materials will be provided to Corporation Counsel and the Comptroller's office for concurrence before being implemented.¹ The preference would be to have all of this completed far enough ahead of the January 2025 annual SEI drive to provide IMSD and Granicus (the County vendor that assists with the MyCounty Customer Portal) as much time as possible to update the online SEI submission portal.

Submitted by,

/s/ Adam Gilmore

Adam Gilmore, Executive Director
Milwaukee County Ethics Board

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

¹ See MCGO §9.04(1).

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