



Milwaukee County Ethics Board

DATE: February 27, 2020

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
Margaret Daun, Corporation Counsel, Office of Corporation Counsel

FROM: Adam Gilmore, Executive Director, Ethics Board

RE: 2019 Ethics Board Annual Report

Please find enclosed the Milwaukee County Ethics Board Annual Report for the year 2019. 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

2019 - 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 Interfaith Conference of Greater Milwaukee) | April 1, 2023 |
| Christian B. Flores (Nominee of Public Policy Forum) | February 28, 2021 |
| Clarence P. Nicholas (Nominee of NAACP) | February 28, 2020 |
| Christine Hansen (Nominee of League of Women Voters) | April 1, 2023 |
| Howard Schnoll (Nominee of the Greater Milwaukee Committee) | February 28, 2019 |
| Dana Guthrie (Nominee of the Greater Milwaukee Committee) | December 12, 2025 |

The Ethics Board elected Christopher Meuler as Chair and Cynthia Herber as Vice Chair of the Ethics Board at its February 27, 2019 meeting. Howard Schnoll resigned from the Board effective February 27, 2019. Dana Guthrie was confirmed as a member of the Ethics Board in December 2019, with her first Ethics Board meeting in February 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 28 times since its

inception, with two amendments occurring in 2016. 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
Nicole Robbins, Executive Director, June 2018 to April 2019
Adam Gilmore, Paralegal, September 2017 to May 2019
Alisha Terry, Administrative Assistant, June 2015 to present

2019 BUDGET

The 2019 adopted Ethics Board budget was \$8,650, a decrease of \$15,135 from the 2018 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 2019 personnel costs for the three departments are now primarily taken from the Personnel Review Board budget. The two components of the 2019 Ethics Board budget are outside counsel representation and funding for the Statement of Economic Interests electronic filing project.

BOARD MEETINGS

In 2019, 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 2017 to 2019

| 2017 | | 2018 | | 2019 | |
|---------------------------|--------------------------------------|---------------------------|--------------------------------------|---------------------------|--------------------------------------|
| MEMBER | MEETINGS ATTENDED OF MEETINGS CALLED | MEMBER | MEETINGS ATTENDED OF MEETINGS CALLED | MEMBER | MEETINGS ATTENDED OF MEETINGS CALLED |
| Christian Flores | 5 of 5 = 100% | 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% |
| Gary Manning | 1 of 1 = 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% |
| Howard Schnoll | 4 of 5 = 80% | Christine Hansen | 6 of 6 = 100% | Christine Hansen | 5 of 5 = 100% |
| Christine Hansen | 4 of 4 = 100% | Cynthia Herber | 5 of 6 = 83% | Cynthia Herber | 4 of 5 = 80% |
| Cynthia Herber | 3 of 4 = 75% | Average Attendance | = 74% | Average Attendance | = 97% |
| 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 2019, 334 people were required to file a Statement of Economic Interests with the Ethics Board, an increase from 309 people required to file in 2018.

The Board received eight requests to review Statements of Economic Interest in 2019.

SEI ELECTRONIC FILING PROJECT

The Ethics Board office staff are working with IMSD on digital filing of SEIs for the end of 2020.

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 fall and winter edition of its newsletter, “Ethically Speaking”. The fall newsletter focused on issues related to gifts. The winter edition highlighted statements of economic interests.

ETHICS BOARD DETERMINATIONS AND ADVISORIES

During 2019, 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. 32 advisories; 3 investigations/complaints

1. A County employee requested an advisory opinion as to whether it would be a conflict of interest if their secondary employer expanded its work with the County in areas separate from the County employee’s work focus. Based on the review of the County employee’s duties, the Ethics Board did not find a conflict of interest as long as the employee does not engage in similar projects themselves. Also, any work the employee does provide to the secondary employer should not be handled on County time. Lastly, if their County work does involve a matter where

their secondary employer is involved, their secondary employer would need to remove itself from the project while the employee handles the project on behalf of the County.

2. A County employee requested an advisory opinion as to whether it would be a conflict of interest if they continued to serve in their community roles while working for the County. The Ethics Board did not find a conflict of interest.
3. 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.
4. The Board received a request for advice concerning an employee's invitation to attend a small group discussion dinner. The dinner would be sponsored by the hosting organization. The employee was advised that there is no violation as long as the organization is not a vendor of the County (nor seeks to be), PTO is used to cover the time away from work and no stipend is provided by the organization, and should the value of the event exceed \$50.00 that it must be reported on the employee's SEI.
5. The Board received a request for advice concerning whether it is permissible for an employee to participate in a business/training opportunity that included a free lunch. The Ethics Board Administrator determined that attending the seminar was not a violation. However, the acceptance of the lunch valued at \$65 by the hosts of the seminar could give the appearance of impropriety and could constitute a violation of the Ethics Code. The attendees were advised to pay for/provide their own lunch.
6. The Board received a request for advice concerning whether it is permissible whether a County department can accept a gift/prize from a vendor. The Ethics Board determined that the initially offered prizes exceeded the "anything of value" threshold under 9.05. It was recommended that the department as a whole could accept a gift not exceeding \$50.
7. A County employee requested an advisory opinion regarding whether they could work part time for a vendor of their County department. The Ethics Board determined that there could be an appearance of an Ethics Code violation. While the employee does not have bargaining power or contractual authority regarding this vendor, the depth and nuance of the particular employee/vendor relationship could give the appearance of impropriety.
8. The Board received a request for advice concerning whether an employee can accept the nomination to a County board. The Ethics Board determined that the employee's job with the County does not require them to complete a Statement of Economic Interest and therefore, does not have any bargaining power on behalf of the County.
9. A citizen inquired about the Ethics Board jurisdiction over former employees and officials. The Ethics Board Chair and Administrator agreed that Chapter 9 of the Milwaukee County General

Ordinances applies to current employees and officials unless otherwise stated, i.e. the subsections of 9.05(3).

10. A County employee requested an advisory opinion regarding whether County in certain positions within a department could, as a gift, accept a lunch from a vendor of the County. The Ethics Board Administrator determined that as long as the value if an individual's meal did not exceed the "anything of value" threshold, that it would be acceptable.
11. A County employee requested an advisory opinion regarding whether should accept an event invitation with gifted free admission. The Ethics Board determined that the value of the event and admission would exceed the "anything of value" threshold. The employee was advised to politely decline, which they did.
12. The Board received a request for advice concerning reimbursement of meal expenses from a training/networking event. The employee was advised to report the lodging, transportation and registration expenses under the Honoraria section (7B) of their Statement of Economic Interests, and the food and beverage expenses would count as gifts and should be reported on 7A. The employee filed an amendment to their SEI.
13. A County employee requested an advisory opinion regarding offering their time and services to a potential political candidate. The employee confirmed that (1) duties/services between the positions would not overlap, (2) the employee would not conduct any work/campaigning for the candidate on county time, (3) the employee would not use county resources or equipment, and (4) the employee would only use publicly available information in their work for the candidate. The Ethics Board determined there was no violation found.
14. The Board received a request for advice concerning whether a County employee could freelance as a writer for a local newspaper. The Ethics Board determined it was not a violation, as long as the articles would not relate to government or be written on County time or using County resources.
15. A County employee requested an advisory opinion regarding whether should accept an event invitation with gifted free admission. The Ethics Board determined that the value of the event and admission would exceed the "anything of value" threshold. The employee was advised to politely decline, which they did.
16. The Board received a request for advice concerning a member of a County board who manages a nonprofit that became a vendor of the County. The Department Director was able to provide proof of proper RFP/bidding process, thereby qualifying this participation as acceptable.
17. A County employee requested an advisory opinion regarding the acceptance of a wedding gift from a friend on County property while the friend was performing contracted services on behalf of employee's department. While it appears nothing of impropriety was meant, it could have the appearance of impropriety to any member of the public. The Ethics Board Administrator recommended that the employee attempt to return the gift.
18. A County employee that manages an outside organization that was accepting funds from the County. The funding ceased, preventing any further potential Ethics Code violations.

19. A County employee requested an advisory opinion regarding accepting an offer of employment with an institution of higher education. The employee asserts there will be no overlapping of work hours, nor use of county property or information obtained through work for county. The employee's previous work for higher education institutions brought the institution to them, not their current position with County. The Ethics Board advised the employee that they were free to accept the second position.
20. A County Employee requested an advisory opinion regarding travel and accommodation costs that were covered by a county partner. The Ethics Board advised that the employee should declare the cost of travel and accommodation under the Honoraria section of the Statement of Economic Interests.
21. A County employee requested an advisory opinion concerning attending a leadership program along with the 3 other people in their department, who are not county employees, and the fee was to be paid for by a partner agency of the department. The Ethics Board found that there would be a conflict of interest. The employee offered a work around solution that was acceptable.
22. A County employee requested an advisory opinion regarding whether it would be a conflict of interest to discuss funding of an organization, that the employee sits on the Board for, with County Board of Supervisors. The employee was advised that as long as a distinction was maintained between the employee's "County time" and their actions in their capacity as a board member for the organization, they are welcome to discuss with the County Board of Supervisors.
23. A County Employee requested an advisory opinion regarding whether it would be a conflict of interest to accept an offer to become a short-term contractor for a vendor of the County. In a previous role in the County, the employee worked on developing and building a simulation tool with the vendor. As a contractor, the employee would be advising and creating a simulation for another client in another county within the state. The Ethics Board advised the employee that there was no violation of the Ethics Code, however to be conscious not to use any information acquired through their work at Milwaukee County that is not available to the public, and to not use County time or resources.
24. The Board received a request for advice concerning the starting of an employee recognition program. The funds for the recognition program would be generated from the sale of shipping materials. The Board did not find a violation of the Ethics Code, but advised of the provisions of the recognition program, specifically the "anything of value" provision.
25. 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. An additional fact was raised afterwards,

namely that the currently proposed contract is subject to the RFP process. The exception available under 9.05(2)(g) therefore applies, and the Board chairman saw no violation of the Ethics Code.

26. A County official requested an advisory opinion regarding a memo that they sent to their department staff following the County Executive's announcement that he (Chris Abele) will not be running for re-election. The memo included a sentence advising staff that the County Official would be running for re-election in an effort to calm tensions in the department regarding the Official's intentions. The County Official wanted to confirm that the sentence was not a violation. The Official was advised that as stated the sentence was not a violation of the Ethics Code.
27. A County employee requested an advisory opinion regarding the solicitation of funds from employees to generate funds for an employee recognition program. The Ethics Board did not find a violation, although it expressed its reservations about the solicitation of fund from employees and the effect it could have on workplace relationships. The Board also recommended that Human Resources be consulted to assure best business practices and etiquette.
28. A County official requested an advisory opinion concerning sponsorship of proposed legislation by a task force as a County official, while holding secondary employment with one of the founding organizations of the task force. The Board found no violation of the Ethics Code as long as the official maintains separation between their duties as a County official and their secondary employment.
29. A County official requested an advisory opinion concerning the statements of economic interests reporting requirements and the Ethics Code provisions regarding former elected officials and employees. The Ethics Board Administrator referred the official to the pertinent sections of the Ethics Code.
30. The Board received a request for advice concerning the part-time secondary employment of a County employee. The Board found no violation as the secondary employment would not be on County time.
31. A County employee requested an advisory opinion regarding the Board's ability to issue proactive guidance to statement of economic interest filers and all county personnel. The Ethics Board Administrator referred the employee to 9.09(2) of the Ethics Code.
32. A County employee requested an advisory opinion regarding travel accommodations to be paid for by a vendor of the County to attend a seminar. It was determined that it was appropriate to accept the accommodations as participation is within the scope of the employee's County position duties. The employee was advised to report the cost of accommodations on their statement of economic interests.
33. 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.

34. The Board received an investigation request regarding the public statements 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.
35. A County employee had multiple questions regarding conduct in the workplace. After a discussion with the Ethics Board it was determined that they were not the appropriate body to discuss/resolve the employee's situation.

PUBLIC RECORDS REQUESTS

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

- END -