



The Board of Ethics

June 13, 2007

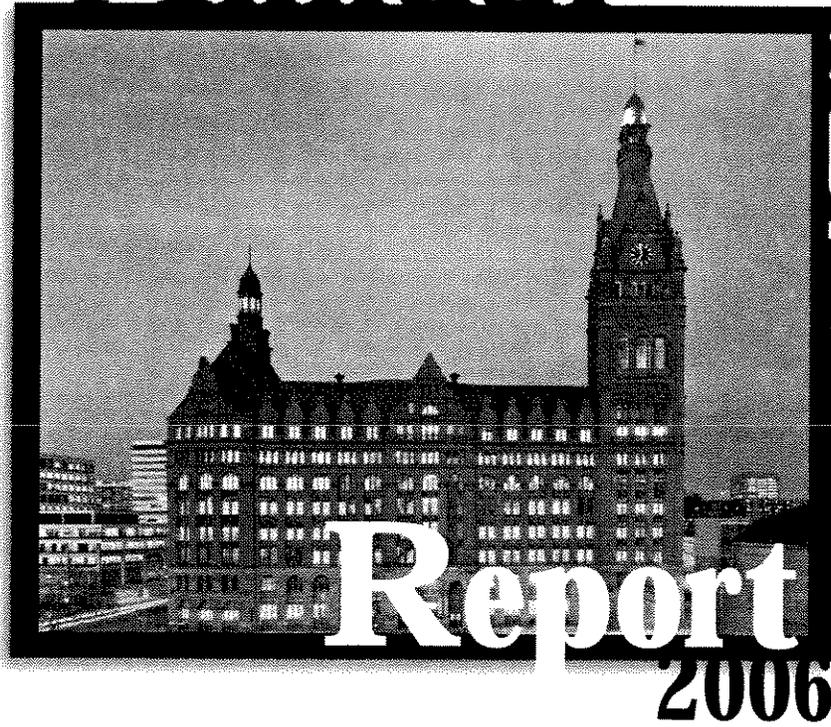
To the Honorable Common Council,

A communication from the City of Milwaukee Ethics Board transmitting the 2006 Annual Report.

Very truly yours,

Dwight Ellis, Chair
Ethic Board

Annual



March 21, 2007



The Board of Ethics

To the Honorable Mayor of Milwaukee
and the Common Council

**The City of Milwaukee Board of Ethics
2006 Annual Report**

The City of Milwaukee Board of Ethics faithfully administers the Code of Ethics, Chapter 303, which promotes the essential elements of public trust. The Board works to implement the Code by issuing confidential advisory opinions, investigating sworn complaints, requiring and reviewing annual financial statements and providing educational materials. Seven volunteers, having no affiliation to the City of Milwaukee except for residency, make up the Board of Ethics. Members of the Board are recommended to the Mayor for nomination by seven community groups based in the greater Milwaukee area. The seven groups are: The League of Women Voters of Milwaukee County, the Milwaukee Labor Council, the Public Policy Forum, the Milwaukee Bar Association, the Metropolitan Milwaukee Association of Commerce, the Milwaukee Branch of the N.A.A.C.P. and the Interfaith Conference of Greater Milwaukee.

In the year 2006, the Ethics Board held eleven regular board meetings, and two subcommittee meetings. The Board confidentially addressed fifteen requests for advisory opinion from a variety of sources, including employees, officials, board/commission members, and citizens. The Board filed two complaints against individuals who failed to file the Statement of Economic Interests form in a timely manner. Summaries of the opinions are included in this report. These summaries should not be viewed as definitive advice, but rather as a guide to the types of situations addressed by the Board. If persons subject to the ethics code have any questions regarding their actions, they should request a confidential opinion from the Board of Ethics.

The Board appointed a subcommittee in April to review the 2005 Statement of Economic Interests forms. The purpose of this review was to check for accuracy and inconsistencies in a random selection of completed forms. Overall, the committee found the Statements of Economic Interest forms to be properly completed.

In an effort to supply information on the Code of Ethics and the functions of the City of Milwaukee Ethics Board, the Board developed a brochure that was distributed to all City employees. This year's brochure featured a full color cover and was distributed in July through the City Treasurer's office as a payroll stuffer. Because this is an

efficient and inexpensive way to distribute information, the Board plans to repeat the distribution in the future.

In August, the Board requested that all Department Heads review the list of persons within their departments who are required to file an annual Statement of Economic Interests. The Department Heads then responded to the Board regarding any position they felt should be added to or deleted from the current list. The Board then reviewed these requests according to the Ethics Code and current job descriptions and forwarded the final recommendation to the Finance and Personnel Committee. This process is intended to keep the annual list of filers accurate while giving Department Heads a yearly opportunity to refresh their understanding of Chapter 303.

The Ethics Board welcomed one new board member in 2006. Frances Swigart, representing the League of Women Voters of Milwaukee County, replaced Catherine Halloran O'Meara who resigned in December 2006. Ms. Halloran O'Meara served the Board for more than nine years and will surely be missed by our staff and members.

In October, a subcommittee of the Board met to consider minor changes to the Statement of Economic Interests form and instructions. The committee recommended changes to make the form easier to complete. Specifically, a revision to the Sources of Income section, requesting income disclosure from two categories, Employers and Other Sources of Income, helps filers more specifically disclose their income on the form. The Board approved the recommended changes to the form at its October meeting.

The Board relies on the professional support services of an independent contractor and some City Employees. The Board wishes to thank: Edward Ehrlich, of the City Attorney's office, who provides legal counsel; Linda Elmer, Staff Assistant from the City Clerk's office, who staffs the regular meetings; and Joanna Polanco, Council File Specialist from the City Clerk's office, who provides additional secretarial support. We greatly appreciate our research assistant, Nola Devereaux, who, as an independent contractor, provides invaluable research and technical support. We also wish to thank the City Clerk, Ronald Leonhardt, for providing additional administrative support to the Board.

Please feel free to contact any member of the Board of Ethics should you have any questions or desire additional information. We welcome any comments or suggestions you may have.

Very truly yours,

Dwight Ellis, Chair

THE CITY OF MILWAUKEE ETHICS BOARD 2006 FACT SHEET

ETHICS BOARD MEMBERS

TERMS

| | |
|--|----------------------------|
| Dwight Ellis, Chair Public Policy Forum | (Dec. 2003 to Feb. 2008) |
| Martha Toran, Vice Chair Milwaukee Branch – N.A.A.C.P. | (Sept. 2002 to Mar. 2009) |
| Frances Swigart League of Women Voters of Milwaukee County | (Dec. 2006 to Dec. 2009) |
| Annie Wacker Milwaukee Labor Council | (Oct. 2005 to Oct. 2008) |
| Patricia Hintz Milwaukee Bar Association | (April 2005 to April 2008) |
| Eliot Bernstein Interfaith Conference of Greater Milwaukee | (Oct. 2004 to June 2009) |
| Devon Turner Metro. Milwaukee Assoc. of Commerce | (June 2002 to Mar. 2009) |

MAILING AND EMAIL ADDRESSES

Ethics Board
City Hall, Room 205
Milwaukee, WI 53202
ethics@milwaukee.gov and ndeaver@milwaukee.gov
Website: www.city.milwaukee.gov

TELEPHONE

(414) 286-8641
(414) 286-0723 FAX

STAFF

Nola M. Devereaux, Research Assistant (part-time, independent contractor)

2005 BUDGET

\$26,341.00 in the 2006 adopted budget

STATUTORY REFERENCE

Section 303, Milwaukee Code of Ordinances

SUMMARIES

Confidential Advisory Opinions

MEB 06-1 Jurisdiction

ISSUE: An employee of the Redevelopment Authority of the City of Milwaukee requested an opinion as to whether or not the City of Milwaukee Ethics Board has any jurisdiction over her/his activities following employment with the Redevelopment Authority.

ADVICE: The Board determined that it has no jurisdiction in the matter because the Redevelopment Authority is independent of the City and returned the request to the requestor.

MEB 06-2 Conflict of interest relating to fund raising

ISSUE: A City official requested an opinion as to whether or not other City of Milwaukee employees are restricted or discouraged from seeking contributions or disseminating information regarding a charitable endowment fund. Further, whether sworn law enforcement officers or civilian Department members may represent the Police Department in providing project details to potential donors.

ADVICE: The Board determined that it does not have jurisdiction to address the question of whether or not sworn law enforcement personnel and/or civilian Police department members may solicit donations for the endowment fund. The Board bases its determination on the definition of Other City Employee, s. 303-5-11, which “means any individual who is not an official; and who holds an office or position subject to the jurisdiction of the Fire and Police Commission.” Further, the Board determined that employees and officials who **are** under the jurisdiction of the City’s Ethics Code (even though they may be assigned to work with the Fire or Police Departments) would be held to the same standards outlined in previous communications.

MEB 06-3 Gift/Payment of Expenses

ISSUE: A City official requested an opinion as to whether or not she/he may accept an invitation to attend a round table discussion from a national company. The company has offered to pay all expenses of the one-day trip.

ADVICE: The Board determined that no conflict of interest exists in accepting the invitation to attend the round table discussion. The Board based its opinion on the Code

of Ethics, s. 303-9-3a, which states, “a public official may receive and retain reimbursement or payment of actual and reasonable expenses for the presentation of a talk or participation in a meeting related to a topic specified in sub. 1 [303-9] if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work.” The Board further recommends that official disclose the payment of expense in Part 8 – Honoraria and Payment of Expenses of the Statement of Economic Interest form for 2006 or file a Gift/Honoraria/Payment of Expense form.

MEB 06-4 Ticket offer

ISSUE: A City of Milwaukee employee and citizen member of a City Board requested an opinion as to whether or not she/he may purchase tickets to an entertainment venue that are offered to the Board members of the City Board. The tickets available for purchase are located in a section reserved for Board members and are offered at full retail value. If the tickets are not sold to the Board members, they are released to the general public for sale.

ADVICE: The Board determined that there is no conflict of interest under the Code of Ethics, Chapter 303 in proceeding with the purchase of the tickets as described as long as the she/he pays the same price as any member of the public. The Board considered the facts that the tickets are in a special section and that she/he get a “first-chance” at the seat to be insignificant so long as the she/he pay the full ticket price, no discounts.

MEB 06-5 Vehicle offer

ISSUE: A City official requested an opinion as to whether or not it would be violation of the Milwaukee Code of Ethics if she/he accepted an offer from a local company to use a vehicle at public functions.

ADVICE: The Board returned the request to the requestor for more information. Subsequently, the official withdrew the request.

MEB 06-6 Official association to community organization

ISSUE: A City official requested an opinion as to whether a conflict of interest exists with her/his name being listed as an advisory board member on the letterhead of a local veterans committee. Her/his specific concern deals with the fact that the committee may be coming to the City with future proposals or contracts.

ADVICE: The Board determined that there is no prohibitive conflict of interest in the requestor’s name being listed on the letterhead. The Board further suggested that the requestor be aware that having her/his name listed on the letterhead would directly associate herself/himself with the committee; in the event that a matter involving the

committee should come before her/him in her/his official capacity, she/he should recuse herself/himself from any discussion or votes in the matter; and that any association with this committee should be fully disclosed in the annual Statement of Economic Interest form.

MEB 06-7 Potential conflict in community service

ISSUE: A member of a City of Milwaukee board or commission requested an opinion as to whether or not a conflict of interest exists in being paid for training and to work as a poll worker periodically during elections.

ADVICE: The Board determined that the requestor may continue in her/his official capacity with the City board/commission and concurrently offer her/his expertise to the Election Commission as a poll worker. The Board further determined that working as a “poll worker” is analogous to being an independent contractor and does not make the requester an “employee” in the classified service of the City of Milwaukee.

MEB 06-8 Misdirected opinion request

ISSUE: The member of the Milwaukee Public Schools Board of Directors requested an opinion of the City of Milwaukee Ethics Board.

ADVICE: The Board was advised by the City Attorney’s office that the Ethics Board does not have jurisdiction in matters relating to the Milwaukee Public School Board of Directors.

MEB 06-9 Potential conflicting employment

ISSUE: A City employee requested an opinion as to whether or not a conflict of interest exists in her/his taking a part-time position with a health service provider to which the requestor may, as a part of her/his official duties, refer patients for services.

ADVICE: The Board determined that it would be a violation of Chapter 303 for the requestor to accept the part-time employment with the service provider to which she/he may refer services. The Board based its opinion on s.303-5-2, which provides in part: “No official or other city employe may use his or her public position or office to obtain financial gain or anything of substantial value for the official’s or other city employe’s private benefit...”

MEB 06-10 Potential conflicting responsibilities

ISSUE: A City employee requested an opinion as to whether a conflict of interest exists between his/her official City duties and membership on the board of directors for a local housing association. The specific question deal with whether or not she/he is entitled to keep a monthly director's fee of \$45.00.

ADVICE: The Board determined that no conflict of interest exists under the Code of Ethics, Chapter 303 in serving on the board of directors of the local housing association provided that serving in this capacity will in no way interfere with the full and faithful discharge of her/his duties with the City of Milwaukee; that she/he will not use City time, resources, services or supplies in the performance of this position; and she/he will remove herself/himself from discussions or votes if matters involving her/his official duties with the City and the association arise in the future. Further, the Board determined that she/he may keep the \$45.00 per month director's fee.

MEB 06-11 Raffle prize

ISSUE: A City employee requested an opinion as to whether she/he may accept and retain an item valued at \$100, she/he won in a raffle drawing while attending a trade show for the City of Milwaukee.

ADVICE: The Ethics Board determined that she/he may receive and retain the raffle prize. Based on the information provided, the Board determined that keeping the prize would not violate the Code of Ethics and that it is not a gift that must be disclosed on the annual Statement of Economic Interest form.

MEB 06-12 Conflict of interest in request for proposal

ISSUE: A City Department Head requested an opinion on behalf of a City Department as to whether or not it is a violation of the City's Ethics Code for a former City employee, serving as a member of a consultant team, to be a respondent to a Request for Proposal (RFP).

ADVICE: After consideration, the Board determined that additional information was needed in order to render an opinion in the matter. Specifically, the Board required information regarding the relationship between the former City employee and the party that submitted the proposal, as well as the involvement (if any) the former City employee had in the submission and negotiation of the proposal.

MEB 06-13 Conflict of interest in request for proposal

ISSUE: A City Department Head requested an opinion on behalf of a City Department as to whether or not it is a violation of the City's Ethics Code for a current member of a City Board to serve as a paid member of a consultant team which is a respondent to a Request for Proposal (RFP).

ADVICE: After consideration, the Board determined that additional information was needed in order to render an opinion in the matter. Specifically, the Board required additional information regarding the relationship between the City Board member and the party that submitted the proposal, as well as the amount and timing of compensation to be paid to the Board member under the proposal.

MEB 06-14 Invitation to present a topic at a meeting

ISSUE: A City official requested an opinion as to whether a conflict of interest exists in accepting an invitation from a trade association to present a topic at an annual trade meeting. The trade association offered to pay all expenses including travel, hotel for two nights and meals.

ADVICE: The Ethics Board determined that no conflict of interest exists in the official accepting the invitation. The Board based its opinion on s. 303-9-3a, which states in part, "a public official may receive and retain reimbursement for payment of actual and reasonable expenses for the presentation of a talk or participation in a meeting related to a topic specified in sub. 1[303-9] if the payment or reimbursement is paid or arranged by the organizer of the event or the publisher of the work." Further, the Board recommended that the official disclose the accommodations as payment of expense in Part 8 – Honoraria and Payment of Expenses on the Statement of Economic Interest form that covers 2006 or file a Gift/Honoraria/Payment of Expense form.

MEB 06-15 Post employment restriction

ISSUE: A former City employee requested an opinion as whether or not she/he, together with the clients of her/his new employer, may attend meetings with aldermen and coordinate community outreach activities with various aldermanic offices.

ADVICE: The Board determined that the Ethics Code clearly prohibits the meeting with or making any formal or informal appearances before or negotiating with any City employees or officials related to his/her former responsibilities with the City. The restriction remains in effect for one year after she/he ceased employment with the City of Milwaukee.

Complaints

MEB 06-206-1

A complaint brought by a citizen against a City official was filed. The Board dismissed the complaint, concluding that the complaint was insufficient in facts that constitute a violation of Chapter 303, Code of Ethics. That is, the complaint did not show that the accused used her/his position to influence or gain unlawful benefits, advantages or privileges for her/himself or others.

MEB 06-506-1

The Ethics Board filed a complaint against a member of a City Board or Commission for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual filed the completed Statement of Economic Interests and the complaint was dismissed.

MEB 06-506-2

The Ethics Board filed a complaint against a member of a City Board or Commission for failure to file the annual Statement of Economic Interests form within the prescribed time. The individual filed the completed Statement of Economic Interests and the complaint was dismissed.

