

To the Honorable,
Mayor of Milwaukee and the members of the Common Council

**The City of Milwaukee Board of Ethics
2017 Annual Report**

The City of Milwaukee Board of Ethics administers the Code of Ethics, Chapter 303, which promotes the essential element of public trust. The Board works to implement the Code by issuing confidential advisory opinions, investigating sworn complaints, requiring and reviewing the Statement of Economic Interests (SEI) forms of City Employee/Officials and board members.

The Ethics Board met seven times during 2017 for its regular meetings.

In 2017, the Board responded to one complaint and eight requests for confidential opinion. A summary of the opinion requests are included in this report. The summary should not be viewed as definitive advice, but rather as a guide to the type of situations addressed by the Board.

The five citizen members, (there are currently two vacancies) of the Board for 2017 were:

Annie Wacker – Chair
Robert Shelledy – Vice-Chair
Patricia Hintz
Joanne Barndt
Bradley Kalscheur

Summary of Opinions Issued In 2017

Complaint. The Board addressed one confidential complaint from a citizen.

Potential Conflicts of Interest

17-1

A City Employee/Official requested an advisory opinion as to whether a conflict of interest existed that would prevent members of a committee from receiving randomly selected \$20-\$25 gift cards that the committee would purchase from loan clients. The Board found that no conflict existed provided that the total amount of the gift cards did not exceed \$100, and provided that if more than \$50 worth of gift cards were received by members of the committee, the receipt of the gift cards was reported to the Ethics Board in the individual members' Statements of Economic Interests.

17-2

A City Employee/Official requested an advisory opinion as to a waiver from the requirement to file the Statement of Economic Interest due to personal safety concerns.

17-3

A City Employee/Official requested an advisory opinion as to whether a potential conflict of interest precluded the City Employee/Official from hiring an architect who had previously done business with the City. The Board found that the City Employee/Official could hire the architect provided that the architect charge the City Employee/Official within industry standards and that the architect would not provide the City Employee/Official with any kind of discounted rate. The Board also opined that the City Employee/Official may wish to recuse themselves from voting on future projects that the architect would be working on, so as to avoid even the appearance of impropriety, but that such a recusal was not required unless the City Employee/Official received anything of value from the architect for free, or that deviated from what is normally charged.

17-4

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if the City Employee/Official engaged in outside employment. The Board found that the City Employee/Official could engage in outside employment as long as it did not interfere with their current position and job duties with the City, provided that the City Employee/Official complied with the general standards of conduct and more specific provisions governing conflicts of interest set forth in the City's Ethics Code, and provided that the City Employee/Official recuse themselves from any potential interactions between the City and the outside employer.

17-5

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if the City Employee/Official engaged private development of a City owned property. The Board found that as long as (1) the City Employee/Official disclosed to the Ethics Board, in writing, the nature and extent of any relationship or interest, if the City

Employee/Office received payments from the City of more than \$3,000 a year, (2) the City Employee/Officer did not enter into a contract of more than \$15,000, and (3) the City Employee/Officer did not participate in the making of the contract in their capacity as a City Employee/Official, there would be no conflict of interest under the City's Ethics Code. However, the Board noted that there may be statutes or ordinances, outside of the City's Ethics Code, which could impact the City Employee/Official's ability to engage in the private development of a City owned property, and that the City Employee/Official would have to discuss whether such statutes or ordinances exist with their own private counsel.

17-6

A City Employee/Official requested an advisory opinion on whether he or she could run for state public office while continuing to work for the City, and, if successful, whether he or she could continue to work for the City while simultaneously working for the State. The Board found that nothing in the Ethics Code precluded the City Employee/Official from running for state public office while employed by the City or from working for both the City and the State, as the general standard of conduct and the more specific conflict of interest provisions set forth in the City's Ethics Code do not apply to him or her. However, the City Employee/Official was informed that there may be statutes or ordinances that could pertain to whether the City Employee/Official could run for state office while continuing to work for the City, or from working for both the City and the State, but that the City Employee/Official would have to discuss this with their own private counsel.

17-7

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if a retiring member of a Body, was hired by a City Department that the Body oversees as a temporary employee through an existing contract with a temporary employment agency. The Board found that the City department could hire the retiring member of the body as a temporary employee through a temporary employment agency, provided that the retiring member of the body did not use his or her position as a member of the body to improperly secure the Position with the temporary employment agency. The Board further opined that the Ethics Code would not apply to the retiring member of the Body if he or she retires and accepts employment with the temporary agency, but that if the retiring member of the Body elects to apply for a permanent position with the Body, and should he or she get hired, that he or she would have to comply with the general standards of conduct and more specific provisions governing conflicts of interest set forth in the City's Ethics Code. The Board also noted that their analysis looked solely at whether there was a conflict of interest under the City's Ethics Code, and that the City Employee/Official that requested the advisory opinion may wish to consult with legal counsel to ensure that no other legal impediments exist that would preclude the City Department from hiring the retiring member of the Body as a temporary employee through a temporary employment agency.

17-8

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if the City Employee/Official voted on matters relating to funding and contracts of an organization that his or her non-linear relatives were involved with. The Board found that, provided that nothing the City Employee/Official voted on resulted in his or her, or a member of his or her immediate family, or an organization he or she is associated with, receiving a substantial benefit, there is no conflict of interest under the City Ethics Code that would preclude the City Employee/Official from voting on matters regarding the organization. The board noted that the City Employee/Official's relatives who were involved with the organization were not the City Employee/Official's "immediate family," as that term is defined in the Ethics Code, as they were not the City Employee/Official's spouse, or relative by marriage, linear descent or adoption that receives more than one-half of his or her support from the City Employee/Official, or from who the City Employee/Official receives more than one-half of her or her support. However, the Board did recommend that the City Employee/Official recuse themselves from voting on any funding or contracts that the organization may be involved in, so as to avoid even the appearance of impropriety.