

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

**The City of Milwaukee Board of Ethics  
2020 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 twelve times during 2020 for its regular meetings.

In 2020, the Board responded to three complaints and nine 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 seven citizen members of the Board for 2020 were:

Patricia Hintz – Chair  
Bradley Kalscheur – Vice-Chair  
Kathleen Johnson  
Michael Kruse  
Whitney Maus  
Clarence Nicholas  
Emily Mueller

## **Summary of Opinions Issued In 2020**

**Complaints.** The Board addressed complaints from Dale Bormann and the Milwaukee Police Association; Joseph Clayton; and Nicholas McVey.

### **Potential Conflicts of Interest**

#### **20-1**

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if the City Employee/Official ran for elected office in another municipality. The Board found that the City Employee/Official could run for elected office 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 other municipality. The Board also noted that other laws or regulations, outside of the Ethics Code, may impact the City Employee/Official's ability to serve in both positions, and recommended they consult with their own private legal counsel.

#### **20-6**

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if their city department could accept sweets and treats from a private organization, as a thank you for their hard work. The Board found that as long as the City Employees/Officials who receive gifts with an aggregate value of over \$50 report the receipt of the gifts in their Statements of Economic Interests, the receipt of the gifts would not be a violation under the Ethics Code.

#### **20-7**

A City Employee/Official requested an advisory opinion as to potential conflicts of interest that could arise if a potential City Employee/Official, currently employed by a company that monitors projects that receive city financing, were to be hired as a City Employee/Official. The Board found that the potential City Employee/Official must resign from outside employment once hired by the City; and outlined provisions of the Ethics Code that the potential City Employee/Official should be mindful of. The Board also advised on the provisions of the Ethics Code that would apply in the event that the potential City Employee's/Official's former company were to seek to enter into a contract if the potential City Employee/Official were to be hired, how such a contract would not, in and of itself, be a per se violation of the Ethics Code, and what scenarios could occur that could be a violation of the Ethics Code. The Ethics Board noted that other local, state, or federal regulations would also have to be complied with.

#### **20-8**

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if they become a board member of an civic engagement non-profit, while maintaining city employment. The Board found that the City Employee/Official could

become a board member of the non-profit 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 organization.

#### **20-9**

A City Employee/Official requested an advisory opinion on whether a conflict of interest would exist if a management employee successfully ran for a seat on a City Board that makes decisions that directly effects terms of conditions for City employees. The Board found that the Ethics Code did not preclude the City Employee/Official from holding both positions at the same time, 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 discussion or voting that could impact their current employment. The Board noted, however, that the Ethics Code was not designed to address scenarios of this nature, and that other statutes or case law could restrict the employee's ability to hold both positions at the same time.

#### **20-10**

A City Employee/Official requested an advisory opinion as to a potential conflict of interest if a City Employee/Official could participate in a development project that receives city funding, while maintaining their employment with the City. The Board found that participating in a development project under these circumstances would not, in and of itself, be a violation of the Ethics Code. However, the Board determined that, based on the City Employee/Official's current job, there exists significant potential for a violation to occur in the future, and stressed that participation in the development project would be fraught with risk that a violation of the Ethics Code could occur in future, not only for the City Employee/Official, but for other City employees as well. The Board reviewed several areas of the Ethics Code that the City Employee/Official should be mindful of, and identified several scenarios where there would be a violation of the Ethics Code were they to occur in the future. The Board also advised that the City Employee/Official should consult with their own private legal counsel to ensure that he or she was not at risk of violating other laws and regulations, outside of the Ethics Code.

#### **20-11**

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 that could potentially impose liability on the City.