



The Board of Ethics

To the Honorable Mayor of Milwaukee  
and the Common Council

**BOARD OF ETHICS 2000 ANNUAL REPORT**

The City of Milwaukee Board of Ethics is a seven member volunteer board, comprised of individuals who have no affiliation to the City of Milwaukee except for residency. These individuals are recommended for nomination by seven, community-conscience groups throughout greater Milwaukee. The seven groups include: 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. The members of the Ethics Board diligently administer the City of Milwaukee Code of Ethics, which facilitates the essential elements of public trust.

In the year 2000, the Ethics Board held eleven regular board meetings and four subcommittee meetings. The Board confidentially addressed nine requests for advisory opinions from a variety of sources, including employees, officials, board/commission members, and citizens. The Board initiated three complaints against individuals who failed to meet the deadline for filing the Statement of Economic Interest for 1999. A complaint, filed in October of 1999, upon the Board's own motion, against a City official was completed in January. Two violations were found and fines and reprimands were administered. One citizen complaint was filed and dismissed for lack of jurisdiction. Summaries of these opinions and complaints follow and should not be viewed as definitive opinions, 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 May to review the 1999 Statement of Economic Interest 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 to be properly completed. The subcommittee also recommended revisions in two areas of the form to make the form easier to fill out. These areas were revised prior to printing the new forms for the 2000 filing.

In August, the Board again appointed a subcommittee to review the Ethics Board Rules and Procedures and the Ethics Code, Chapter 303. A comprehensive review of the Code has not been completed since 1991. Because the City of Milwaukee Code of Ethics so closely parallels the State Ethics Code, and because many local city officials are subject to compliance of both codes, the Subcommittee began a line by line comparison of the two. The subcommittee had not completed its work at the end of 2000 and plans to work well into 2001 on the project. The committee has asked for and received research assistance from Jim Owczarski, Legislative Research Analyst, from the Legislative Reference Bureau.

In September, the Board requested that all Department Heads review the list of persons, within their department, who are required to file an annual Statement of Economic Interest. The Department Heads then responded to the Board regarding any positions they feel should be added or deleted to the current list. The Board then reviews these requests according to the ethics code and current job descriptions and forwards the final recommendations to the Finance and Personnel committee. This process works well to keep the list accurate while giving Department Heads a yearly opportunity to refresh their understanding of Chapter 303.

Once again the Board distributed ethics information in a payroll stuffer to all City employees in March. This has proved to be an easy and economical way to get basic information to the people we most frequently serve.

The Board relies on the professional support services of some special people. The Board would like to take this opportunity to thank: Harry Stein, of the City Attorney's office, who provides legal counsel; Kathy Marquardt, staff assistant from the City Clerk's office, who provides legislative support; Marian Hartner, file specialist from the City Clerk's office, who provides additional secretarial support; and Nola Devereaux, the Board's Research Assistant, who provides technical support. We also wish to thank the City Clerk, Ronald Leonhardt for providing additional administrative support to our 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,



Joseph Chambers, Chair  
Board of Ethics

## SUMMARIES

### Confidential Advisory Opinions

#### MEB 00-1

**ISSUE:** A city official requested an opinion as to whether it would be appropriate for her/his private company to bid on work for a private firm. It is possible that the firm may request additional funds from the City to defray cost of the project. The official also questioned if a purchase order, submitted by the private company, for funding from the City would constitute a contract with the City under 303-5-6 Milwaukee Code of Ordinances.

**ADVICE:** The Board's opinion touched on several issues including 1) if an official's private company could bid on privately funded renovations; 2) if an official's private company could contract on work that *may* be reimbursed with City funds; 3) disclosure requirements; and 4) conditions of the bid.

- 1) The Board found that no conflict of interest exists in the official accepting a bid on work that is wholly privately funded and no City money is used to defray any expense.
- 2) The Board found that a conflict of interest may exist if the work was reimbursed, in whole or in part, directly or indirectly, with City funds. This would be particularly troublesome if the official had any involvement in creating the funding, either directly or indirectly, to this project.
- 3) In the first case, the official would not be subject to any disclosure requirements. In the second, the official would be subject to the disclosure requirements outlined in 303-5-6 Milwaukee Code of Ordinances, which requires disclosure of a contract to the Ethics Board when contract exceeds \$3,000 per annum in City funds.
- 4) The Board suggested that the official may wish to place specific conditions on the bid that the work be entirely privately funded or any reimbursement be made from City funds that could not have been created by any action on the officials part. The Board went on to conclude that, if the official had any part in the creation of the funding that might in any way, directly or indirectly, be allocated to the project up for bid, the official is precluded from benefiting. If the official's company derives City funding from this project and the official has had no part in the creation of the funds then disclosure requirements are in effect.

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**MEB 00-2**

**ISSUE:** A member of a City Board requested an opinion as to whether a conflict of interest exists if her/his compensated involvement on a team that would develop plans for an outside contractor who would then present these plan to the Board that she/he is a member. The individual also inquired as to whether she/he would need to resign from the Board or if it would be sufficient to abstain from vote on matters that included this project.

**ADVICE:** The Board determined that the individual could proceed with the paid team involvement. To avoid a conflict of interest, the individual may not participate in any discussions or votes about the proposed development, nor may she/he testify on behalf of the team before the Board of which she/he is a member.

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**MEB 00-3**

**ISSUE:** A city employee requested an opinion as to whether a conflict of interest existed in taking a consulting position with a vendor who holds current contracts with the city and in specific with the department in which the employee works.

**ADVICE:** The Board found that a conflict of interest existed if the individual took the consulting position. The Board further cautioned the individual that she/he is prohibited from representing that employer or any other entity for compensation before a department or any employee thereof. This restriction is both while the individual is a city employee and for 12 months after she/he leaves the employ of the city.

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**MEB 00-4**

**ISSUE:** A new city employee requested an opinion as to whether a conflict of interest existed in her/his continuing work with an outside business in which the individual has 20% ownership.

**ADVICE:** The Board found that no conflict of interest exists between the individuals city employment and the outside business so long as the individual does not solicit or accept work from persons or organizations the she/he deals with in her/his city employment. Also, if any former clients from the outside business should come before the employee in her/his city role, the individual must remove herself/himself from any

city actions with that former client. The individual was also cautioned not to do any outside work on City time or use any City resources and to abide by all policies and rule of the department.

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**MEB 00-5**

**ISSUE:** A city of Milwaukee employee requested opinions of the acceptance of three separate honorariums.

**ADVICE:** The Board found that it was acceptable for the individual to keep two of the honorariums. The third honorarium was inappropriate for the individual to keep because the work was done on City time and using city resources. Since the honorarium could not be returned, the individual was directed to deposit it with the City Treasurer's office. A receipt of the deposit was received by the Board.

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**MEB 00-6**

**ISSUE:** A city official requested an opinion as to whether a conflict of interest exists in her/his and her/his family's voluntary involvement in a community association.

**ADVICE:** The Board determined that no apparent conflicts of interest existed in the voluntary involvement of the community association but cautioned the individual that they should refrain from voting on matters that might involve this particular group. The Board also instructed the official to be aware of the appearance of a conflict in her/his interactions with the group.

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**MEB 00-7**

**ISSUE:** A city official requested an opinion as to whether a conflict of interest existed if she/he participated in a seminar, held outside of the United States, as a representative of the city. The official would attend the conference and all expenses including registration, air travel, hotel and meals would be paid for by the organization presenting the conference. The official is expected to actively participate in all scheduled sessions.

**ADVICE:** The Board determined that there was no conflict of interest or appearance of a conflict of interest in the official attending this seminar.

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**MEB 00-8**

**ISSUE:** A City of Milwaukee employee requested an opinion regarding taking a temporary, part-time employment outside of the city limits and unrelated to her/his duties with the city.

**ADVICE:** The Board found that no conflict of interest existed in the individual taking part-time, temporary employment as long as the work was done outside of city time and the individual not use their position with the City to obtain any gain.

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**MEB 00-9**

**ISSUE:** An opinion was requested on behalf of an influential community group as to whether it was appropriate to extend an invitation to several city officials for a grand opening event. The event would include dining and entertainment.

**ADVICE:** The Board found that it may be improper for the group to extend the invitation to city officials. The Board further found that the function was unrelated to City business and the acceptance of such an invitation could constitute private benefit on the part of the official. The Board recommended that all city officials pay their own way if they wish to attend this function.

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## **Complaints**

### **MEB 99-1099**

A complaint filed upon the Boards own motion in 1999 was completed in 2000. The Board found two violations of the Ethics Code, administered fines of \$100 for each violation, and issued a reprimand for each violation.

### **MEB 00-100-01**

A complaint brought by a citizen was filed. The Board found that the complaint did not deal with an alleged violation within the jurisdiction of the Board of Ethics.

### **MEB 00-400-01**

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

### **MEB 00-400-02**

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

### **MEB 00-400-03**

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

# THE CITY OF MILWAUKEE ETHICS BOARD

## 2000 ANNUAL REPORT

### ETHICS BOARD MEMBERS

**Joseph Chambers, Chair**

- Milwaukee Labor Council

**Pamela Schmidt, Vice Chair**

- Public Policy Forum

**Hannah Dugan**

- Milwaukee Bar Association

**Catherine Halloran**

- League of Women Voters of Milwaukee County

**Philip Levis**

- Metropolitan Milwaukee Assoc. of Commerce

**Jessie Spraggins**

- Milwaukee Branch — N.A.A.C.P.

**Donald Thielke**

- Interfaith Conference of Greater Milwaukee

### TERMS

(Aug. 1991 to Feb. 2002)

(Jun. 1991 to July 2001)

(Feb. 1999 to Feb. 2002)

(Jul. 1997 to Jul. 2003)

(Oct. 1999 to Oct. 2002)

(Feb. 1996 to Mar. 2002)

(Nov. 1992 to Aug. 2002)

### MAILING AND EMAIL ADDRESSES

City Hall, Room 205

200 East Wells Street

Milwaukee, Wisconsin 53202

[ethics@ci.mil.wi.us](mailto:ethics@ci.mil.wi.us) or [n dever@ci.mil.wi.us](mailto:n dever@ci.mil.wi.us)

### TELEPHONE

(414) 286-8641

FAX 286-0723

### STAFF

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

### 2000 BUDGET

\$32,100 in the 2000 adopted budget.

### STATUTORY REFERENCE

Section 303, Milwaukee Code of Ordinances