



## Board of Ethics

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

### **The City of Milwaukee Board of Ethics 2022 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 six times during 2022 for its regular meetings.

In 2022, the Board responded to six 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 2022 were:

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



## **Summary of Opinions Issued In 2022**

### **Potential Conflicts of Interest**

#### **22-1**

A former City Employee/Official requested an advisory opinion as to a potential conflict of interest. The specific question was whether he could interact with City of Milwaukee staff and and/or officials with regard to a project that his new employer was pursuing that is within the City of Milwaukee and that will have some impact on the infrastructure, neighborhoods, residents and businesses within the City.

The Ethics Board opined that it would be a violation of the City's Ethics Code if the former employee were to, either formally or informally, appear before or negotiate with any City department that he was associated with in the last 12 months of his employment with the City, provided that he is being paid to appear and/or negotiate, and that the appearance and/or negotiation occurred within 12 months of his separation from the City.

#### **22-2**

An Employee/Official requested an advisory opinion as to a potential conflict of interest regarding the possible appointment of his or her cousin as an alternate member to the governmental body with which he or she is associated.

After careful consideration of the facts presented, the Ethics Board determined that there is nothing in the standards of conduct that would prohibit appointing the Employee/Official's cousin as an alternate member to the governmental body in question. The Employee/Official is not the authority who determines which individuals will be appointed to the governmental body at issue. Furthermore, the Employee's/Official's position is administrative in nature, does not set or have control over the salary or money paid to any of the members of the governmental body at issue, and the cousin is not a member of his or her "immediate family," as that term is defined in the Ethics Code. The Ethics Board noted that it is possible that there may be concerns over the optics of appointing the cousin to serve as an alternate member; however, to the extent those concerns exist, the Ethics Board noted that the optics of any given scenario are never something that is taken into account when determining whether there is a violation of the Ethics Code.

#### **22-3**

A City Employee/Official requested an advisory opinion on whether a conflict of interest exists that would preclude the department he or she is associated with from hiring his or her relative-in-law as an employee for the same department.

The Ethics Board determined that the conflict of interest provisions in the Ethics Code would not apply to the requester's current situation. The Ethics Board also noted that none of the standards of conduct set forth in MCO § 303-5 appear to have been violated, as the Employee/Official stated that he or she will be recusing himself or herself from the hiring process, as he or she has no control over the salary of the position at issue, and as the position at issue does not include duties that would allow the relative-in-law to impact the department with which the Employee/Official is currently associated. As such, the Ethics Board determined that no conflict of interest applied such that the department at issue would be prohibited from hiring the Employee's/Official's relative-in-law.

#### **22-4**

A City Employee/Official requested an advisory opinion about whether he or she could endorse a friend and former colleague running for office without conflicting with ethics laws, as his or her current position is non-partisan.

The opinion of the Ethics Board was that making the endorsement does not interfere with the requester's ability to comply with his or her duties to the City, and nothing in the Ethics Code would prohibit him or her from making an endorsement of a former colleague who is currently running for elected office. But this is only because the standards of conduct set forth in the Ethics Code do not deal address political endorsements. Whether a government official or employee can endorse a candidate for elected office is governed a different statute, ordinance, or guideline, outside of the Ethics Code, and, as a result, the question of whether the Employee/Official is prohibited from endorsing his or her friend and former colleague is outside the Ethics Board's jurisdiction.

#### **22-5**

A City Employee/Official requested an advisory opinion as to whether anything in the Ethics Code prohibited allowing an individual who authored a book related to city property, and which features a character that shares a likeness with the Employee/Official, from holding an event at or near the city property at issue. The Employee/Official has not read or contributed to the book's authorship in any way, and the department with which the Employee/Official is associated with will not receive any consideration from the book's publication, including money, travel, and merchandise.

The Ethics Board had a closed session meeting with requestor; however, he or she separated from the City shortly thereafter, and the Board lost its jurisdiction to issue an Opinion.

## 22-6

A City Employee/Official requested an advisory opinion as to a potential conflict of interest existed that would prohibit the Employee/Official from accepting a temporary position with a school chartered by the City of Milwaukee, while he or she continued to work for the City. The Employee/Official indicated that he or she would be working in a volunteer capacity with this school to determine whether or not the position offered is a good fit.

The opinion of the Ethics Board was that none of the standards of conduct set forth in MCO § 303-5 appear to have been violated and that there is nothing in the City's Ethics Code which would preclude the Employee/Official from volunteering with the school, while continuing to hold his or her position as a City Employee/Official, provided that: (1) volunteering at no time interferes with the full and faithful discharge of his or her duties to the City; (2) that the volunteering occurs at times outside his or her normal work day, unless he or she takes paid or unpaid leave from his or her job to volunteer during those hours that would normally be within his or her work day; (3) that he or she will recuse himself or herself from participating in any official capacity in discussion, negotiations, votes or other matters involving the charter school while volunteering, or while contemplating or negotiating employment with the charter school, and (4) that he or she does not violate any of the standards of conduct set forth in MCO § 303-5.

The Ethics Board also advised the City Employee/Official that if he or she were to ultimately separate from the City to accept employment with the Charter School, that the Ethics Code precludes him or her from making any formal or informal appearances between, or negotiating with, city departments that he or she was associated with, for compensation, within 12 months of the date in which he or she separated from the City. *See* MCO § 303-5-8.