



## Board of Ethics

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

### **The City of Milwaukee Board of Ethics 2023 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 employees, officials and board members.

The Ethics Board met six times during 2023 for its regular meetings: January 18, March 13, May 22, June 12, September 20 and November 15, 2023.

The six citizen members of the Board for 2023 were:

Patricia Hintz – Chair – Resigned on December 31, 2023.

Bradley Kalscheur – Vice-Chair

Kathleen Johnson – Term ended on December 12, 2023.

Michael Kruse

Clarence Nicholas

Emily Mueller

Barbara Notestein - Appointed on December 12, 2023.

In 2023, the Board responded to six requests for confidential opinions. 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.



## Summary of Opinions Issued In 2023

### 23-1

A current City employee requested an advisory opinion as to a potential violation of the City's Ethics Code. The specific question was whether there would be a violation if his wife were to take a job with a company with which his department has a current working relationship. The City employee also stated that he did not solicit the company to hire his wife in any of his deals, and that he would recuse himself from any dealings with the company should his wife accept the position.

The Ethics Board opined that none of the standards of conduct set forth in MCO § 303-5 appear to have been violated as the employee has stated that he will be recusing himself from any discretionary determinations regarding the company hiring his wife, including any potential negotiations. It was also the Board's opinion that there is nothing in the City's Ethics Code which would preclude his wife from accepting a job with that company.

### 23-2

A current City official requested an advisory opinion as to a potential conflict of interest regarding having a sister working for a neighborhood association that from time-to-time request grants and other forms of assistance from the City. The City official also requested guidance on best practices in dealing with this matter.

After careful consideration of the facts presented, the Board determined that the definition of MCO § 303-3 defines the term "**immediate family**" does not include an individual's sister. Looking at each of the standards of conduct individually, the Ethics Board opined none that would apply to the City official's current situation and there was no evidence that any of those scenarios had occurred in this instance.

The opinion also stated:

- That in order to avoid conflicts moving forward, the City official must take care to not accept anything of value, directly or indirectly, from the neighborhood association or sister that could reasonably be expected to influence the City official's conduct, or that could be construed as a reward for a past action or inaction.
- That the City official must also be careful to not disclose information gained in the course of his/her employment that has not yet been communicated to the public with the neighborhood association, and to not use or attempt to use

his/her position to influence or gain unlawful benefits, advantages or privileges for the neighborhood association.

- That there is nothing in the Ethics Code that prohibits him/her from voting on matters involving the neighborhood association.

With regard to any guidance or recommended best practices for the City official, even though it would not be a violation of the Ethics Code for him/her to vote on matters involving the neighborhood association, the Ethics Board mentioned that the City official might wish to recuse himself/herself from any votes involving the organization, as he/she has done in the past, to eliminate even the appearance of impropriety and to protect him/herself from any allegations of misconduct. The Board also recommended that the City official make sure that his/her Statement of Economic Interests is kept up to date with regard to any gifts or honoraria he/she receives in the future from either the neighborhood association or the sister and to decline campaign donations from both parties moving forward.

### 23-3

A City official requested an advisory opinion on whether there would be concerns in accepting complementary tickets for Summerfest when there is no intention of using them for him/herself or his/her immediate family.

It is the opinion of the Ethics Board that a person would not reasonably believe that the provision of the tickets would influence the City official's actions or judgements or that the tickets were provided as a reward for a past action or inaction on his/her part. The Ethics Board noted that it is also important to address MCO § 303-5-5, which addresses misuse of position. It is the Board's understanding that he/she did not solicit the tickets from MWF. Provided that this is the case, it would be difficult to argue that the City official *receiving* the tickets was a result of he/she using his/her position to gain an unlawful benefit, advantage or privilege. However, the City official would be violating MCO § 303-5-5 if he/she was to *provide* the received tickets to others in order to gain an unlawful benefit, advantage or privilege. It was also mentioned that the Ethics Board does not take a position on the legality of the distribution of the tickets, but that is only because the Ethics Board only has jurisdiction to opine on the Ethics Code.

After careful consideration of the City official's request, and for the reasons set forth in the letter, the Ethics Board determined that, with limited exceptions, it would not be a violation of the Ethics Code for him/her to accept and redistribute the Summerfest tickets, provided that he/she complies with the recommendations to address concerns regarding MCO § 303-5-11, which governs conflicts of interest.

#### **23-4**

The Ethics Board received two complaints from the same resident against a City employee/official. Both complaints were dismissed. The first complaint was not verified, so the Ethics Board determined that the complaint filed on 2022 did not allege facts sufficient to show that a violation of the Ethics Code had occurred. The Ethics Board also determined that the second complaint, filed on September 11, 2023, did not allege facts sufficient to show a violation of the City of Milwaukee's Ethics Code. The resident was sent a dismissal letter both times.

#### **23-5**

The Ethics Board received a complaint from a resident against a City official on October 11, 2023. The complaint was dismissed, as it did not contain allegations of conduct that would be a violation of the provision of the Ethics Code that the resident cited to. In addition, the Ethics Board determined that the complaint did not allege facts sufficient to show a violation of the City of Milwaukee's Ethics Code. The resident was sent a dismissal letter.

#### **23-6**

The Ethics Board received a complaint from a resident against a City employee on October 16, 2023. The Board met to discuss the complaint on November 15, 2023. A dismissal letter was mailed out on January 17, 2024, stating that that the complaint did not allege any violations of Chapter 303 of the Milwaukee Code of Ordinances, and that the Ethics Board had determined that the complaint did not allege facts sufficient to show a violation of the City of Milwaukee's Ethics Code.

There were other three confidential opinion requests (one from a City employee/official and two from members of different boards) that the Board scheduled for discussion, but the petitioners did not attend.