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## MEMORANDUM

**To:** City of Milwaukee, Common Council

**From:** Ronda M. Kohlheim, CIG, MBA  
Inspector General

**Re:** IG Clarification of Recommendations Specific to  
File 231647 - A substitute ordinance relating to provisions of the Code of Ethics

**Date:** April 2, 2024

### VIA ELECTRONIC MAIL

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Honorable Members of the City of Milwaukee's Common Council:

The City of Milwaukee, Office of Inspector General (OIG) makes recommendations to the Common Council in Milwaukee, department and division heads to promote effectiveness, efficiency, economy, and integrity of all City programs and operations, including those performed by its contractors and grantees. The OIG investigates a variety of matters, including allegations of fraud involving City department grants and contracts; improprieties in the administration of City programs and operations; allegations of employee misconduct; and other issues concerning ethics and compliance reported to the OIG.

The OIG initiates investigations based on information received anonymously or confidentially from a variety of sources, including (but not limited to): the OIG's website report form (reporting fraud, waste and abuse); departments, employees, and citizens; Common Council requests; and referrals regarding whistleblower disclosures. These can be written, by phone, or in-person. While anonymous complaints are accepted, they often present the greatest challenge as there is



not a person for OIG to contact for particulars. An OIG investigation can result in a criminal proceeding only if the Milwaukee County District Attorney (DA) accepts it for criminal prosecution.

Generally, when an investigation is complete, the OIG will introduce a report based upon relevant witness interviews, records, and other evidence to be presented before the appropriate Common Council committee. The report will be reviewed to ensure that it is fact-based, objective, and clear. For a case that has been declined for potential criminal prosecution by DA, or did not require referral to DA or other agency, recommendations as warranted would be at the discretion of the appropriate Common Council committee, including management, so that they may consider appropriate corrective action(s).

#### **File 231647 - A Substitute Ordinance Relating to Provisions of the Code of Ethics**

A substitute ordinance relating to provisions of the code of ethics, sponsored by Alderman Bauman, specified that any licensed attorney in the City Attorney's Office may not engage in the private practice of law for compensation, and that each violation within a billing statement shall constitute a separate offense.

#### **IG Clarification for Recommendations Specific to File 231647 - A Substitute Ordinance Relating to Provisions of the Code of Ethics**

The OIG issued a report to address alleged violations of Wisconsin Supreme Court Rule (SCR); state statute, the City of Milwaukee's Ethics Code, citywide policies and procedures, as well as the Office of the City Attorney's (CAO) policy related to outside employment and conflicts of interests. The investigation focused on a fair and impartial collection of all relevant and available evidence including, but not limited to, witness accounts and documentation.

In June 2022, the OIG received a phone call from a complainant, who requested to remain confidential, alleging misconduct, inexcusable neglect of duty, inappropriate activities, and time and attendance abuse by Deputy City Attorney Odalo Ohiku (DCA Ohiku) of the CAO. The complainant contended that DCA Ohiku had been conducting his private law firm during the Office of the City Attorney's established hours of operation. The complainant further shared the concern that it had been over one year since the City Attorney (CA) publicly stated that DCA Ohiku had been given six-months to reassign clients of his private practice of law to other attorneys within his law firm.

The OIG concluded that sufficient evidence exists to support the findings that DCA Ohiku violated regulations covering the basic obligations of public service, City policy and conflicts of interest concerning outside employment. At the conclusion of the report, the OIG proposed 14 recommendations for consideration by the appropriate Common Council committee, including management, so that they may consider appropriate corrective action(s).

This memorandum is intended to explain the recommendations proposed in the OIG's "*Report of Investigation, Deputy City Attorney Conducts, Legal Affairs for Private Practice Clients on City Time*" issued July 18, 2023 as they related to *File 231647 - A Substitute Ordinance Relating to Provisions of the Code of Ethics*.

Specifically,

### ***MCO 303-5-11***

**Report Recommendation 11:** The Common Council should revise the Code of Ethics (MCO s. 303-5-11) to ensure conflicts of interest are prevented, recognized and promptly addressed. In addition, the standards of conduct should provide more specific information, especially since not all City positions require an employee to file a financial statement of economic interest.

The U.S. Office of Government Ethics (OGE) provides resources on ethics to assist government officials responsible for codes of ethics; and has developed a series of guides on identifying potential conflicts of interest that can arise from various types of employment interests, investment interests and liabilities.<sup>43</sup>

The Common Council should review and use the OGE's resources for ethics officials as a guide when revising, amending or modifying the standard for conflicts of interest (as applicable with city ordinance, state and all other applicable regulation).

Conflicts of Interest Considerations include (OGE):

- Law firm or consulting employment
- Assets (from non-employment-related stocks, stock derivatives, and bonds, as well as other types of assets that are not investment vehicles.)
  - Legal entities that hold assets
  - Private investment funds and employment with an investment Fund
- Common employment interest
- Business or farm ownership
- Corporate employment
- Employment with institutions of higher education and related research, speaking and writing activities.

### ***MCO 303-5-9***

**Recommendation 12:** The Common Council should revise MCO s. 303-5-9 to prohibit the deputy city attorney from engaging in the private practice of law for compensation during the period in which he or she holds office.

I hope this memorandum was helpful in clarifying the IG initial recommendation as described in the aforementioned OIG report. Additionally, it is my intent that this memorandum is useful in fostering the Common Council in making decisions that address potential conflicts of interest, as well as to help promote and strengthen City programs and operations.

Sincerely,

Ronda M. Kohlheim, CIG  
Inspector General

