

MILWAUKEE COUNTY ETHICS BOARD

Tuesday, September 16, 2008

2:00 P.M.

Courthouse, Room 203-R

Present: David Carr, Chairman
Brother Bob Smith
Paul Hinkfuss
Reverend Trinette V. McCray- by telephone

Also present: Robert Andrews, Deputy Corporation Counsel

Excused: Rebecca Blemberg, Vice Chair

1.0 Roll Call

Roll call was taken. All were present, except Ms. Blemberg, who was excused and there was a quorum. Rev. McCray was present by conference telephone.

2.0 Approval of the Minutes for the Meeting of October 11, 2007

Brother Bob moved, Mr. Hinkfuss seconded, and the Board, by vote (4-0), approved the minutes for the meeting of March 7, 2008 as written.

3.0 Welcome to new Ethics Board Member Paul Hinkfuss

Chairman Carr extended a welcome to new Board Member Hinkfuss. Mr. Hinkfuss stated he had taken the oath of office and was able to vote.

4.0 Report of the Chairman

4.1 Letter dated May 19, 2008 from the Manager of Security for the Milwaukee Public Museum Regarding the Use of Off-Duty Deputy Sheriffs for Security at the Body Worlds Exhibit with Response by the Chairman

This was an informational item. Chairman Carr had received a letter of request from the Milwaukee Public Museum asking if it was a code violation to use off-duty deputy

sheriffs for security at the Body World Exhibit and to provide them with free tickets to the exhibit in exchange for their off-duty, volunteer services. The Chairman had responded in writing that it was not a code violation

MOTION: Brother Bob moved, Mr. Hinkfuss seconded and the Board voted (4-0) to accept the response of the Chairman as written.

4.2 Report from Department of Audit Regarding Inquiry into the Use of County Resources by a County Official (for Closed Session)

Brother Bob moved, Mr. Hinkfuss seconded and the Board voted (4-0), pursuant to Section 19.85(1) (f), Wis. Stats, to meet in closed session to discuss Item 4.2. Upon reconvening in open session, the Board took no further action.

4.3 Ethics Code Revisions as Adopted by the County Board of Supervisors in June 2008 and Comments by Chairman Carr before the Committee of the Whole

This item was for information purposes. The Board had been provided with an earlier copy, which has now been updated. The Board was reminded that the revised legislation was approved by the County Board in June 2008 and signed by the County executive on July 17, 2008. Also provided were written comments made by Chairman Carr on behalf of the Ethics Board and a review of the legislation by Corporation Counsel Domina.

4.4 Contract for Independent Counsel Attorney Andrew Phillips of Centofanti Phillips, S.C.

The Board was asked to approve a contract for Independent Legal Services for Centofanti Phillips, S.C. Attorney Blumenfield's contract had ended in September of 2007. With increased work needed for the lobbying manual and the text for the website tutorial and other website improvements, a new contract was needed. A contract would also allow the Board to encumber services into the next fiscal year, which would assist in tight budget times. It was not necessary to issue an RFP because the amount was under \$20,000. Attorney Phillips had participated in past legal issues with the Milwaukee County Ethics Board, as well as with other municipalities. The contract could be terminated by either party within 30 days.

MOTION: Brother Bob moved, Mr. Hinkfuss seconded, and the Board voted (4-0) to accept the contract for independent legal services for Centofanti Phillips, S.C.

5.0 Status reports on Lobbying per Chapter 14

5.1 Lobbying Reports from the County Clerk for 2007-2008

This was an informational item. The Ethics Board had asked the County Clerk to send copies of notices provided to principals who had not filed expense reports for each half year period. With regard to the reporting period from January 1 to June 30, 2007, there were two principals, Midwest General Construction and Steel, Inc. and International Realty who did not file required expense reports. Their lobbying privileges were terminated by the County Clerk and they are also in the process of being sanctioned by the Ethics Board (See Items 5.3.1 and 5.3.2). With regard to the second reporting period from June 30, 2007 to December 31, 2007, there was one principal, ATU Local 998, who had not filed expense reports timely. Notice that the County Clerk had terminated ATU's lobbying privileges, had not yet been received. With regard to the first expense reporting period from January 1, 2008 to June 30, 2008, the principals are still in the process of being notified by the County Clerk that they must file expense reports or lose their privileges.

Corporation Counsel suggested that the Ethics Board adopt a policy about sending out letters sanctioning late filing principals six months after the County Clerk sent out their notices of termination of lobbying privileges. The purpose of the lobbying provisions should be to assure the maximum compliance and not to take punitive action unless it is necessary. Each situation should be responded to on a case-by-case basis.

5.2 Consideration of a Lobbying Manual

Corporation Counsel submitted a draft of the lobbying manual required under Chapter 14 for use by lobbyists. Input had also been provided by Supervisor Rice and Ethics Board Independent Counsel, Attorney Andrew Phillips. The Board asked that a final draft be submitted at the next Ethics Board meeting and directed that it be prepared by Independent Counsel, Attorney Andrew Phillips, considering the input already given by Supervisor Rice, and with Corporation Counsel's Office review.

5.3 Lobbyist Sanctions

5.3.1 Ethics letter dated July 1, 2008 sent to Mr. Gregory Schain of International Realty Group of Downey, California

Attorney Andrews stated that he normally would ask that the Board direct him to contact this organization to make a determination as to why they had not filed their expense report and paid their sanction fee. If they did not respond appropriately, he would then take the matter to small claims court to collect the forfeiture which was levied and was not paid within the

two week period specified. However, in this case, the firm was based in California and it would not be cost effective to try to collect the unpaid fee. The organization had lost its lobbying privileges and could not lobby the county again until all fees were paid. The Board directed that no legal action would be taken by Deputy Corporation Counsel Andrews under these circumstances.

5.3.2 Ethics letter dated July 1, 2008 sent to Mr. John Bowles, Midwest General Construction and Steel, Inc. of Milwaukee, WI.

Attorney Andrews asked the Board to direct him to contact this organization to make a determination as to why they had not filed and paid their sanction fee. If Midwest General Construction did not respond appropriately, he would then take the matter to small claims court to collect the sanction fee which was levied and was not paid within the two week period specified. The Board directed that Deputy Corporation Counsel Andrews make a determination regarding the forfeiture and to take legal action to recoup the forfeiture, if necessary.

5.3.3 Request to Add and Change Lobbying Forms

Attorney Andrews stated that the Ethics Board had approved a lobbyist termination form, but it had become necessary to provide a principal termination form as well. He asked that the Board direct him to prepare such form for the next meeting. The Board so directed.

Attorney Andrews stated that the Ethics Board had adopted a lobbyist registration form which was posted on the website, but that there had been a request to use the old form used by the county because of the type of background information it provided on lobbyists. Attorney Andrews stated that he had modeled the adopted and posted form on the current forms used for lobbying at the City of Milwaukee. He asked that the Board direct him to prepare a revised form for the next meeting. The Board so directed.

6.0 Report from the Executive Director

6.1 Status Report for 2008 Statement of Economic Interests Filers

The Executive Director stated that the revised ethics code, which previously had multiple reporting periods for various groups of employees, was amended so that all SEI reporting groups filed annually at the beginning of the year, except for the Pension Board, which would continue to file quarterly.

6.2 2007 Annual Report

The Board was provided with a copy of the annual report, which is required by county ordinance to be filed in April of each year. The Chairman had reviewed and approved the document prior to distribution. It was essentially the same format as last year with statistical and legislative updates.

6.3 Fund Transfer Requests to Committee on Finance

The Executive Director stated that a fund transfer request would be made to the Committee on Finance to take a total of \$12,234 dollars from the allocated contingent fund for the development of a website tutorial for county employees and costs associated with recent legislative mandates, as well as additional staffing. The County Executive had requested and the County Board adopted a fund of \$200,000 in connection with the Ethics Work Study Committee recommendations.

6.4 Status Report on County Executive's Appointments/reappointments

The Executive Director reminded the Ethics Board that there was a vacancy on the Board with the resignation of Dan Hanley in March of 2008. The County Executive has been sent a letter of reminder that the position would have to be filled using the new nomination process. The Board was provided with a copy of the relevant section of the new nomination process and its requirements.

7.0 Adjournment

Chairman Carr stated that, under the newly adopted ethics code amendments, the Board was now required to meet four times a year, instead of at the call of the Chairman. Per the interpretation of Deputy Corporation Counsel Andrews, this meant the Ethics Board would have to meet two more times before the end of the year. The Board then agreed to meet on Wednesday, November 5, 2008 at 3:00 p.m. and on Wednesday, December 3, 2008 at 3:00 p.m.

Brother Bob moved, Rev McCray seconded and the Board voted (4-0) to adjourn the meeting.

Respectfully Submitted,

Susan C. Shields

Susan C. Shields, Executive Director