

MILWAUKEE COUNTY ETHICS BOARD

**Thursday June 7, 2007
2:00 P.M.
Courthouse, Room 203-R**

Present: Daniel Hanley, Jr., Chairman
Brother Bob Smith
Rebecca Blemberg- via telephone
Reverend Trinette V. McCray
David Carr

Absent: Paul Linn

Also present: Robert Andrews, Deputy Corporation Counsel

1.0 Roll Call

Roll call was taken. There was a quorum. Rebecca Blemberg attended the meeting via telephone conference speaker. Reverend Trinette V. McCray arrived at 2:14 p.m. and the meeting commenced at that time. Paul Linn was absent.

2.0 Approval of the Minutes for the Meeting of April 19, 2007

Brother Bob moved, Mr. Carr seconded, and the Board, by vote (5-0), approved the minutes for the meeting of April 19, 2007 as written.

3.0 Report from the Executive Director

The Executive Director informed the Board that the Ethics website had been updated and was now more user friendly. The new Administrative Assistant, Harriet Caper, had the skills necessary to make improvements and had added a number of features to the website which the Board had requested. In the coming months, the focus would be on adding educational features, such as frequently asked questions and case studies, to give working examples of code applications.

The Executive Director noted that the 2008 budget was in the process of being submitted for an allocation that was over the target amount set by the County Executive. A part-time intern was being requested to deal with the increased work load.

4.0 Report of the Chairman

The Chairman temporarily laid over Items 4.1 and 4.12 to later in the meeting for discussion in closed session:

4.1 Report Back from Corporation Counsel Regarding the Letter Dated September 28, 2006 from the Marketing Firm of Zigman, Joseph and Stephenson, Inc. the Failure to Register and Illegal Lobbying Activities of Rana Development and its representatives, Asif Rana, Randy Crump, Linda Bedford, and H. Carl Mueller

Motion: Brother Bob moved, Rev. McCray seconded a motion to go into closed session to discuss Item 4.1 in closed session.

Upon reconvening in open session, the Board stated they had reached a resolution of the matter. By way of history, Attorney Andrews stated the County had revised Ch. 14 regarding lobbying a few years ago and now required enforcement provisions by the Ethics Board. If an organization lobbied, they must register as a principal and a lobbyist and report the amount of money spent on lobbying. Last year there were two rival proposals to purchase a parcel of Park East land, Rana Development and Ruvin. Ruvin prevailed and filed a complaint against Rana with the Ethics Board, saying Rana had never registered as a lobbyist. Upon closer scrutiny, it was found that Rana did register before Ruvin's complaint, but after they had started making lobbying contacts. When Attorney Andrews met with Rana, they cited problems with being fully aware of the duties required of lobbyists and the newness of the provisions. An agreement was reached in writing in which the county agreed to disagree whether there was a violation of Ch. 14, agreed not to prosecute Rana on condition that they pay \$375 for the costs of investigation, and asked Rana to be in full compliance in all future lobbying activities.

MOTION: Mr. Carr moved, Brother Bob seconded, and the Board voted (4-0) with Ms. Blemberg abstaining, to accept the agreement as written.

4.1.2 Status Report from Corporation Counsel on the Ethics Board Resolution of December 7, 2006 that there was Probable Cause that Darla Richards May have Violated Section 9.05(2)(1) of the Milwaukee County Ethics Code

Motion: Brother Bob moved, Rev. McCray seconded a motion to go into closed session to discuss Item 4.1.2 in closed session.

Upon reconvening in open session, the Board stated they would dismiss the complaint against Darla Richards. Attorney Andrews stated that, by way of history, the Board had authorized a investigation into Ms. Richards' campaign contribution of \$250 to Supervisor Dimitrijevic, who sat on the Economic Development Committee considering the Rana Development proposal with whom Ms. Richards had a contract. Supervisor Dimitrijevic returned the contribution. The concern was that the Ethics Code prohibits making a contribution if the party making the

contribution had an interest in a contract during the time of its consideration. Her attorney sent a sworn affidavit that she had no monetary interest in the contract under consideration and had met the supervisor at a public function. Supervisor Dimitrijevic had no recollection of meeting Ms. Richards. The prohibition in the code is not for accepting contributions, but in giving them while contracts are being considered. Attorney Andrews stated that he was unable to conclude that Ms. Richards had a financial relationship with Rana Development and asked that the Board dismiss the investigation and notify Ms. Richards.

Motion: Mr. Carr moved, Rev. McCray seconded, and the Board voted (5-0) to dismiss the investigation since a financial relationship could not be established between Ms. Richards and the proposed contract and have Attorney Andrews notify Ms. Richards.

4.2 Letter Dated May 9, 2007 from Administrative Specialist Robin Burns at the House of Correction Asking if it is a Code Violation for the Marcus Theaters to Donate 48 Movie Tickets as Part of an HOC Employee of the Month Recognition Campaign

Robin Burns, an Administrative Specialist at the House of Correction wrote a letter to the Ethics Board asking if it was a code violation to ask the Marcus Theaters to donate 48 movie tickets to be used as part of an employee recognition program. Chairman Hanley believed requesting tickets from a potential vendor to be used by county employees was similar to the solicitations by the County Executive for the employee Christmas Party. Mr. Carr stated that there was a potential for a snowball effect in other departments, but his primary concern was who would benefit from the donation. Ms. Burns could not accept movie tickets. Deputy Corporation Counsel Andrews stated the Board might not like the practice of soliciting benefits for county employees, but there was no violation of the ethics code if Ms. Burns were to make the solicitations on her own time and using her own resources. Chairman Hanley thought the practice would open the door to letters of solicitation for more donations and tickets. County employees had no inherent right to ask for money other than alleviating the tax bill. Deputy Corporation Counsel Andrews stated that the Board needed to distinguish between improper policy and what the code legally required. Ms. Burns was not proposing something for her own benefit. Any benefit she might receive would not be substantial. If she made the solicitation on her own time and with her own resources rather than county time, the ethics code would not prohibit it. He suggested the Board could rule that soliciting tickets for county employees was improper because it was not clear how she might benefit. She could be advised to make the solicitation at home and on her own time. Mr. Carr pointed out that the Board had told County Treasurer Diliberti that it was alright to add his name to a solicitation on county letterhead for the Veteran's. Attorney Andrews stated the difference was that the funds raised went to veterans and not to county employees. Mr. Carr did not think the benefit of using 48 movies tickets was substantial, but Attorney Andrews did not concur. Brother Bob noted that with regard to solicitations for things for county employees, however well intended, the public antenna went up as to appropriateness. Chairman Hanley thought she was soliciting something of value, but Attorney Andrews countered she was not doing it for personal gain. Mr. Carr wondered if she would be able to use the tickets for herself. If, so, it would be inappropriate for her to accept a ticket.

Directive: Chairman Hanley directed Deputy Corporation Counsel Andrews to prepare a written letter of response to Robin Burns at the HOC on behalf of the Board and based on the discussion.

4.3 Shall the Ethics Board Send a Directive or Educational Notice to the County Board of Supervisors that They Should Recuse Themselves from Voting on Contracts in which They or a Member of Their Immediate Family Has a Substantial Interest

Chairman Hanley stated that this issue arose from concerns about Chairman Holloway declaring his interest in matters that came before the Board of Supervisors for action. Attorney Andrews stated that the Rice Ethics Work Study Committee had revised certain parts of the code that related to conflicts of interest. The City of Milwaukee provisions were more clear and better defined a conflict. If a person looked at Section 9.06 of the Milwaukee ethics code, the conflict was not clearly identified. County Supervisors were permitted to take action on accepting campaign contributions, and passing changes to salaries and benefits. It was only when a vote led to a personal benefit to a supervisor that it became appropriate to recuse oneself from a vote. Chairman Hanley thought the Ethics Board should direct Chairman Holloway on the process of recusal as well as all County Board members.

MOTION: Brother Bob moved, Mr. Carr seconded, and the Board voted (5-0) to direct Deputy Corporation Counsel Andrews to write a letter on behalf of the Ethics Board individually to Chairman Holloway and a separate, generic letter on the process of recusal as an educational letter to all County Supervisors.

4.4 Shall the Ethics Board Establish a Formal Policy for Handling of Emergency or Interim Responses Regarding the Ethics Code in between Ethics Board Meetings by the Ethics Board Chairman or by Corporation Counsel

Chairman Hanley asked Attorney Andrews to give some history on the ongoing conflict on how inquiries about the ethics code were to be responded to on an emergency basis. Attorney Andrews stated that one of the Ethics Board's duties was to interpret the code and how it impacted the conduct of county officials. Only the Ethics Board could issue an opinion and offer a safe harbor. The problem arose from time to time that the Board did not meet frequently or conveniently to a request that needed a quick response. At those times, Corporation Counsel's office was to work with the Chair or Vice Chair to write a response which was then to be approved by the Ethics Board. The policy was adopted by formal resolution of the Ethics Board in 2001. This was done to clarify what was already occurring since certain situations required quick action and authority was needed to make interim decisions. Chairman Hanley stated his reading of the resolution was that three conditions had to precede action by the Chair or Corporation Counsel: that Corporation Counsel had to confer with the Ethics Board Chair prior to issuing any advisory; that delaying the giving of the advisory posed a detriment; and that Corporation Counsel forward its response to the advisory to the Ethics Board as soon as possible. With regard to some legal advisories that were given recently, the Board was not aware

any advisory had been issued. Chairman Hanley asked that the Board reaffirm the past policy contained in the resolution, since it was still a viable procedure.

MOTION: Rev. McCray moved, Mr. Carr seconded, and the Board voted (5-0) to reaffirm the adopted policy contained in the Ethics Board's resolution of March 2001

5.0 Confidential Advisory Requests

Motion: Brother Bob moved, Rev. McCray seconded a motion to go into closed session to discuss Item 5.0 regarding requests for confidential advisories.

Upon coming out of closed session, the Board took no further action.

6.0 Committee Reports

Chairman Hanley asked Attorney Andrews what the status was for the proposed code changes by the Rice Ethics Work Study Committee. Attorney Andrews stated that the Committee was not proposing massive changes and planned on having a public hearing in September 2007. Chairman Hanley asked that any drafts of the proposed legislation be provided to the Ethics Board

7.0 Adjournment

Chairman Hanley advised the Board that he thought the next meeting would be scheduled for late August, early September at 2:00 p.m. in Room 203-R. Brother Bob moved, Mr. Carr seconded, and the Board voted (5-0) to adjourn.

Respectfully Submitted,

Susan C. Shields

Susan C. Shields, Executive Director