

2016 Seminar for Employee Trust Funds/Wisconsin Retirement System

Ethics Code for Public Officials

Adam Harvell and Kyle Kundert,
Ethics Specialists
Wisconsin Government Accountability Board/
Ethics Commission



POLITICAL MARKET

Conscientious Railroad President to R.R.P.:

"Ah! Let me see. I think I'll take this bunch of Legislators at \$5000 a head. The Senators, at - what price did you say?"

Dealer: "Can't afford 'em less than \$10,000 each."

R.R.P.: "Well, hand them over. I suppose I'll have to take the lot."

Dealer: "Anything else to-day? I have a lot of Editors, at various prices, from a Thousand down to Fifty Cents."

R.R.P.: "No, nothing in that way, to-day. But I want a Governor very much indeed, and will stand \$50,000 for him. Get me a Wisconsin one, if possible!"

Cartoon published in *Harper's Weekly* of June 12, 1858, at the time of the Land Grant Investigation

Ethics Commission

- Created by 2015 Wisconsin Act 118
- Six members – Partisan Appointments
 - Two Retired Judges, Four Others
- 4-year term of office
- Actions require 4 votes
- Headed by Commission Administrator
- Confidentiality – Advice and Investigations

Commission's Jurisdiction

LEGISLATIVE BRANCH

Legislators, legislative aides, service agencies

EXECUTIVE BRANCH

Governor, Governor's appointees, Secretaries, deputies, executive assistants, administrators

JUDICIAL BRANCH

All judges

LOCAL GOVERNMENT

Key officials

LOBBYISTS AND LOBBYING ORGANIZATIONS

Statutes

Ethics Code, subch. III, ch. 19.

- Don't use office for private gain
- Don't use office for unlawful benefit
- Don't solicit or accept anything if could reasonably be expected to influence judgment
- Don't participate in official matters in which you, your family, or organization with which you are associated has a financial interest

Lobbying law, subch. III, ch. 13

- Don't accept anything of pecuniary value from a lobbyist or from a lobbying principal

State Public Officials-§19.42(13)

Individuals appointed by the Governor – ETF Board (one member), Deferred Compensation Board, Group Insurance Board

Department Secretary, Deputy Secretary, Assistant Deputy, and Division Administrators

If not an SPO – Check OSER Guidelines, Supreme Court Rules, Legislative Clerks' Offices

Influence and Reward - §19.45(3)

No state public official

May solicit or accept

Anything of value

If it could reasonably be expected to influence the official's judgment

Or could reasonably be considered a reward for official action.

Conflicting Interests-§19.46(1)

No state public official

May take any official action

Substantially affecting a matter

In which the official, a member of his or her immediate family, or an organization with which the official is associated

Has a substantial financial interest.

Disqualification & Abstention

You should vote on all matters before you

- Special treatment is required only when private interest is distinguishable from public's interests by nature or degree.
- Abstention is not cure for a conflict. Cure is removal of private interest that is conflicting with public responsibilities. Abstention, at best, is way to deal with short term or minor conflict.

Use of Confidential Information for Private Gain - §19.45(4)

No state public official

May use or disclose

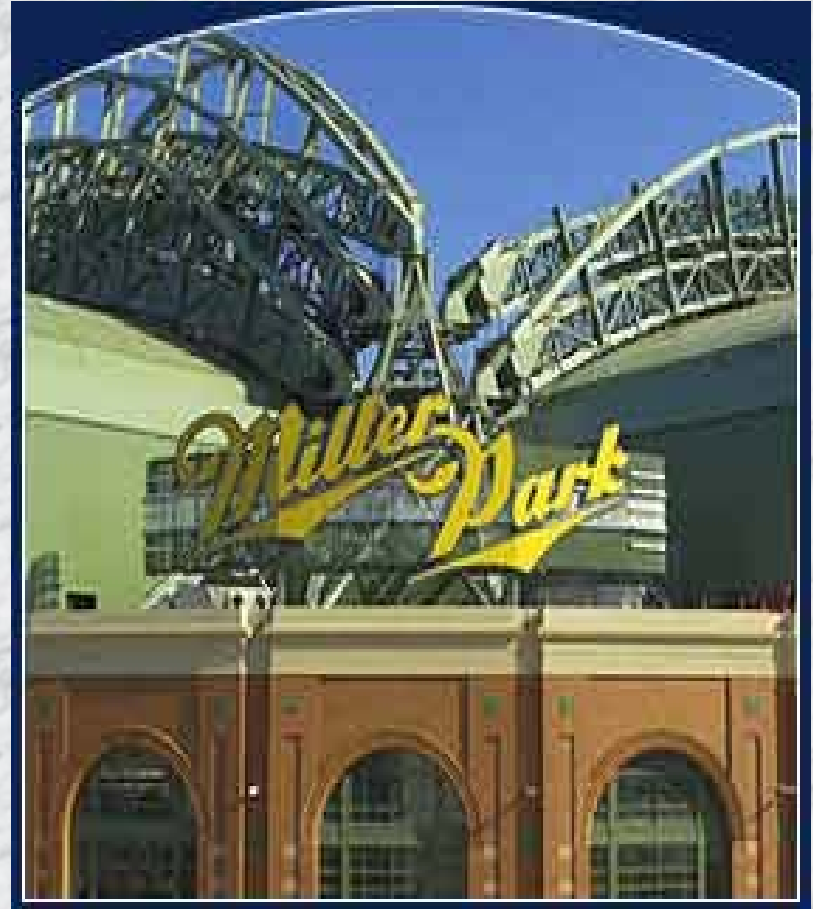
Information gained through official position or activities

In a way that could result in the receipt of anything of value for private benefit

If the information has not been communicated to the public or is not public information.

Ticket for opening day

- Old friend from college
- May you accept the ticket?



Accepting gifts, tickets, etc.

- Don't accept anything from a lobbyist or lobbying principal – even if you pay for it.
- Don't accept items or services of more than trivial value that are offered to you because of your official position.
- You may accept something if it's not from a lobbyist and not related to your state position

Local Government Employee breakfast

- Breakfast meeting to meet and greet
- Presenting a program
- For benefit of State
- Meal? Expenses?
Honorarium



Food, Drink, Transportation, and Lodging

You may accept transportation, lodging, meals, food and beverage if:

1. In connection with presenting a talk, or
2. If your acceptance of items is for the benefit of the state – attendance approved and the state would otherwise reimburse the expense, or
3. Invitation is unrelated to public position

State Public Officials report on SEI if > \$50.

Solicitation for multi-state retirement benefits conference

- Acme Insurance Corp.



Soliciting items

Don't use your position to solicit items for yourself, your immediate family, or for an organization with which you are associated.

Don't solicit, even for a state agency, if it could reasonably be expected to influence judgment. BUT

Solicitation for multi-state retirement benefits conference

Solution:
Department of Tourism
and
Wisconsin Economic
Development
Corporation



Campaigning

- Don't use state resources for campaigning.
- Staff may not engage in campaign activity on state time or in state offices.

Statement of Financial Interests

- Annually, every official required to file must identify investments, real estate, businesses, and creditors as of last day of prior year
- All direct sources of family income from prior year of \$1,000 or more
- All sources of income from prior year of \$10,000 or more received by partnerships, sub S corporations, service corporations, and LLCs (including customers, clients and tenants) in which your family has a 10% interest

Where to get more information

- Guidelines --<http://gab.wi.gov>
- Ethics Commission staff
- Advisory opinions [Prompt, confidential, authoritative]

