



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Draft

Board of Ethics

Thursday, January 24, 2019

2:00 PM

Room 307

Call To Order

PRESENT: 4 - Mary Wyant, Robert Mozol, Ernest Ni'A and Karri Hemmig

EXCUSED: 1 - Tony Martinez

Approval of Minutes for April 25, 2018 Meeting

Mr. Mozol made a motion to Approve the Minutes, seconded by Mr. Ni'A, the motion passed by the following vote:

AYES: 4 - Mary Wyant, Robert Mozol, Ernest Ni'A and Karri Hemmig

EXCUSED: 1 - Tony Martinez

New Business

[0061-19](#)

Subject: (Direct Referral) Communication from the Board of Ethics Chairwoman requesting to discuss draft rules and guidelines for the Board of Ethics.

Chairman Wyant reviewed the latest draft of the updated rules and guidelines for the Board of Ethics, which was handed out at the meeting. The committee discussed Rule III, Article I- Complaints, Section 4 and when a closed meeting may be conducted. The committee chose to add the appropriate verbiage based on a discussion with the Deputy City Attorney Arn. The added verbiage being "applicable under state law" to the closed meeting reference.

The committee also highlighted removing Rule II, Article I- Meetings, Section 4, which specifies that four members constitute a forum. The committee requested the chair to send a memo to the Mayor to appoint 2 new members, 1 of which needs to be a licensed attorney before the May term ends.

A motion was made by Mozol to adopt the proposed guidelines and procedures with the proposed changes to remove Rule II, Article I- Meetings, Section 4, and adding appropriate language under Rule III, Article I- Complaints, Section 4 to include closed meetings only ("if applicable under state law").

AYES: 4 - Mary Wyant, Robert Mozol, Ernest Ni'A and Karri Hemmig

EXCUSED: 1 - Tony Martinez

The committee discussed the certification form as part of the update. A motion was made by Mr. Ni'A to adopt the Certification Form.

AYES: 4 - Mary Wyant, Robert Mozol, Ernest Ni'A and Karri Hemmig

EXCUSED: 1 - Tony Martinez

[0062-19](#)

Subject: (Direct Referral) Communication from the Alderman of the 6th District requesting an advisory opinion regarding if it could be interpreted as a conflict of interest for an appointed member of a City of Racine Board, Commission, Committee to also be retained to represent an individual or entity that could or would come under the purview of that Board, Commission, or Committee as in the case of a Police and Fire Commission member representing in a legal matter a police officer or of an appointed Plan Commission member representing the City of Racine in development negotiations.

The committee first discussed if Alderwoman Weidner had the authority to make the request under section 2-585(a). The Board determined that she did have the authority. Alderwoman Weidner did not appear to provide any additional details regarding her request.

Attorney Pat Cafferty appeared before the committee to discuss his appointment to the Police and Fire Commission and his role as a criminal defense lawyer. Letters were provided to the committee on behalf of Attorney Cafferty highlighting that his work and participation on the Police and Fire Commission are not a conflict of interest. Mr. Cafferty stated he is aware that if the need to recuse himself from the commission is necessary he will willing do so and there has never been the need to do so.

After the discussion of the rules of ethics, the committee concluded under sections 2-581 (d), (h), and (i) that there was no financial interest, incompatibility of offices or conduct prohibited by state law by the alleged hypothetical situations. The committee then delegated the task of drafting the written advisory opinion to the chairwoman. Once finalize, the advisory opinion will be sent to the requester.

A motion was made by Mr. Mozol that the committee issue an advisory opinion that based on the facts presented in the request, the hypothetical does not constitute a violation of the code of ethics, seconded by Mr. Ni'A. The motion was approved by the following vote:

AYES: 4 - Mary Wyant, Robert Mozol, Ernest Ni'A and Karri Hemmig

EXCUSED: 1 - Tony Martinez

Adjournment

Mr. Mozol made a motion to adjourn, at 3:55 pm seconded by Ms. Hemmig.