

City of Detroit Board of Ethics

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FROM: Alicia J. Skillman
Chairperson, Board of Ethics

SUBJECT: 14th Annual Report of the Board of Ethics

DATE: March 18, 2016

The 13th Annual Report of the Board of Ethics (the “Board”) was submitted on January 14, 2015, and reported on activities of the Board from July 1, 2014 to December 31, 2014. The report was brief in nature due to the retirement of former Executive Director Deborah Gaskin. The Board was non-operational from October 2013 to June 2014. This 14th Annual Report covers Board

activities from November 2014 to June 30, 2015. In accordance with Section 2-6-97 of the Ethics Ordinance (the first “Ordinance”), this Report contains:

- 1) An analysis of Board activities, including the number of Advisory Opinions requested and issued, and the number of Complaints filed and their disposition;
- 2) A compilation of Advisory Opinions issued; and
- 3) Recommendations, if any, for improvement of the disclosure requirements and standards of conduct found in the Ordinance, and for improvement of the administration and enforcement of the Ordinance.

Board Activities

A. Meetings

During the period of this Report, the Board met nearly every month and disposed of all matters presented, including eight (8) Requests for Advisory Opinion and eight (8) Complaints which were originally filed in 2014 and available for the 13th Annual Report.

B. Advisory Opinions

Request for Advisory Opinion #2015-01, was submitted February 17, 2015 to the Board for interpreting the application of Section 2-6-32 of the Detroit Ethics Ordinance titled, “Disclosure of interest in City Contracts.” The Board concluded that the Requestor’s involvement in shaping legislation regarding outdoor advertising on signage is improper under the Ethics Ordinance and that he should refrain from any future role in developing legislation in this area as long as Requestor remains on the non-profit Board of Directors.

Request for Advisory Opinion #2015-02, was submitted June 3, 2015 to the Board for interpreting the application of the Ethics Ordinance Section 2-6-65 titled, “Incompatible Employment or Rendering Services Prohibited;” Section 2-6-66 “Representation of Private Person, Business or Organization Prohibited; Exception;” Section 2-6-67 “Self-interest Regulation and Participation Prohibited;” and Section 2-6-68 “Improper Use of Official Position Prohibited” due to his work as a Consultant. Upon investigation, the Board concluded that the Requestor is not a public servant according to Section 2-6-101(s), 1984 Detroit City Code. Accordingly, the Board was without jurisdiction to undertake a review of his query.

Request for Advisory Opinion #2015-03 was submitted June 1, 2015 and requested that the Board interpret the application of the City Ordinance, Section 2-6-71 titled, “Prohibition on Gifts and Gratuities; exceptions.” The Requestor was invited to attend an event and requested an advisory opinion to confirm there were no ethical concerns. After conducting an investigation, the Board concluded that based on the current language of the Ordinance, the Requestor can attend the event

without violating the Ordinance.

C. Complaints

Complaints #2014-01 and #2014-02 were address in the 13th Annual Report.

Complaints #2014-03 through #2014-05 and #2014-07 through #2014-09 were filed against several public servants (elected officials) with various charges, but generally concerned actions related to the creation of the Great Lakes Water Authority (GLWA) and the authority of the Emergency Manager.

Complaint #2014-03 alleged that a public servant (elected official) violated the 1984 Detroit City Code, “Disclosure of Interests by Public Servants” by failing to disclose an immediate family member’s city employment or application for such employment. After review and consideration, the Board concluded that the Complaint failed to provide sufficient facts in support of the charges and consisted, mostly, of conclusory statements with no specific factual allegations which might constitute a violation of the Ethics Ordinance or Charter Provisions governing ethics and presented no violation of the 2012 Charter or the Ethics Ordinance. The Complaints were dismissed pursuant to Section 2-6-115 (b) (1)(ii).

Complaint #2014-04 alleged that a public servant (elected official) violated the 2012 Detroit City Charter, “Ethical Standards of Conduct” by the gross neglect of duty, representation of a private entity, self-interested regulation, one-year post employment, undue influence and participation in a city transaction while having a financial interest in the matter. After review and consideration, the Board concluded that based on facts outside of the 182 day period prior to the filing of the Complaint, the charge was dismissed based on timeliness provision of the Ordinance. Sections 2-6-11(c) and 2-6-115(b)(1)(i), 1984 Detroit City Code. Also, all remaining charges are dismissed for failure to allege facts sufficient to constitute a violation pursuant to Section 2-6-115 (b)(1)(ii).

Complaint #2014-05 alleged that a public servant (elected official) violated the 2012 Detroit City Charter, “Disclosures” and 2012 Detroit City Charter “Disclosure of Campaign Contributions and Expenditures” by the willful neglect of duty, improper use of city property, self-interested regulation, one-year post employment, undue influence, improper acceptance of gifts or gratuities and participation in a city transaction while having a financial interest in the transaction. After review and consideration, the Board concluded that charges be dismissed under the provisions of Section 2-6-115 (b)(1)(ii). 1984 Detroit City Code.

Complaint #2014-06 alleged that several public servants (elected officials) the 1984 Detroit City Code, “One Year Post Employment Prohibition” charging several breaches of Ethics Ordinance. After review and hearings, the Board concluded that the former public servant (elected official) has violated the provisions of the Ethics Ordinance and the 2012 Detroit City Charter during tenure. The Board adopted a resolution of the finding of the violation and issued a public admonition

against the former public servant (elected official).

Complaint #2014-07 with no disclosure charges the Complaint alleged that a public servant (elected official) violated the Ordinance's standards of conduct. That the public servant (elected official) has shown willful neglect of duties, improperly represented a private entity, engaged in self-interested regulation, improperly used his position, used undue influence regarding the filling of a city position and participation in a city transaction while having a financial interest. After review and consideration, the Board concluded that charges be dismissed under the provisions of Section 2-6-115 (b)(1)(ii).

Complaint #2014-08 alleged that a public servant (elected official) violated the 2012 Detroit City Charter, "Government Powers" by failure to properly understand Public Act 436, Senate Bill 865, under which the Emergency Manager was empowered to direct the operations and finances of the City of Detroit. The Complaint also alleges the public servant (elected official) was unprepared to offer a counter proposal to the GLWA resolution that would avoid the transfer of DWSD assets. After review and consideration, the Board concluded that charges be dismissed under the provisions of Section 2-6-115 (b)(1)(ii), 1984 Detroit City Code.

Complaint #2014-09 alleged that a public servant (elected official) violated the 2012 Charter, "Disclosures" and 2012 Detroit City Charter "Disclosure of Campaign Contributions and Expenditures" by having breached the disclosure requirements by failing to disclose an interest in a City contract and failing to disclose an interest in real or personal property. After review and consideration, the Board concluded that charges be dismissed under the provisions of Section 2-6-115 (b)(1)(ii). 1984 Detroit City Code.

Complaint #2014-10 alleged that several public servants (elected officials) violated the 1984 Detroit City Code, "Disclosure of Interests by Public Servants" and 2012 City Charter "Ethics of Standards of Conduct". After review and discussion, the Board concluded that the Complaint failed to provide sufficient facts in support of the charges which might constitute a violation. The Complaints were dismissed pursuant to Section 2-6-115 (b)(1)(ii), 1984 Detroit City Code.

D. Other Activities.

During this year there were several issues with membership. Rev. Keenan Knox and Atty. Robert Page resigned from service. Also, the Board issued a resolution for the removal and replacement of Rev. Eddie Miles due to lack of attendance. As a result, the Board failed to achieve quorum at many meetings, resulting in cancellations or tabling of matters to later meetings. New appointments by City Council and the Mayor brought the Board back to its full requirement. Those appointments were filled by: Rev. Charles C. Adams, Ponce De Leon Clay and Robert Watt allowing the Board to move forward with the conduct of business.

During this reporting period, the Board launched a search for an Executive Director and an Office Assistant. The previous Executive Director, Deborah Gaskin, retired in 2013. Because of a possible violation of the Open Meetings Act, the process to hire an Executive Director must start over and a timeframe has been established for a hiring date by the end of the current fiscal year. The Board has hired Ethics Coordinator, Vanessa L. Johnson, under a one (1) year Professional Services Contract which will expire June 30, 2016. Ms. Johnson handles all office clerical matters for the Board.

With the hiring of staff, the Human Rights Administration Office has made space to house the Board staff. Additionally, files previously located at the First National Building were moved to the Human Rights Office.

Recommendations for Improvements of the Board of Ethics and Ethics Ordinance

Currently the Board is accepting application to fill the position of Executive Director. The Board has hired an Ethics Coordinator to handle the office administrative functions during this time. It is anticipated that the Executive Director vacancy will be filled this summer.

Due to the confidentiality of the business of the Board of Ethics, the office space necessitates privacy. The Executive Director and the Ethics Coordinator need an enclosed space, unshared with employees from other City of Detroit departments. The current arrangement provides the Ethics Coordinator with a cubical and private discussions are held in the conference room. However, this arrangement does give privacy to telephone conversations nor secure ethics file cabinets.

The Board will be pleased to provide any further information and to respond to any questions about its 14th year of operation.

Thank you.

cc: Municipal Reference Library