

Chicago is My Kind of Town and COGEL is My Kind of Conference!

by Susan Willeke & Jennie Unger Skelton
Co-Chairs of the 2019 COGEL Conference

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"We struck the home trail now, and in a few hours were in that astonishing Chicago – a city where they are always rubbing a lamp, and fetching up the genii, and contriving and achieving new impossibilities."

— Mark Twain, *"Life on the Mississippi"*
1883

It's almost as if Mr. Twain had been charged with drafting an advertisement for the 2019 COGEL Conference!

Come one, come all to this vibrant and perpetually ambitious city to achieve the impossible: to consider and examine the latest trends, issues, cases and trends in the fields of campaign finance, governmental ethics, elections, lobbying, and freedom of information all in one action and info-packed conference!

COGEL is the conference to gather with the best of the best in the fields of campaign finance, governmental ethics,

elections, lobbying, and freedom of information.

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Please join us December 15 – 18 at the Chicago Marriott Downtown for some of the best educational sessions and speakers you'll ever experience.

Register today to make sure you do not miss your chance to choose from more than 40 educational breakout sessions facilitated by more than 130 presenters from across the COGEL disciplines.

COGEL 2019 promises to inspire, to motivate, and to educate – all while allowing you to network with veteran COGEL colleagues and new COGEL friends.

If you aren't already excited enough, wait until you hear about this year's plenary

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speakers! Our opening speaker is Mac Heller, the Co-Executive Producer of the much-discussed documentary, "Rigged: The Voter Suppression Handbook."

This ground-breaking film follows the recent trajectory of voter suppression in the United States; although we won't have time to watch the entire documentary during the plenary, the clips you



will see and the observations you hear will leave you stunned and ready for action.

Dr. Darryl Plecas



For our Monday luncheon plenary speaker, we are pleased to welcome Speaker of the Legislative Assembly of British Columbia, Dr. Darryl Plecas, who will share with us his experience of being a whistleblower early in his tenure as Speaker. First maligned for bringing forth his allegations, then later lauded for revealing potential corruption, Speaker Plecas will shine new light on what it means to have a high-level position of trust, only to find that the "old order" doesn't trust you.

On Tuesday morning, we will hear from one of the nation's leading white-collar defense and trial lawyers.

Abbe Lowell's practice focuses on litigation, complex investigations and regulatory enforcement.



Dr. Richmond Pope

In this compelling plenary, you will enter in to some of Mr. Lowell's cases involving high-profile corporate and individual clients and hear about his experience serving as special ethics counsel to the House Committee of Standards of Official Conduct (Ethics



Abbe Lowell

Committee).

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Finally, we also are very excited to announce that COGEL 2019 will host a special screening of the acclaimed film “All the Queen’s Horses.” It’s a riveting story of how a small-town public treasurer could

steal \$53 million over two decades without anyone noticing. Following the exclusive screening, we will also have a separate, in-depth discussion with the film’s director and producer Dr. Kelly Richmond Pope.

Of course, it just wouldn’t be COGEL without the many effective and delightful networking opportunities.

Once again, the perennially-popular Breakfast Table Topics will offer new, dynamic topics for deliberation and discussion over your morning coffee. And back by popular demand, COGEL Dine-Arounds will once again allow COGEL colleagues to gather in small groups at lunch or dinner to continue the conversation! Because Dine-Arounds space is limited (and those spots get filled quickly) be sure to sign up when you stop at the COGEL registration table.

Are you ready? Don’t delay; online registration and the conference schedule are available at www.cogel.org! After all, as Mark Twain once said, “The secret to getting ahead is getting started.”



CLICK HERE TO REGISTER FOR THE CHICAGO
COGEL CONFERENCE

CONTROLLING UNETHICAL BEHAVIOR IN THE LOCAL PUBLIC SECTOR: PROBLEMS AND OPPORTUNITIES

By Gerry Neumark

Public officials' behavior has never been under greater scrutiny than at the present time. Whether or not it is because of the electronic revolution, newspaper accounts, or easily accessible widely distributed commentary, society is demanding greater integrity from its officials (Northouse 2007, 20). Unfortunately, the public perception of lower ethical standards among government employees still exists. In light of this negative view, this is an excellent time for local governments to improve upon how their behavior is perceived. "Large cities such as Washington, DC and Jacksonville, Florida as well as smaller cities across the country have created or improved their codes of ethics over the past year (Weshler 2012, 26). The city of Atlanta, for example, has created an independent board of ethics and code compliance with the ability to take a serious look at and impose sanctions for those public officials who act in violation of the established code of ethics as a part of their public duties.

The establishment of local ethics policies are not new. This movement can be traced back at least to 1924 with the rise of the urban reform movement. After the ethical breakdown of the governing of many American cities and the rise of the political machine, much of this lack of public ethics was attributed to the control that political parties exerted over the municipal governments. Two specific strategies have been introduced in several local governments to break

the link between the election of local officials and partisan politics: odd year and non-partisan elections. Today it is axiomatic that elected as well as professional urban managers should never align themselves with special interest groups especially political parties (Svara, 2004, 40). Most governments recognize that partisan politics and local government are incompatible (Neumark 2013).

In addition to restructuring elections, municipal

The establishment of local ethics policies are not new. This movement can be traced back at least to 1924 with the rise of the urban reform movement.

ethics codes were established across the country. In contemporary times American municipalities take these codes very seriously. Acceptable norms of public behavior have become critical (Cox 2004, 3-4). Even among those local governments which have not adopted formal codes of ethics, many have published behaviors to be avoided. These include, but are not limited to, "bribes, forgery, leaking confidential information and influence peddling (Lorch 2001, 369).

In addition to codes of conduct, there have been other routes leading to controlling unwanted public

official's behavior. One significant reform is the restructuring of local governments, for example, the establishment of the professional city (county) manager. The concept of the professional manager is closely linked to the breaking away of public administration as a discipline from traditional political science (Neumark 2012). Local professional

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Continued: Controlling unethical behavior

management emerged in the late nineteenth and early twentieth centuries as an effort to separate urban governance from its more political orientation. It came about as an outgrowth of the theory of scientific management introduced by Frederick Taylor and supported by then college president Woodrow Wilson: “The vision began with the attempted separation of political activities from administrative functions so that local governments would largely operate as though they were apolitical” (Cox 2004, 3). The obvious bias is that “apolitical” implies losing the taint of corrupt politics. Although many midsized and smaller municipalities have adopted the professional manager form of government, it has yet to gain traction among most of the larger American cities. Understanding the politics of our larger cities may very well be more important than which it has been given credit in the ability to control corrupt public behavior.

The control of unethical behavior in local public agencies is not entirely complete. The remaining significant problem is that many local governments lack either the will to enforce anticorruption policies or a workable tool to correct ethical violations. Unfortunately, this appears to be the case when compared to the other levels of government. The federal and state levels of government are able to impose fines, issue reprimands, dismiss employees or even mandate jail time for those whose ethical behaviors are unacceptable (Lorch 2001, 369). Most local governments are not given the authority by their various states to do so.

The structure and culture itself of some local public organizations may serve to exacerbate unethical behavior among its employees. “Organizational structures reflect value choices and ethical commitments made by those who design organizations. At the same time, however, organizational structures are malleable, and therefore, rules are bent; procedures are ignored; formal communication channels are altered by informal relationships; and individuals who are determined to act on values different from those expressed from the formal organization can usually find ways to do so” (Denhardt 1994, 169).

To the extent that any behavior becomes a regular feature of an organization, anthropologists refer to this as culture, or in this case organizational culture. Included in organizational culture are, “shared values, beliefs, assumptions, perceptions, norms, artifacts, and patterns of behavior” (Ott 1968, 1). In these cases, managers of such organizations simply accept some unethical behaviors as the norm. Indeed, if the administrators of organizations display a pattern of unethical behavior, those individuals below the executive level are



Gerry Neumark teaches local government policy and political science at Georgia State University and is a member of the City of Atlanta Ethics and Independent Compliance Board.

Continued: Controlling unethical behavior

themselves are likely to display the same pattern.

The good news is that even though the many local codes of ethics and urban reforms are not perfect, they have gone a long way in making modern local government much more ethical and responsible to its citizens.

In the end, however, it is up to the citizens to be continuously aware of the actual political structures and apparent cultures of their public agencies in their communities. Awareness is the most salient keys in controlling unwanted public behaviors. Ethics officers and boards must do everything so that they are able to encourage public participation in ongoing ethical issues.

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Gerald (Gerry) M. Neumark currently teaches public policy and political science in the Public Management and Policy Department of the Andrew Young School of Policy Studies at Georgia State University. The classes he teaches on a regular basis include Policy and Politics in the American City as well as Citizenship, the Community and Public Service, which is a course in local citizenship and service learning. Dr. Neumark received his M.S. in community development, his M.P.A. as well as his Ph.D. in political science all at Georgia State University. He has been involved in academic activities for the past several years, serving as a past board member of the Georgia Political Science Association (GPSA). He has presented several papers and journal articles on the policy development of the Atlanta BeltLine to the GPSA as well as in its journal, *Questions in Politics*. His writings also include the Georgia State University On-Line Professional Journal. In addition, he is the author of the [textbook](#) currently being used for a number of university service learning and local citizenship courses. Dr. Neumark has been civically active within the City of Atlanta, including serving as the former vice-chair of NPU-F, first vice president of the Atlanta Planning Advisory Board (APAB); and for a brief time, president of APAB. Dr. Neumark was nominated to the Board by the Atlanta Planning Advisory Board.

‘Maryland is very corrupt’

Tawanna Gaines’s guilty plea adds to state’s history of ethics problems in politics

By Elliott Davis — CAPITAL NEWS SERVICE

Former Del. Tawanna Gaines, a Democrat from Prince George’s County, pleaded guilty in October to wire fraud, adding to an already long list of Maryland lawmakers — largely Democrats — who have been convicted, charged or reprimanded for corruption or other ethical issues in recent years.



Tawanna Gaines

Gaines, who had represented District 22 since 2001, spent campaign money on personal expenses including fast food, hair styling, dental work, a cover for her swimming pool and an Amazon Prime membership, Assistant U.S. Attorney Thomas Windom said.

The plea adds her to the growing list of politicians in the state who have either committed crimes or ethical violations.

Oguzhan Dincer, associate professor and director of the Institute for Corruption Studies at Illinois State University, told Capital News Service that when it comes to “legal corruption” — unethical acts without actual criminality — “Maryland is very corrupt” and it is “quite alarming.”

The campaign treasurer listed on Gaines’s candidate committee registration page is Anitra Trona Gaines Edmond. An archived image from TawannaGaines.org shows a photo of the then-delegate with a woman named Anitra Edmond, with a caption saying that she is Gaines’s daughter. Efforts to reach Edmond via email and social media were not returned.

Capital News Service was unable to reach Gaines herself — a phone number listed on her campaign finance page was disconnected and a Hotmail email address bounced back. An attorney mentioned for Gaines in media reports did not respond to requests for comment.

Maryland House Speaker Adrienne A. Jones, a Democrat from Baltimore County, released a statement earlier this week saying that Gaines had resigned.

“As elected officials, we have an obligation to uphold the public trust, both in office and in our campaigns,” Jones said in the statement. “We cannot sacrifice that trust for personal gain for ourselves or our family members.”

Alexandra Hughes, Jones’s chief of staff, told Capital News Service via email that she isn’t aware of specific plans

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Continued: Maryland

for ethics bills in the 2020 Maryland legislative session, pointing to the “comprehensive” ethics reform legislation passed in 2017. “Obviously, there are laws on the books to prevent what Delegate Gaines did — which is how she was charged,” Hughes added.



Jake Weissmann, chief of staff for Senate President Thomas V. Mike Miller Jr., a Democrat from Prince George’s, Charles and Calvert, declined to comment via email. Arinze Ifekauche, spokesman for the Maryland Democratic Party, also declined to comment via email, deferring to Jones’ statement. The Maryland Republican Party did not respond to requests for comment.

Joanne Antoine, executive director of Common Cause Maryland, told Capital News Service that Gaines’ resignation “sends a message” that these types of actions “won’t be accepted.”

“There’s no question that the public’s trust was lost when an elected official abuses their power,” Antoine said.

Sen. Paul Pinsky, a Democrat from Prince George’s, said he was “taken aback” when the news broke about his fellow District 22 lawmaker. When he found out that it had to do with fundraising, Pinsky said, “I was even more shocked, because that’s never been a high priority of hers.”

Asked about possible legislation to combat corruption during the next session in response to the charges against Gaines, the state senator said, “Personally, I’d like to get private funding out of elections totally,” but added that he doesn’t “know what the details are” or “if it’s something that’s correctable.”

This instance of public corruption in the General Assembly is nothing new. Gaines is the third Democratic delegate from Prince George’s County alone to be charged or convicted since 2018.

[Former Delegate Will Campos was sentenced](#) to 54 months in prison in May 2018 for conspiracy and bribery. Another former delegate, [Michael Vaughn, was sentenced](#) to four years in prison in September 2018 for a bribery conspiracy. Also last year, state Sen. Nathaniel Oaks, a Democrat from Baltimore, [was sentenced to 42 months](#) in prison for wire fraud.

Lawmakers have also been officially reprimanded in the General Assembly for ethical issues in recent years.

Delegate Jay Jalisi, a Democrat from Baltimore County, [was reprimanded by the legislature](#) earlier this year for what an ethics report referred to as an “ongoing pattern of bullying and abusive workplace behavior.” Delegate Mary Ann Lisanti, a Democrat from Harford, [was censured this year](#) in connection with allegations that she used a racial slur to describe an area of Prince George’s County.

Last year, Delegate Curt Anderson, a Democrat from Baltimore, [was stripped of his leadership positions](#) after he

Continued: Maryland

was ordered to undergo sexual harassment training in connection with allegations against him, according to The Baltimore Sun. In 2017, former Delegate Dan Morhaim, a physician and Democrat from Baltimore County, [was reprimanded for advocating for medical marijuana policies without disclosing his financial ties](#) to a company seeking a license, as reported by The Sun.

Dincer studies corruption across the country through an annual survey. Dincer told Capital News Service that the survey is sent to approximately 1,000 political reporters — with an average response rate of about 30% — asking them to rate their state's branches of government on a scale of 1 to 5 for both illegal corruption and legal corruption, the latter of which he described as when a "politician forgets about working for the greater good."

Dincer said his findings indicate that when it comes to illegal corruption like bribery and fraud, Maryland is "kind of in the middle of the road" among other states. When it comes to legal corruption, however, he said the state is "very corrupt." He cautioned that in terms of illegal corruption, "I wouldn't jump to the conclusion that Maryland is really getting bad" when compared with other states.

Referring to the state's "strict" campaign finance laws, Joanne Antoine of Common Cause said that when comparing Maryland with other states in terms of corruption, "I wouldn't say it's an outlier."

Matthew Crenson, professor emeritus at Johns Hopkins University's Department of Political Science, told Capital News Service that he considers Maryland to be more corrupt than other states, referring to "a lot of episodes of corruption ... going back to the 1970s, not just in the state legislature." He added that bribery is a "common thread that seems to run through a lot of these cases."

Other Maryland officials with ties to corruption include former Vice President and Maryland Gov. [Spiro Agnew](#); former Gov. [Marvin Mandel](#); former Delegate [Tiffany Alston](#), a Democrat from Prince George's; former state Sen. Tommie Broadwater Jr., former Baltimore Mayor [Sheila Dixon](#); and former Prince George's County Executive [Jack Johnson](#).

Annapolis lobbyists [Bruce Bereano](#) and [Gerard Evans](#) returned to their careers after serving prison time, according to Maryland Matters. Former state Sen. [Ulysses Currie](#), a Democrat from Prince George's, was acquitted of all corruption charges against him in 2011, according to The Washington Post. Former Baltimore Mayor [Catherine Pugh](#), a Democrat, has been linked to self-dealing in the sale of children's books; she has not been charged with any crime.

"There's a lot of money floating around," Crenson said. "Maryland is a rich state compared to others."



Oguzhan Dincer, associate professor and director of the Institute for Corruption Studies at Illinois State University

<https://www.baltimoresun.com/politics/bs-md-pol-state-corruption-history-gaines-1017-20191017-spvwuhrcsnguvhsjxdj7m6tyku-story.html>

Emails blurred the line between politics and policy in California insurance department

By Hannah Wiley, Sacramento Bee

California Insurance Commissioner Ricardo Lara has had a controversial first nine months in office, after he accepted more than \$50,000 in industry contributions and had to return the money.

When an industry executive reached out on May 1 to California Insurance Commissioner Ricardo Lara's department staff, he emailed with two meeting requests: a "formal policy discussion" and a "political meeting."

"We would like to schedule two meetings with the commissioner," United Insurance Company CEO Jamie Sahara wrote to Lara's special assistant in the department, David Green, in an email that included fundraiser Dan Weitzman.

"1. Formal policy discussion with the commissioner to discuss The California Insurance Company. 2. Political meeting with the commissioner, Lena Gonzale(z) and Dan Weitzman."

A week later, Lara met with Sahara and Steve Menzies, the CEO of workers compensation agency Applied Underwriters, [for lunch in Los Angeles](#). Berkshire Hathaway is selling Applied, and the California Insurance Company is its subsidiary. Sahara and Menzies are seeking to [acquire separate portions of](#) the agency, a transaction Lara's department has to approve.



**Commissioner Ricardo
Lara**



Senator Lena Gonzalez

It's unclear in calendar and email records recently obtained by The Sacramento Bee whether the meeting was political or policy-related. But it wasn't the first time a company executive felt comfortable scheduling an appointment with agency personnel that appeared to blur department business and campaign fundraising.

State Sen. Lena Gonzalez, a Long Beach Democrat who filled Lara's seat when he became commissioner, said she never attended the May meeting, and was unaware that her name was mentioned in the original invitation. It's unclear whether Weitzman, Lara's consultant, was at the table either.

Weitzman did, however, arrange a March 12 meeting "to benefit" Lara's 2022 re-election, according to a memo he sent to the commissioner. To secure a slot on Lara's calendar, Weitzman and his staff bounced the details back and forth via email with taxpayer-paid insurance department personnel.

"Dan chatted with Ricardo and he said he's in for the Berkshire Hathaway lunch on 3/12," Weitzman's client relations director emailed to Lara's scheduler. "Just wanted to check in with you."

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COGEL offers its thanks, on behalf of the membership, to [State and Federal Communications](#) for the many services it has provided to COGEL. Included among those is "[News You Can Use](#)," a valuable compilation of ethics and campaign finance news, which is made available to all COGEL members on the COGEL website.



Continued: California insurance

Sahara and Menzies were expected at the March 12 luncheon, according to the records, as well as Applied Underwriters' attorney Jeff Silver and former New Mexico Insurance Superintendent Eric Serna.

Executives "will be joining you for a [relationship-building lunch](#) in support of your Ricardo Lara for Insurance Commissioner 2022 campaign," Weitzman wrote in the memo.

"Coordinating is okay to make sure there is no conflict," said Bob Stern, former president of the Center for Government Studies. "But using the staff to set up fundraising meetings is a problem. Because it looks like the political meeting and the discussion are going to be linked together. And that's not appropriate at all."

Jessica Levinson, professor at Loyola Law School and government ethics expert, said elected officials should make sure that government staff aren't handling campaign business.

"We care about taxpayer dollars taking care of taxpayer business," she said. "It's a wall, not a net between those two things."

After a March 12 meeting with the CEOs, and after a department-funded trip to New York in April that included [fundraising on the side](#), checks totaling \$46,500 from out-of-state donors connected to Applied Underwriters were sent to Lara's campaign. The Democratic commissioner was serving as his own campaign treasurer, and he pledged during his 2018 run for the post not to accept industry money.

The donations and meetings [prompted an apology](#) from the commissioner, who also agreed to recuse himself from any future decisions related to Applied Underwriters, including the pending sale. Email records cite a Sept. 30 deadline for the transaction.

"I believe effective public service demands constant adherence to the highest ethical standards," Lara wrote in a [Sept. 3 letter](#) to consumer advocates. "But during my campaign and first six months in office, my campaign operation scheduled meetings and solicited campaign contributions that did not fall in line with commitments I made to refuse contributions from the insurance industry. I take full responsibility for that and am deeply sorry."

Department spokesman Michael Soller noted that Lara has asked agency attorneys to strengthen scheduling protocol with "external stakeholders, especially department-regulated entities."

Lara also terminated Weitzman in July and promised Californians a "strict moratorium" on fundraising until the end of the year and until his staff could build a better system to vet donations.

Lara said in his letter that "these interactions did not affect nor influence my official actions in any way."

Jamie Court, president of advocacy group Consumer Watchdog, however, argued that the communications between executives and Lara's team indicate he was "aware and actively participating in what looks like a pay-to-play scheme."

"There was clearly some pay," Court said. "Whether the play worked is irrelevant. The change of ownership has been tainted by the fundraising that has surrounded it."

Weitzman and Sahara did not respond to The Bee's requests for an interview. Silver also refused to answer



Bob Stern, former president of the Center for Government Studies

Continued: California insurance

questions.

Serna previously said his connection to Lara was a personal one based on their interactions through the National Association of Latino Elected and Appointed Officials.

Serna is the general counsel for Goldwater Taplin Group, which represents and consults for the insurance industry. He also resigned as the New Mexico superintendent in 2006 amid investigations into his business with a bank.

“(Lara) is honest and hard working and owns up to any mistakes he makes and moves on,” Serna said on Monday. “I believe he has the highest of ethical standards.”

Serna also denied having an “official role” with Applied Underwriters, Berkshire Hathaway or United Insurance Company, as well as the executives involved in the March 12 meeting. The records, however, show Serna was copied on emails to department officials regarding the sale.

Serna additionally appeared on a Jan. 30 calendar appointment to discuss “Short Term Medical” with Lara, and the two attended the same immigrant justice ceremony in Santa Fe in February, according to photos of the pair at the event. Lara dined with Serna again during a department-funded trip to New York in April.

Soller said Lara and Serna never talked about the pending sale of Applied Underwriters.

“What this comes down to is Commissioner Lara’s actions, and the record clearly shows Commissioner Lara has broken no laws or rules and these meetings had zero effect on department actions,” Soller said.

“Taking office in the aftermath of the state’s most destructive wildfires, Commissioner Lara has met with more disaster survivors, small business owners and California consumers than any previous insurance commissioner at this point in his term,” Soller added.

“The department has held the first community forums on wildfire insurance availability in our history attended by more than 1,000 people. He will continue to make his calendar available to the public as he represents the interests of Californians.”



California Department of Insurance website

<https://www.sacbee.com/news/politics-government/capitol-alert/article235153252.html>

A DEBATE OVER ETHICS

By Steve Stewart, Tallahassee Reports

In October, the Tallahassee City Commission voted to move forward with a number of ethics ordinance proposals that will give the Independent Ethics Board (IEB) more power.

Together, the adopted amendments – most recommended by the IEB – will give the Board expanded authority to investigate ethics charges and levy higher fines.

In addition, the City Commission adopted other reforms which address financial disclosure and lobbyist registration.

Listed below are key actions taken by the City Commission during the workshop.

Who is covered by Ethics Board?

The City Commission voted 5-0 to adopt the IEB's recommendation related to "covered individuals." The IEB's proposed "covered individuals" include:

- Public officials which, in turn, are broadly defined to include elected officials and their aides, appointed officials, and individuals appointed to any "advisory, quasi-judicial or any other board of the city, state, or any other regional, local, or and corporate entity;"
- Employees and board members required by statute to file financial disclosure (Form 1); and
- Procurement employees, defined to include any City employee who has participated in the previous 12 months in a procurement, the cost of which exceeds \$10,000.

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There is so much to look forward to at this year's 41st Annual COGEL Conference

Join us for a fresh and dynamic program of 45+ educational breakout sessions focused on cutting-edge and emerging topics led by over 125 engaging experts. In addition, we promise a stellar and thought-provoking line-up of plenary speakers. These breakout and plenary sessions are sure to make your stay in the Windy City vibrant and stimulating!

The 2019 COGEL Conference offers something for everyone. Each day provides a variety of sessions and experiences for learning and connecting, so that you can return to your agencies and organizations inspired with new ideas.



CONTINUED: Tallahassee Ethics

Corrupt Standard or Should Have Known Standard

The City Commission voted 4-1 to adopt the IEB's recommendation for lowering the bar for prosecutions for "misuse of office" to a "knew or should have known" standard, as opposed to the "corruptly" standard.

The City Attorney's Office (CAO) recommended retaining the "corruptly" standard.

Restitution and Fines

The City Commission voted to authorize fines up to \$1,000 per violation. The City Commission also voted to allow restitution to be included as a potential part of a penalty for violations.

Form 6 Financial Disclosure

The City Commission decided not to wait on the Florida Legislature and voted 5-0 to move forward with requiring elected officials and certain city employees to provide more detailed personal financial information through Form 6.

Gifts

The City Commission voted 5-0 to adopt the CAO recommendation on the prohibition of gifts. The proposal tracks the gift definition in Chapter 112 of the Florida Statutes.

Lobbyists

The City Commission voted 5-0 to increase fines for lobbyists that fail to register with the Treasurer Clerk's office. The penalties will start at \$1,000 for the first violation and increase with each additional violation by \$500.

Statute of Limitations

The City Commission voted 5-0 to adopt a five-year statute of limitations for the ethics code. The CAO had recommended two years.

This means no action may be taken on a complaint filed more than five years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

The next step in the process is for the CAO to write an ordinance that will reflect the votes on the issues addressed at the workshop. City Attorney Cassandra Jackson said that a draft ordinance would be presented to the City Commission in November.



Tallahassee City Hall

Wichita council members can take unlimited gifts

(It's not like that everywhere)

By Jonathan Shorman and Chance Swaim, www.Kansas.com

Tulsa's elected officials aren't allowed to take gifts that could be used to influence them.

Colorado Springs sets its dollar limit at \$59. Oklahoma City requires disclosure of gifts over \$300.

But Wichita's mayor and city council members are free to take unlimited gifts.

A Wichita Eagle review of cities across the region found ethics codes that prohibit specific behavior by elected officials that would leave them open to improper influence. Some states even require local officials to receive ethics training.

In Wichita, city employees can be fired for accepting gifts, travel or meals from anyone doing business with the city, according to the city's code of ethics.

Those rules don't apply to the mayor and city council. Instead, city council members are supposed to follow an ethics ordinance that forbids them from doing business with friends and clients, with enforcement left up to the council itself.

It's unclear how council members keep each other in check.

Wichita has no policy or ordinance relating to gift limits or disclosure requirements for City Council members, according to City Attorney Jennifer Magana. That means the public and the other elected officials may have no idea what goes on behind the scenes before votes are cast.

An Eagle investigation last week [showed how Mayor Jeff Longwell steered a multi-million dollar water treatment](#) contract to friends and golf partners. Since then,

Sedgwick County District Attorney Marc Bennett has announced [he is looking into "concerns expressed"](#) regarding the mayor.

Carol Williams, former executive director of the Kansas Governmental Ethics Commission, said the Wichita story exposes a hole in state law that makes Kansas' local governments vulnerable to influence peddling.

Kansas law says legislators, the governor, state officials and candidates can not accept gifts worth more than \$40 a year from a single source. They can accept meals, but can not take more than \$100 a year in the form of other recreation, such as tickets to sporting events where both the gifter and the recipient are attending together.

Wichita imposes no similar rules on council members.

"We have all of these rules in place for legislators, who don't award contracts, but no blanket state law for local



Mayor Longwell

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Continued: Wichita council



government elected officials, who actively participate in awarding contracts,” Williams said.

“Some local commissions have only three members,” Williams said. “That means a contractor or lobbyist just has to influence two.”

At the state level, lobbyists must report spending on lawmakers. But locally, neither companies nor the city’s elected officials are required by Wichita to disclose money spent that could give better context to decisions being made with taxpayer money.

Longwell’s calendar shows dozens of meetings with contractors and developers who do business with the city that the companies would likely have to disclose if he were a state legislator.

The meetings included meals, drinks at bars, an out-of-state golf trip and “strategy meetings” at restaurants and golf courses. He said sometimes the contractors paid for meals and golf, including the entry fee to a \$1,000 per person Pro Am golf tournament while the city was deciding who should get the water contract.

Longwell later cast the deciding vote to contract with his friends’ team, Wichita Water Partners, after a selection committee recommended a more experienced group. Longwell has defended his actions, saying he had friends on both teams that paid for his golf.

MORE RULES IN OTHER CITIES

Wichita has rules for city employees regarding gifts, travel and favors. The limit anyone can accept is \$100 from one person or organization in 12 months. But there’s no disclosure requirement that makes that information public.

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The gift limit doesn't apply to council members because they're explicitly exempt from the ethics code.

Other cities in the region have tighter policies.

In **Tulsa**, the city's ethics code applies to both employees and elected officials. There is no dollar limit in the code, though the city's personnel policies set a cap of \$35 for employees.

The code says officials and their immediate family shouldn't receive gifts, entertainment or other favors "which may influence or be reasonably perceived as influencing a City official in the performance of their official duties."

"Bottom line: Act in a manner that promotes public confidence in your integrity and fairness," a slide shown to new Tulsa city employees says.

Oklahoma City council members have to disclose substantial gifts they receive from anyone who could seek official favors. The city's mayor and city council passed new ethics rules in 2014, after it was reported that two council members accepted free tickets to the Cotton Bowl worth \$900 from a business with city contracts.

Council members are now required to disclose who gave the gift, the nature of the gift — cash, jewelry, meals, tickets, etc. — and its approximate value. Total gifts from any one company or person worth \$300 or more during any six months must be disclosed. A violation is a misdemeanor punishable by a fine of up to \$500, plus costs and fees.

Colorado Springs's ethics policy also covers elected officials and bans them from accepting gifts, although there are several exceptions, including education scholarships, campaign contributions and items valued at less than \$59.

Topeka takes a position closer to Wichita, however. The city's personnel policies generally prohibit city employees from accepting gifts valued at more than \$100 from companies that have or are pursuing business with the city.

But the city has no ethics code for city council members, said former mayor Larry Wolgast. He said that whenever a potential conflict of interest arose, the city attorney would counsel the affected official in private.

"I think it would be very appropriate to have a code of ethics, at least so there's a process," Wolgast said.

Although not a city, **Shawnee County, Kan.**, [goes as far as having an ethics hotline](#) where anyone can make anonymous complaints about county employees or officials. Calls to the hotline are referred to the county's internal auditor.

"It's been used by people and the public. It's been used by inmates in the jail. It has been used extensively and we take every report on there very seriously," said Bob Archer, who served on the county commission until last month.

In some states, public officials must receive ethics training.

In **Georgia**, newly elected city officials are required to take training that includes instruction on their ethical responsibilities.

The **Alabama Ethics Commission** also provides mandatory training to public officials, employees and lobbyists.

City Ethics, a non-profit organization, has produced a model ethics code for cities that features an "independent ethics

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commission with teeth” that’s tasked with interpreting and enforcing the code.

Wichita doesn’t have an ethics commission, and city council members have expressed confusion about what that would look like.

[The model code prohibits](#) city employees and elected officials from accepting any gifts from anyone who has received a financial benefit from the city within three years or intends to seek a financial benefit in the future.

STATE LAW MOSTLY SILENT ON LOCAL ETHICS

State law is largely silent on a code of ethics for local officials. It does require mayors and council members to report all forms of income for themselves and spouses on their statements of substantial interest forms filed annually. It also requires them to report gifts of \$500 or more from one individual or business in a calendar year. Longwell said he allowed the president of a company the city frequently does business with to pay his entry fee to a \$1,000 per person golf tournament. He did not disclose that on his state form.



Kansas state
capitol building

County and district attorneys are charged with enforcing those rules.

In 2015, a Topeka city council member [entered into a diversion agreement](#) after being charged with a misdemeanor for not properly disclosing a summer business that his wife ran while he was running for the county commission.

Kansas House Minority Leader Tom Sawyer, a Wichita Democrat, said lawmakers discussed whether to bring cities into the state’s ethics laws in the early 1990s as part of a larger overhaul of state’s ethics system. But ultimately, the idea wasn’t pursued because of fear it would add too much to the Kansas Ethics Commission’s workload, he said.

Sawyer said that after reading The Eagle’s story on Longwell he’s open to taking a fresh look at including cities in the state’s ethics laws, saying it was the “first thing” he thought about.

Williams, former head of the state’s ethics commission, said any meaningful ethics laws at the local level, whether

mandated by the state or codified by cities themselves, should require three things: public disclosure, clearly defined limits and a body that can enforce violations.

“Most important is public disclosure,” Williams said. “If there’s a local rule to disclose, but the disclosures aren’t available to the public, they’re meaningless.”

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Most Wichita city council members have said recently that they don't think the city needs to revisit its ethics policy.

Last month, Council members Jeff Blubaugh, Cindy Claycomb and Becky Tuttle issued identically-worded statements saying, "We take our ethical code seriously and are diligent about upholding our high standards."

Brandon Johnson said he is open to the idea of a local ethics commission and supports strengthening Wichita's code of ethics for City Council members.

"What I do support, currently, is revisiting our Council Code of ethics to improve and strengthen it where needed to ensure that we are held accountable to ourselves and the citizens we represent.

"This would ensure that there is an effective process in place in the unfortunate event of any impropriety," Johnson said.

Mayor Jeff Longwell did not return The Eagle's phone calls.

PLANS FOR 'REFRESHER COURSES'

Wichita City Manager Robert Layton has no say over the conduct of elected officials and declined to make any recommendations about the City Council ethics policy.

He told The Eagle he thinks there is room for improvement for city employees.

"This situation was in existence when I got here 10 years ago, so I can't talk about why the codes of ethics exist the way they do," Layton said.

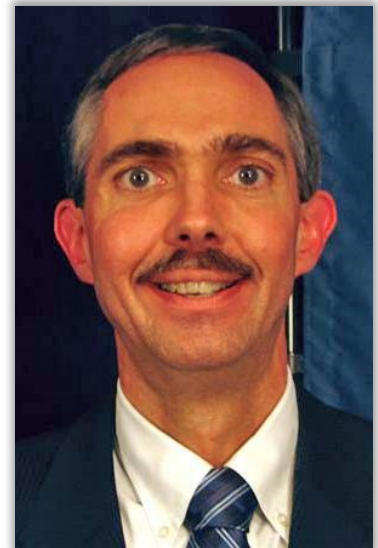
One of Layton's employees, the city's chief engineer and assistant director of public works Gary Janzen, took a two-day golf trip to Oklahoma with Longwell and two leaders of Professional Engineering Consultants during open bidding for the water project.

Outside of a designated person at the city, contractors aren't supposed to have contact with city employees involved in a project during open bidding. The city's definition of contact includes face-to-face meetings, telephone conversations, email, text and social media messages, according to the project's Request for Proposals. After taking the trip, Janzen was later on the selection committee for the water project.

PEC has a major role on the Wichita Water Partners team, the company that was later awarded the contract to begin designing the \$524 million plant. Janzen ended up voting for the other team. He did not return phone calls from The Eagle.

Layton declined to discuss personnel issues but said any circumstances surrounding staff interaction with vendors regarding gifts and behavior would be investigated.

"There is confidentiality that I can't talk about specific investigations that are being conducted," Layton said. "I



Wichita City Manager Robert Layton

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have to maintain that confidentiality, so I can't get into details regarding the actions of employees. What I can tell you is we take it really seriously in terms of the provisions that are in the code of ethics regarding gifts and behavior."

The city does not release the findings of its internal investigations.

The day after The Eagle shared its findings with Layton, Janzen sent out an email to consultants and contractors who have working relationships with the city.

"In order to maintain a proper professional relationship between vendors and staff, please remove myself and the City of Wichita engineers copied above from all future invites, notices and correspondence that are not directly work related," the email said.

The list includes 17 city engineers.

One area where Layton said he thinks the city can improve is education, so that the city council can trust that his staff is acting impartially when it gives recommendations. When city employees hire on, they view an ethics presentation and have to sign a form acknowledging they've read the code of ethics. But that's as far as the city's ethics training goes.

City Council

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Your Elected Officials

Wichita.gov



Jeff Longwell
Mayor



Brandon Johnson
District I



Becky Tuttle
District II



James Clendenin
District III



Jeff Blubaugh
District IV



Bryan Frye
District V



Cindy Claycomb
District VI