2016 Ethics Update I & II
Legal Summary & Notes

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# Table of Contents

Ethics Update – Part I .................................................................................................................. 3

Advisory/Legislation ....................................................................................................................... 3

Cities/Counties ............................................................................................................................... 3

States ........................................................................................................................................... 4

Canada ....................................................................................................................................... 10

Litigation ...................................................................................................................................... 13

States ........................................................................................................................................ 13

Canada ..................................................................................................................................... 16

Enforcement ................................................................................................................................. 16

Cities/Counties ............................................................................................................................. 16

States ........................................................................................................................................ 17

Canada ..................................................................................................................................... 20

Ethics Update – Part II ................................................................................................................. 23

Organization Updates ..................................................................................................................... 23

Cities/Counties ............................................................................................................................. 23

States ........................................................................................................................................ 23

Canada ..................................................................................................................................... 24

Education/Information Technology ............................................................................................... 25

Cities/Counties ............................................................................................................................. 25

States ........................................................................................................................................ 26

Canada ..................................................................................................................................... 30

Financial Disclosure ..................................................................................................................... 32

Cities/Counties ............................................................................................................................. 32

States ........................................................................................................................................ 33

Canada ..................................................................................................................................... 35
Ethics Update – Part 1

Advisory/Legislation

Cities/Counties

Broward County and City of Chicago
Legislative Update - report on code changes involving vendors and contractors; Chicago reports that City Council independent contractors are now treated as “employees.”

City of Atlanta
Legislative Update - reports on changes to financial interest filers, and a post-employment change

City of Chicago Legislative Inspector General
Legislative Update - was eliminated and authority to investigate City Council consolidated with the City IG

Miami Dade County
Legislative Update - reports that a CF and FOIA measure were passed: it enforces the FOIA measure

Anne Arundel County
Legislative Update - reports on legislation affecting police officers working secondary employment in establishment serving liquor.

City of Los Angeles and New York City
Code Reviews - has proposals pending before the Mayor and Council, and Washington DC reports that comprehensive Code of Conduct legislation is pending and should be approved by the end of 2016

City of San Francisco
Ballot Measures - reports on Measure T, which limits campaign contributions, bundling, and gifts from lobbyists

Office of Governmental Ethics (OGE)
Rules Updates - Widely attended gatherings must be cleared in advance, and must be in effect related to government business, “must include an opportunity for attendees to exchange ideas and views, though this need not be a panel discussion or roundtable event;

- Alcohol is not allowed under the “modest food and refreshments” exception

- Gift cards are prohibited [Chicago has this in many circumstances]

- Personal friend exemption narrowed – nature of the relationship is key.

City of San Francisco, New York City, City of Philadelphia, City of Chicago
report that formal advice letters are available on-line and can be relied on.
City of Chicago and Miami Dade County
Advisory Update - added a searchable index, based on that New York’s and Philadelphia’s.

City of San Francisco, City of Denver, City of Philadelphia, Washington D.C. and City of Chicago
Advisory Update - reports that informal compliance and advice and guidance is provided by phone and in writing.

City of Chicago
Advisory Update - reports an opinion involving alderman/attorney’s work on a qui tam prior to being elected, and what share of fees were recoverable; reports on advising a legislative caucus that hiring an attorney who was a registered lobbyist to advise it was not prohibited, but not ill-advised

City of Denver
Advisory Update - reports that it issued an opinion to the Mayor regarding payments for tickets, travel and expenses for Super Bowl 50

City of Chicago
Advisory Update - reports on a major Cubs/Hamilton opinion.

Office of Governmental Ethics (OGE)
Advisory Update - reports that its new gift rules, effective 1/1/17, now look at market value for certain tickets:

the “market value” of a gift is the cost that a member of the public “would reasonably expect to incur to purchase the gift” on the open market, rather than the “retail cost” of the item if sold to an executive branch employee by the gift provider

Miami Dade County
Advisory Update - reports that it rejected the nomination of a lobbyist to the Health Board

City of Atlanta
Advisory Update - reports on a major advisory opinion

Alabama Ethics Commission
Advisory Update: Numerous Advisory Opinions under both the FCPA and the Ethics Act which address issues such as use of excess campaign funds, solicitations by public officials/employees who serve on nonprofit boards, and the definition of "principal." We self-generated several opinions clarifying certain issues: use of excess campaign funds and adopting a "but for" test for the use of those; clarifying that Ala. Code 36-25-5.1 only applies to transfers of "things of value" between lobbyists, subordinates of lobbyists, principals, public officials/employees and their families, which had become a bit muddled; expressing that the Commission would only approve "loaned employee" relationships through our formal opinion process (that is, private sector employers loaning their employees for use in state government).
Legislative Update: Our revolving door statute was amended in two ways: it expanded the operation of the revolving door to include public employees who serve in one agency but are paid, or "employed," by another (e.g., paid by Homeland Security but serving in the Medicaid office). Now, it prohibits those who serve an agency either by loan, formal "agency transfer," or other similar arrangement. This addresses a "sphere of influence" loophole that previously existed. At the same time, the statute provided an exception for high ranking employees who are retiring (e.g., County Administrators) to come back for the sole purpose of training their replacement, and as long as the following conditions are satisfied: the arrangement cannot exceed three months; it has to be pursuant to a written contract that the Director of the Ethics Commission approves; and the individual cannot be paid more, when taking into account their retirement income, than they were paid in the position.

Alaska Select Committee on Legislative Ethics
Advisory Update: Two advisory opinions issued in 2016. AO 15-01 involved setting up and using a database to communicate with fact specific communications on a statewide basis by a legislator. AO 15-02 involved "Lunch and Learn" sessions in the state capitol during session and specific restrictions on these events.

California Fair Political Practices Commission
Advisory Update: In 2016, the following informational manuals were updated to reflect statutory and regulatory changes: Local Candidates, State Candidates, General Purpose Committees, Ballot Measure Committees, Independent Expenditure Committees, Major Donor Committees, Slate Mailing Organizations, and Lobbying Entities.

Legislative Update: The following bills were signed by the Governor and are effective January 1, 2017:

AB 2318 (Low), Chapter 825, Statutes of 2016.

This bill would authorize the Commission to bring a civil action or to commence an administrative action for violation of the broader prohibition on the use of public resources by nonprofits. It also requires the Commission to conduct the audit and review of the forms required to be filed by reporting nonprofits, including jurisdiction to bring a civil action against these nonprofits if necessary.

AB 2558 (Steinorth), Chapter 202, Statutes of 2016.

This bill would repeal the January 1, 2018, sunset date, thereby extending the mutual agreement between the Commission and the Board of Supervisors of the County of San Bernardino, to have primary responsibility for the impartial, effective administration, implementation, and enforcement of a local campaign finance reform ordinance of the County of San Bernardino.

SB 1107 (Allen), Chapter 837, Statutes of 2016

This bill allows a public officer to spend or receive funds for the purpose of seeking elective office if: 1) funds were authorized in a dedicated account; 2) funds were available to all candidates regardless of incumbency or political party; and 3) the government entity had established criteria for receiving funds by statute, resolution, or charter. The bill adds new restrictions on surplus
funds for committees controlled by officeholders who have been permanently banned from seeking public office under Elections Code Section 20, because they have been convicted of a felony involving bribery, extortion or perjury.

SB 1349 (Hertzberg), Chapter 845, Statutes of 2016.

The bill requires the Secretary of State, in consultation with the Commission, to develop and launch a new, data-driven disclosure system for campaign finance and lobbying by February 1, 2019. Additionally, the bill requires the Secretary to produce a report by December 31, 2017 on the capability to accept campaign statements from local jurisdictions. The bill expressly exempts the system’s development from the information technology procurement requirements prescribed by law. The bill also specifies certain features and operations for the new system.

**Colorado Independent Ethics Commission**

**Legislative Update:** HB16-1216, a bill Concerning Measures to Facilitate the Administration of the Independent Ethics Commission, was postponed indefinitely.

**Connecticut Office of State Ethics**

**Advisory Update:** Five Advisory Opinions were issued by the Board since the last report and one Declaratory Ruling was resolved informally.

**Advisory Opinion No. 2015-6 Application of General Statutes § 1-97(c)(2) to Lobbyists**

The Citizen’s Ethics Advisory Board concluded that the prohibition in General Statutes § 1-97 (c) (2)- which bars a lobbyist from “attempt[ing] to influence any legislative or administrative action for the purpose of thereafter being employed to secure its defeat” - is violated only if there is evidence (be it direct or circumstantial) of a lobbyist’s “make-work” intent at the time he or she attempts to influence such action (i.e., intent to be employed afterward to secure its defeat).

**Advisory Opinion No. 2015-7 Application of the Code of Ethics to Post State Employment**

The Citizen’s Ethics Advisory Board concluded that a former employee of the Department of Children and Families may engage in post-state employment in a position that would involve contact with staff of the Department of Children and Families without violating General Statutes § 1-84b (b) as she will be performing technical/nondiscretionary work implementing an existing contract between her new employer and her former state agency.

**Advisory Opinion No. 2016-1 Application of the Code of Ethics Concerning Post-State Employment**

The Citizen’s Ethics Advisory Board concluded that a retired state trooper may engage in post-state employment as a police officer or constable with a municipality that is provided police services and supervision by Department of Emergency Services and Public Protection (DESPP).


The Citizen’s Ethics Advisory Board concluded that the Connecticut Bioscience Innovation Fund Advisory Committee is "part of" Connecticut Innovations, Inc., for purposes of 1-84b (b), meaning
that the petitioner may not accept a paid position with the latter within one year of leaving her unpaid position with the former.

Advisory Opinion No. 2016-3 Application of the Code of Ethics to Commissioner's Outside Employment

The Citizen's Ethics Advisory Board concluded that the Commissioner of the Public Utilities Regulatory Authority may accept outside employment as a member of the board of directors of an out of state private corporation because he was hired by virtue of his experience and provided that he adheres to the restrictions discussed in the opinion.

Declaratory Ruling 2016-A

Following the state Insurance Commissioner's full and complete recusal from participating in the proposed Anthem-Cigna merger and her decision to turn over the matter to a deputy, the Board determined that the question it was asked to address regarding her participation in the proposed merger was now moot, and therefore, declined to issue a ruling at this time.

Legislative Update: Public Act No. 16-3, removed the Office of State Ethics (OSE) from the nine-agency Office of Governmental Accountability (created in 2011) and reestablished the OSE as an independent agency.

Public Act No. 16-174 amended the Statements of Financial Interests (SFI) requirements in three ways: first, expanding from 30 days to 60 days, the period of time the OSE has to notify an official or employee departing state service that they must file a final SFI that covers their activities from the most recent filing through their departure date. The departing individual is required to file this final SFI within 60 days after receiving notice from the OSE; second, clarifying the reporting of sources of income exceeding $1000 to specify the type of income, e.g., wages, rent, dividends, etc.; and third, clarifying the language concerning the reporting of similar business affiliations between the filer and a (1) registered lobbyist, (2) person the filer knows or has reason to know is doing business or seeking to do business with the state, or (3) person engaged in activities directly regulated by the filer's department or agency.

Delaware Public Integrity Commission
Advisory Update: Entities created by statute are not considered a 'private enterprise' as defined in the Code of Conduct regardless of their connection to the state. Ex: Umbrella organization comprised of 3 smaller entities is not a private enterprise when the small entities are created by statute; Charter school organization is not a private enterprise because it's members are all state charter schools.

Legislative Update: Legislation was passed that allows PIC to charge a late filing fee for lobbyist quarterly reports. PIC has been unable to get support for legislation to charge lobbyists an annual registration fees.

Florida Commission on Ethics
Advisory Update: To view formal opinions, visit www.ethics.state.fl.us/research/opinions.aspx. Some highlights include: 1) gift law: A school board member is prohibited from accepting a gift valued at more than $100 from her boyfriend who is a partner in a law firm that provides bond
counsel to the district, because partners and firms of lobbyists and vendors are prohibited from giving gifts valued at more than $100. The boyfriend or his firm must disclose any gifts to the member valued between $25 & $100. However, if the member and friend share equally in the costs of travel, meals, lodging and entertainment, the member has not received a gift. 2) executive branch lobbying: Public officers and employees subject to the expenditure and/or gifts requirements are not prohibited from attending, at no cost, purely informational briefings and gatherings at which the only thing of value they receive is the oral and written information distributed, hosted by companies which are the principals of executive branch lobbyists. 3) conflicts of interest and voting conflict: A county commissioner would be prohibited from being employed with a business that sells vehicle parts to the county. However, if the business is the sole source within the county of certain products, the commissioner's conflict, as to those products, would be negated under the sole source exemption in the statute. He would be required to comply with the voting conflicts law. 4) gift law: Attendance at a charity polo match is a gift valued at $895 per person, and each official who accepted the admission to the event with Prince Harry, would be required to disclose the gift. 5) conflict of interest: A public school teacher would be prohibited from employment as a general counsel to a non-profit organization or as a sole practitioner, if that employment would include representation in lawsuits against the school board/district in the district where she is employed.

Indiana State Ethics Commission
Advisory Update: The State Ethics Commission has seen an increase in requests for post-employment and conflicts of interest advisory opinions this year. A number of these may be related to the recent election of a new Governor and the upcoming change in administration.

Kentucky Legislative Ethics Commission
Advisory Update: Formal opinion:

OLEC 16-01 - It is permissible under the Code of Legislative Ethics for legislators or candidates to create and maintain campaign fundraising webpages using crowdsourcing websites such as GoFundMe and to use social networking to publicize the fundraising effort, so long as they are used in accordance with the requirements of the Code.

Legislative Update: We saw the second anniversary of implementation of the ethics code revisions adopted by the 2014 General Assembly, including a "no cup of coffee rule", a ban on lobbyist solicitation of campaign contributions, a ban on in-session contributions from PACs and employers of lobbyists, and a reporting requirement for in-session advertising paid for by employers of lobbyists. All regulated individuals and entities appear to be complying without (publicly) complaining, or attempting to roll back the changes.

Minnesota Campaign Finance and Public Disclosure Board
Advisory Update: The Board issued an advisory opinion determining that the Minnesota Zoo is an agency of the State of Minnesota. A state agency is not a type of "association" under Minnesota Statutes Chapter 10A and, thus, is not included within the scope of entities that may be principals under the state’s lobbying and gift prohibitions. Because the Zoo is not a principal, the gift prohibition of section 10A.071 is not applicable to the Zoo.
Montana Commissioner of Political Practices

Legislative Update: Montana’s 2015 legislature passed a "Disclose Act" requiring reporting of any election related communication made within 60 days of voting and allowing for electronic reporting. The COPP will adopt new rules in mid-December of 2015 that will define reporting requirements for communication and require electronic reporting for legislative candidates.

Nevada Commission on Ethics

Legislative Update: The Commission has proposed a legislative measure to streamline investigatory procedures before the Commission and authorize the Commission to resolve matters less formally through letters of caution and deferral agreements, as appropriate. The Commission also seeks to have the Ethics Law prohibit conduct which constitutes inappropriate use of official power/authority.

The Governor has proposed legislation that would make the Nevada Ethics Commission's jurisdiction exclusive to the Executive Branch of State Government and local government and remove entirely the jurisdiction of the Commission over State Legislators, including the elimination of legislative appointments to the Commission. As the Legislature regularly asserts State Constitutional Separation of Powers and Legislative Privilege and Immunity to divest the Commission of its jurisdiction with regard to State Legislators, this Bill makes related statutory amendments.

New Jersey State Ethics Commission

Advisory: In addition to formal Commission Advisory Opinions, which are binding on the requester, about 100 informal, staff advisories are issued annually and oral advice is also given in response to several hundred telephone inquiries each year. Staff advisories may be appealed to the Commission.

Legislative Update: The New Jersey State Senate passed legislation that would substantially expand the jurisdiction of the State Ethics Commission to include local governmental employees and officials. The legislation is currently pending in the State Assembly.

North Carolina State Ethics Commission

Legislative Update: For the first time since its passage in 2006, there were no legislative changes to the State Government Ethics Act or Lobbying Law during the 2016 short session of the General Assembly. A proposed comprehensive Ethics Act and Lobbying Law update passed the House but failed in the Senate.

Ohio Ethics Commission

Advisory Update: In 2015, Advisory staff issued 199 written advisory opinions; all opinions were issued within 15 days of their receipt. The Commission also issued a formal advisory opinion providing guidance on when a part-time city official who also works for a private or not for profit corporation would have a prohibited interest in any contracts with the official’s public entity. Common advisory questions in 2015 related to: Post–Employment/Revolving Door (21 percent), Outside Business/Employment (21 percent) and Dual Service (16 percent).

Legislative Update: We anticipate that the legislature will consider several amendments to the Ethics Law in 2017, including raiding the disclosure threshold for investments and debts.
Wisconsin Ethics Commission

Legislative Update: 2015 Wisconsin Act 117 - complete revision of campaign finance laws 2015
Wisconsin act 118 - reorganizing the Government Accountability Board into the Elections Commission and the Ethics Commission

Canada

Senate – Senate Ethics Officer

Legislative Update: The Senate adopted a revised conflict of interest code on April 1, 2014 and revised the Code again on June 16, 2014. The first series of amendments revised the inquiry provisions of the Code and the second series of amendments broadened the mandate of the Senate Ethics Officer to include 'ethics', rather than limiting it to 'conflict of interest', as well as adding new rules of conduct and clarifying a number of provisions of the Code.

Office of the Conflict of Interest and Ethics Commissioners (Canada)

Advisory: Processes put in place to assist Members and public office holders to meet and maintain their compliance obligations under both the Conflict of Interest Act and the Conflict of Interest Code for Members of the House of Commons continue to work well. During the 2015-2016 fiscal year, the Office had over 2,200 communications with individuals subject to the Act or Members’ Code seeking direction and advice on how to comply with their obligations. Most of those received under the Act are requests for advice on gifts, outside activities and post-employment obligations. Under the Code, the Office received the most calls regarding gifts, changes in the Members’ personal situations, letters of support and fundraising activities.

The Commissioner continues to issue information notices, guidelines, advisory opinions and backgrounder as needed. These are sent to the target audience (for example, Members of the House of Commons or Cabinet ministers) via email, and are also made publicly available on the Office website, except in cases where they identify details about an organization in the advisory, in which case they are sent directly to the individual.

The Office updated a number of information products on our website to reflect amendments to the Members’ Code that were adopted by the House of Commons in June 2015 and came into force in October 2015, as detailed in the 2015 Blue Book. Among the products updated as a result of the amendments were the Overview of the Conflict of Interest Code for Members of the House of Commons and several advisory opinions that the Office had issued on the Members’ Code, including:

- Acceptability of Gifts Offered in Conjunction with Lobby Days
- Publicly Disclosing gifts received in Connection with Travel
- Acceptability of Event Invitations and Tickets
- Acceptability of Gifts Offered at Events.

New guidance issued this year:

- Advisory Opinion (Code) – Invitations and Receptions (March 2016)
Members may be offered gifts, including invitations or tickets to receptions and other events, by stakeholders, including lobbyists. Invitations or tickets to attend events at which a Member’s attendance is considered to fulfil an official duty or function would be deemed acceptable, as they would be received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany a Member’s position. In other circumstances, these events may fall within the definition of benefit and be subject to the acceptability test set out in the Code, namely whether the invitation might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office. Members are encouraged to contact the Office for guidance on specific gifts or benefits.

The Matters of Note section of the Annual Report in respect of the Act, focussed on fundraising. It summarized the Commissioner’s previous comments, guidance and findings during investigations relating to this matter. It also reiterated a recommendation she had made during an earlier review of the Act that the House of Commons might wish to consider implementing a separate code of conduct to address the political conduct of Members and their staff, including political fundraising activities.

The Matters of Note section of the Annual Report in respect of the Members’ Code focussed on gifts and other benefits. The Commissioner suggested that the House of Commons committee with responsibility for the Members’ Code might wish to consider amending the gift rules should it resume its review of the Members’ Code.

**Legislative:** As detailed in the 2015 Blue Book, amendments to the Conflict of Interest Code for Members of the House of Commons, recommended by the House of Commons Standing Committee on Procedure and House Affairs, came into effect on October 20, 2015.

A review of the Conflict of Interest Act by the House of Commons Standing Committee on Access to Information, Privacy and Ethics, also detailed in the 2015 Blue Book, has not resulted in legislative changes.

**Office of the Commissioner of Lobbying**
The New Lobbying Code of Conduct came into force on December 1, 2015

**Advisory:** Applicability of the Lobbying Act to Grass-roots Communications

https://lobbycanada.gc.ca/eic/site/012.nsf/eng/00874.html

- reminder that grass-roots lobbying in and of itself can trigger the requirement to register

**Alberta – Ethics Commissioner**

**Advisory:** Legislator who seeks advice, provides all relevant information, and acts in accordance with advice given is protected should an allegation be raised on that matter at a later date. The same protection will be provided to designated position holders and political staff members who seek advice on post-employment.

**Legislative Update:** The Conflicts of Interest Act, Lobbyists Act, and Public Service Act were all amended within the last twelve months.
New Brunswick – Conflict of Interest Commissioner

Advisory Update: The question of gifts is one frequently raised with our Office and deserves some attention.

Pursuant to subsection 8(1) of the Members’ Conflict of Interest Act, members are prohibited from accepting a gift or personal benefit that is connected directly or indirectly with the performance of a member’s duty of office. There is, however, an exception to this general rule for gifts that are received as an incident of protocol or social obligation that normally accompany the responsibilities of the office.

If this type of gift is greater than $250.00 in value, or if the total value received from any one source in a twelve month period is greater than $250.00 in value, a gift disclosure statement must be filed with the Commissioner. Such gifts are then recorded in the public disclosure statements prepared by this Office.

Ontario – Office of the Integrity Commissioner

Legislative Update: In late 2014 the Ontario legislature approved the Public Sector and MPP Accountability Act, which amends the Lobbyists Registration Act, as well as the Public Sector Expenses Review Act. The key changes to the LRA are providing the Integrity Commissioner, as Lobbyist Registrar, with investigative powers; aligning the filing requirements for the two types of in-house lobbyists; and adding new questions about lobbying goals, targets and the lobbyist's past experience. In 2010, the Members' Integrity Act, 1994 was amended. Significant amendments were:

• The Commissioner can provide opinions to members during the election writ period.
• The Commissioner can release the full text of an opinion if a member discloses that a component of the Commissioner's opinion.
• Clarifications were made to the Act regarding what the Commissioner must do if an investigation is under way when an election is called.

Ontario – Office of the Conflict of Interest Commissioner

Advisory Update: Conflict of Interest

A designated senior public servant in a public body was on a paid leave of absence. Following the expiration of the paid leave, the public servant was due to retire. The public servant wished to work as an independent consultant while on the paid leave of absence, building on her career as a public servant, and had been approached with specific opportunities.

The Commissioner determined that while on the paid leave of absence, the public servant could provide independent consulting services, in specific scenarios, but that the in-service conflict of interest rules continued to apply. The public servant's work as a consultant must not conflict with her duties to the Crown, and no person could derive an advantage, in connection with her consulting work, as a result of her employment with the public body. In addition, the public...
servant should not participate in discussions or decisions with respect to clients of the public body.

The Commissioner reminded the public servant that on retirement, the post-service conflict of interest rules apply, including the one-year restriction on lobbying and employment.

Québec – Ethics Commissioner

Advisory: An act or omission by a Member of the National Assembly or office staff member is deemed not to be a breach of this regulation if he or she had previously requested an advisory opinion from the Ethics Commissioner and the advisory opinion concluded that the act or omission did not contravene this regulation, so long as the facts relevant to the request were fully and accurately presented to the Ethics Commissioner.

The Ethics Commissioner is not the only one to have the authority to issue advisory opinions to Members of the National Assembly. S.108 and followings of the Code of Ethics and Conduct of the Members of the National Assembly (chapter C-23.1) states that the Office of the National Assembly appoints a jurisconsult to be responsible for providing advisory opinions on ethics and professional conduct to any member of the National Assembly who requests it. The advisory opinions provided by the jurisconsult are confidential and are not binding on the Ethics Commissioner.

Saskatchewan – Conflict of Interest Commissioner

Legislative Update: The Lobbyist Act provides that the Conflict of Interest Commissioner also serves as the registrar of lobbyists.

Litigation

States

Alabama Ethics Commission

Former Speaker of the House convicted for violating the Ethics Act. Case is on appeal.

California Fair Political Practices Commission

Frank J. Burgess v. Fair Political Practices Commission: Frank J. Burgess filed a writ of mandate in Riverside Superior Court on October 4, 2015, seeking relief from the Commission’s decision and order in In re Frank J. Burgess, Case No. 12/516. The Commission found that Mr. Burgess violated Government Code Section 87100 of the Political Reform Act (the Act) and imposed a $5,000 fine on July 7, 2015. Mr. Burgess challenged that decision as an excess of the Commission’s jurisdiction, an abuse of discretion, and a denial of due process rights. On September 15, 2016, the Court issued its Judgment granting the Petition on due process grounds. After a closed session discussion at the Commission meeting on October 20, 2016, the Commission voted to let the Judgment stand and to vacate and set aside its Decision and Order in the underlying matter pursuant to the Court’s order. Accordingly, the Commission has dismissed the administrative proceedings against Petitioner Burgess and timely filed a Return to the Writ.
Colorado Independent Ethics Commission
The Commission prevailed in the Colorado Supreme Court in Colo. Ethics Watch v. Indep. Ethics Comm'n, 2016 CO 21, 369 P.3d 270. In considering whether the courts may judicially review "frivolity dismissals", the Supreme Court held that (1) the General Assembly may not encroach upon IEC's decisions not to enforce; (2) the judicial review provisions of section 24-18.5-101(9), C.R.S., do not apply to frivolity dismissals; and (3) that the IEC's decision to dismiss a complaint as frivolous is not subject to judicial review. In coming to this conclusion, the Court several times referenced the constitutional provision prohibiting the IEC from disclosing confidential information in a complaint. The Court did not limit its ruling to the complaints themselves, but extended the mandatory confidentiality protections even to the documents created by the IEC in determining whether a complaint is frivolous.

Connecticut Office of State Ethics
Citizen's Ethics Advisory Board v. Priscilla Dickman, Docket No. 2007-24 (Superior Ct. Dckt. No. TTD-CV15-5006128-S): Following the Court’s granting of the Board's Application for a Prejudgment Remedy in the amount of $15,000 the Board's counsel filed a Complaint against Priscilla Dickman asking that an Order and Judgment be entered against her for her continued refusal to pay the $15,000 fine imposed in 2010 for violating the Code of Ethics for running two private businesses on state time while an employee of the University of Connecticut Health Center. She filed counterclaims seeking money damages and the Board successfully objected on sovereign immunity grounds. She also filed special defenses which the Court denied. The lawsuit continues to make its way through the Court.

Florida Commission on Ethics
David Rivera v. Florida Commission on Ethics 1DCA -- 1D15-2428: Former Florida Representative Rivera appealed the decision of the Commission, which found him to have misused his office and to have violated numerous requirements of the financial disclosure law. Civil penalties of $16,500 and restitution exceeding $41,000 and public censure and reprimand were recommended by the Commission. Mr. Rivera appealed on the basis of the Commission violating his due process rights by remanding the matter to the Administrative Law Judge for a recommended penalty and because he asserted that the statute relating to the imposition of the penalty by the Speaker of the House was unconstitutional. The DCA summarily rejected his due process claims and declined to rule on the constitutional challenge, finding that it was not "ripe." The Court also denied his Motion for Rehearing. Rivera currently is seeking the discretionary jurisdiction of the Florida Supreme Court.

Kentucky Legislative Ethics Commission
A State Senator and two others have filed suit in U.S. District Court, challenging the constitutionality of several provisions of the Code of Legislative Ethics, including a provision prohibiting legislators from accepting anything of value from a lobbyist or employer of a lobbyist; and a provision prohibiting lobbyists from giving campaign contributions to legislators or legislative candidates. The Commission's motion to dismiss was denied, and cross-motions for summary judgment are pending.
**Mississippi Ethics Commission**
In 2015 the commission found the mayor and city council for the City of Columbus violated the Open Meetings Act by deliberately splitting into two groups of less than a quorum each in order to circumvent the act. That decision was appealed to chancery court, which upheld the commission's order. The case is now on appeal to the Mississippi Supreme Court.

**Montana Commissioner of Political Practices**
The COPP has filed 9 enforcement actions in Montana state district court against Montana candidates for public office. The cases proceeded through jurisdictional litigation (including 4 Montana Supreme Court Decisions) and are now going to trial. Two default trials were held before judges and the first contested trial is set before a jury for February 22, 2015. One order has been issued from the default trials and that found quid pro quo corruption, fined the candidate $54,000 and barred him from future candidacy until his campaign practice reports were corrected and filed with the COPP.

**Nevada Commission on Ethics**
The Commission has pending litigation before the Nevada Supreme Court regarding the scope and limitations of the Commission's jurisdiction to investigate ethical conflict of interest allegations initiated by a member of the public against a State Legislator who asserts Legislative Privilege and Immunity protection. In particular, the Commission seeks clarification whether its jurisdiction extends to investigating the alleged conduct to determine whether the privilege applies, or if assertion of the privilege alone is sufficient to exempt the legislator. While the case was pending in District Court, the Legislature passed a bill during the 2015 Legislative Session (on the last day of Session as an emergency measure) to extend the Privilege and make it retroactive to pending cases. The District Court's order limits the Commission's ability to engage in any fact-finding to determine the applicability of the privilege to the alleged conduct. These findings are on appeal before the Nevada Supreme Court.

**New Jersey State Ethics Commission**
The Commission issued a Final Decision imposing a $11,000.00 penalty on a former high ranking State official for misusing State resources and her State position to seek an unwarranted advantage for herself and to provide an unwarranted advantage for an association on which she served. The decision was affirmed by the State Appellate Division and is currently before the New Jersey Supreme Court on a Petition for Certification.

**Oklahoma Ethics Commission**
The Ethics Commission was sued in federal court by the Oklahoma Democratic Party over 2 of its rules prohibiting political fundraising on state property and posting political material on state property. The Commission ceased enforcement of the rules and is in the process of amending the Rules. The rule amendments went into effect and the lawsuit was dismissed.
Office of the Conflict of Interest and Ethics Commissioner
On July 14, 2016, Democracy Watch filed a notice of application for judicial review against the Conflict of Interest and Ethics Commissioner. It challenges the Commissioner’s jurisdiction to implement a conflict of interest screen under section 29 of the Conflict of Interest Act. The applicant argues that section 87 of the Parliament of Canada Act does not authorize the Commissioner to implement a screen as an agreed compliance measure. Democracy Watch also argues that screens would circumvent the requirement for recusal under section 21 of the Act and the request to issue a public declaration of recusal under section 25 of the Act when public office holders are confronted with a conflict of interest. The matter is currently before the Federal Court of Appeal.

On November 14, 2016, Democracy Watch also filed a notice of judicial review against The Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard in respect of the same matter. The Office of the Conflict of Interest and Ethics Commissioner has not been named as a party to these proceedings. Under the Federal Court Rules, the Commissioner may seek leave to intervene.

Office of the Commissioner of Lobbying of Canada
November 4, 2016 – The Ontario Court of Justice imposed a fine of $50,000 on Bruce Carson following his conviction for lobbying while prohibited under the Lobbying Act. Mr. Carson is the third individual found guilty of breaching the Lobbying Act. Mr. Carson had 30 days to appeal the Court’s decision.

May 10, 2016 – The Ontario Court of Justice imposed a fine of $20,000 on James Carroll following his conviction for failing to register under the Lobbying Act. Mr. Carroll is the second individual found guilty of breaching the Lobbying Act and he is appealing the Court’s decision.

Enforcement

Cities/Counties

City of Denver
reports that there have been only 4 through November 2014.

City of Chicago
has had none (one is pending, for a $2,000 fine), but has had one settlement

Broward County
Reports on its first ever enforcement matter
New York City reports on a record 544 new enforcement cases, closing 484 cases, finding violations in 83, including 74 settlements and 2 hearings and 7 public warning letters, including lobbyists’ gifts case, 2 nepotism cases.

City of Philadelphia
Enquirer reports on a settlement involving unregistered grassroots lobbying regarding conversion of a public school into a Charter School, and a $2,000 fine.

City of San Diego and City of Chicago
report fines imposed on employees for failing to disclose their own or spouse’s sources of income, or failure to recuse.

City of San Francisco
reports two may enforcement actions, one with a forfeiture of $190,000, the other with a $7,000 fine, and a great quote from Chairman Paul Renne:

“This law is designed to uphold the integrity of public service by ensuring that the performance of public duties, not political performance, is the basis for government employment and advancement. We hope this disposition will be a message to all City officers and employees about the important purpose this ban serves.”

Broward County Inspector General
reports on 2, involving Fort Lauderdale and Pompano Beach Commissioners.

Miami Dade County
reports a $4,000 fine against Hialeah Mayor, and that his proffer of $4,000 in pennies was rejected.

Alabama Ethics Commission
We’ve dedicated an agent to mandatory filing/disclosure/reporting enforcement.

Alaska Select Committee on Legislative Ethics
The Committee issued a probable cause determination in a longstanding complaint H 07-06 which found that former Representative Bruce Wehryrauch violated the Legislative Ethics Act and recommended both fines and a letter of apology be imposed.

California Fair Political Practices Commission
Currently the Enforcement Division has 1,035 cases in various stages of resolution. In 2015, the FPPC assessed fines totaling more than $700,000 for violations of the Political Reform Act. Thus far in 2016, the FPPC has assessed fines totaling almost $800,000. Six money laundering cases have resulted in fines of $208,000, including:

Personal Use of Campaign Contributions
--FPPC No. 12/832 (In the Matter of Tina Baca Del Rio, Friends of Tina Baca Del Rio and Tina Baca Del Rio for City Council 2013): $55,000

Illegal Campaign Committee Coordination


Connecticut Office of State Ethics

Docket No. 2015-02: In the Matter of David Tassavor. On June 3, 2016, the Office of State Ethics and the Respondent entered into a Stipulation and Consent Order settling allegations of violations of the Code of Ethics, CGS §1-84(c) which prohibits a state employee from using his position to obtain financial gain for himself or a family member. The respondent, by contacting state contractors to solicit a job for his son, used his public office or position to obtain financial gain for his child.

Docket No. 2015-15: In the Matter of Dennis Green. On February 9, 2016, the Office of State Ethics and the Respondent entered into a Stipulation and Consent Order resolving a complaint that alleged that Mr. Green, a former Department of Transportation Employee, had appeared before his former agency within one year, representing a private party. The conduct was in violation of the one year "revolving door" ban in General Statutes CGS §§1-84b(b). As part of the resolution, Green paid a penalty of $1,500.

Docket No. 2014-32: In the Matter of David Audibert. On April 5, 2016, the Office of State Ethics and the Respondent entered into a Stipulation and Consent Order settling allegations of violations of the Code of Ethics, CGS §§1-84b(a), 1-84b(b), and 1-84b(f), known as the revolving-door provisions. The respondent also violated §1-84(c) which prohibits a state employee from using his position to obtain financial gain for himself; 1-86(a), the potential conflict-of-interest provision; and 1-83(a)(1) and (b)(1). Under the terms of the Stipulation and Consent Order, the Respondent agreed to pay a civil penalty of $16,000.

Docket No. 2015-42: In the Matter of a Complaint Against Jason Rawlinitis. On December 4, 2015, the Office of State Ethics and the Respondent settled this matter by entering into a Stipulation and Order. The Complaint alleged that the Respondent, within a year after leaving his state position at the Department of Corrections ("DOC"), improperly appeared before DOC on behalf of his new employer concerning a matter in which the State had a substantial interest, in violation of General Statutes § 1-84b(b). Under the terms of the settlement, the Respondent was ordered to pay a civil penalty of $1,500.

The Enforcement Division initiated 151 matters under the Uniform Administrative Procedures Act (UAPA) in 2016 regarding failure to timely file financial reports or other required filings. Of these, 52 were dismissed for cause, and 98 were resolved informally prior to hearing. The Division conducted one UAPA hearing which resulted in the imposition of a penalty by the Citizen's Ethics Advisory Board in the amount of $1,570. The total amount received from the informal settlements was $9,820.
Florida Commission on Ethics

1) A sheriff (who is also a licensed attorney in Florida) was found to have misused his office credit card to pay for meals exceeding the per diem allowance, as well as meals for non-employees. He was found to have violated the gift law by failing to timely report a gift of a stay in the undersheriff’s cabin and under-reporting the value of the stay when he filed the required gift report (8 months late). Civil penalty totaling $6,200 and public censure and reprimand were recommended to the Governor. 2) A civil penalty of $4,000, plus public censure and reprimand were recommended to the Governor for the violation of the conflicting employment relationship held by a development authority board member. He violated the law when the authority did business with the bank where he served as an officer. He also violated the voting conflict law. 3) The Commission recommended the Governor remove a member of a water control district board member because the official was found to have willfully failed to file his annual financial disclosure form. Removal from office is the only penalty the Commission can recommend for a willful disclosure violation. 3) The Commission found that a county commissioner failed to report the gift of a country club membership valued at more than $100; that he failed to properly disclose an asset on his 2012 and 2013 annual disclosure forms. A civil penalty totaling $1,500 and public censure and reprimand were recommended to the Governor.

Kentucky Legislative Ethics Commission

In the first part of 2016, complaints were filed against two legislators, alleging misuse of office. After investigation, the Commission dismissed both complaints, stating that there was not probable cause to believe the Ethics Code was violated. About six weeks before the November 8 election, the Commission received the first of five complaints, all of which involved allegations of election-related violations. The Commission will act on each complaint as the investigations are completed.

Nebraska Accountability & Disclosure Commission

In the matter of John Lutz the Commission entered into a settlement agreement with a member of the Board of Trustees of the Village of Sutherland. By the terms of the agreement Lutz admitted that he had failed to properly disclose his interest in a contract with the Village. The contract involved the sale and installation of an overhead door at the village maintenance shop. A civil penalty of $500.00 was assessed.

In the matter of Al Davis the Commission entered into a settlement agreement with a member of the Nebraska State Legislature. By the terms of the agreement Senator Davis admitted that he failed to disclose in writing a conflict of interest and agreed to pay a civil penalty of $500.00. Senator Davis had introduced a bill which would have taxed certain minerals extracted from the ground. He later withdrew the bill. At the time he had an investment in a company that planned to mine niobium in Nebraska.

In the matter of Bill Kintner the Commission entered into a settlement agreement with a member of the Nebraska State Legislature. By the terms of the agreement Senator Kintner admitted that he had used a laptop computer assigned to him by the Legislature for a non-governmental purpose. Specifically, it was alleged that he used the computer to engage in cybersex.
woman he met on line. The matter came to light when she tried to extort money from him. He was assessed a civil penalty of $1,000.00.

**Ohio Ethics Commission**

Prosecutions in 2015-2016 resulted in the conviction of Mahoning Youngstown Community Action Partnership (MYCAP) Executive Director Richard Roller on two counts of theft in office related to compensating himself from grant funds to perform trainings for MYCAP. Former Athens County Sheriff Patrick Kelly was convicted on 18 counts involving theft in office, perjury and tampering related to his misuse of departmental and campaign funds. The former Mayor and Council President of the Village of Martinsville, Carole and Rayetta Robinson (Mother and Daughter), plead guilty to Public Contract, Theft in Office and Conflict of Interest violations related to the use of their public offices to secure employment with the Village for James Robinson, their grandson and son. Medina County Auditor Michael Kovack plead no contest to a conflict of interest charge related to the use of his public office resources to operate his private business.

**Oklahoma Ethics Commission**

On May 6, 2016, the Oklahoma Ethics Commission filed Case No. CJ-2016-2342 in Oklahoma County District Court against former state representative Gus Blackwell. The lawsuit alleges personal use of campaign funds, using campaign funds to pay for expenses that were reimbursed by the State, failure to report contributions, failure to report expenses, and intentionally filing false campaign reports. The allegations primarily involve the use of campaign funds to "double dip" in the purchase of gas and payment of mileage reimbursement. The civil case is currently stayed pending the outcome of criminal charges filed in Oklahoma County on the same issues.

**Canada**

*Senate – Ethics Officer*

Three complaints concerning allegations of breach were received by the office. Two complaints were dealt with at the preliminary review stage and one resulted in an inquiry under subsection 44(2) of the *Conflict of Interest Code for Senators* (May 1, 2012 version of the Code), which was completed on June 25, 2014.

*Office of the Conflict of Interest and Ethics Commissioner*

The Commissioner has issued 14 administrative monetary penalties since December 2015 for failures to meet reporting deadlines.

In the past year, the Commissioner issued two compliance orders under the Act.

- One was to a ministerial staff member, requiring her to provide a Confidential Report to the Commissioner. The staffer had failed to provide the report within 60 days of her appointment, as required. An administrative penalty for the failure to report in the time prescribed was imposed and made public, but this did not result in her complying with her obligation to report. The Compliance Order required her to provide the Confidential Report
by a certain day and noted that compliance with the Act is a condition of her appointment as a public office holder.

- The second was to a Parliamentary Secretary ordering that she was to refrain from writing letters of support to administrative tribunals. The Parliamentary Secretary had sent a letter to the Canadian Radio-television and Telecommunications Commission in support of an application to renew the broadcasting licence of a local television station. Section 9 of the Act prohibits public office holders from using their positions to seek to influence decision-making where to do so would improperly further the private interests of another person.

The Commissioner reported on three investigations:

- The Gill Report (February 24, 2016) under the Act. The Commissioner found that Parm Gill, former Parliamentary Secretary and Member of Parliament had contravened the Act when he, at the request of constituents, wrote letters of support to the Canadian Radio-television and Telecommunications Commission in relation to applications for broadcasting licences.

- The Vennard Report (September 13, 2016) under the Act. Commissioner Dawson found that Dr. Linda Vennard, a Commissioner on the Canadian Radio-television and Telecommunications Commission (CRTC), contravened the Act by accepting gifts for her birthday from representatives of companies licensed by the CRTC to operate two radio stations. Commissioner Dawson found that the gift exceptions provided in the Act did not apply.

- The Bennett Report (November 17, 2016) under the Act. Commissioner Dawson found that Mr. Ian Bennett contravened the Act when he was President and Chief Executive Officer of the Royal Canadian Mint, by accepting gifts of a dinner and model of the Bluenose ship from Brinks Canada to mark his retirement. The Commissioner found that the gift exceptions provided in the Act did not apply.

Commissioner of Lobbying of Canada

November 4, 2016 – The Ontario Court of Justice imposed a fine of $50,000 on Bruce Carson following his conviction for lobbying while prohibited under the Lobbying Act. Mr. Carson is the third individual found guilty of breaching the Lobbying Act. Mr. Carson had 30 days to appeal the Court’s decision.

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Alberta – Office of the Ethics Commissioner

- Report of the investigation into allegations involving Premier Rachel Notley, March 12, 2016
- Report of the investigation into allegations involving Robin Campbell, May 4, 2016
New Brunswick – Conflict of Interest Commissioner
In 2014, one Report of investigations into complaints of breaches of the Members’ Conflict of Interest Act was filed with the Speaker of the Legislative Assembly, and two additional allegations of breaches of the Members’ Conflict of Interest Act were made. All of the allegations have now been investigated or dealt with and the respective Reports are now available on our website: http://www.gnb.ca/legis/Conflict/act/MCIA-e.asp#investigations.

Nunavut – Integrity Commissioner
There were no instances in 2014 which required the Integrity Commissioner to open a formal inquiry.
Ethics Update – Part II

Organization Updates

Cities/Counties

Staff + Board Changes

- Oakland reports two more staff; NYC reports 4 more, and Philly reports a 50% increase, due to its implementation of the first voucher program in the nation [please explain!]

- Los Angeles and Chicago report a new Chair and new Board members

- SF has 2 new commissioners and a new Executive Director, LeAnn Pelham, and a new Deputy

- Denver reports a new Board member and resignation of its Chair due to his law partner being appointed City attorney

- Atlanta is seeking a new ED

- Chicago has a new chair and a new Board member [the Board is appointed by the Mayor with Council confirmation]

- Washington DC reports that all Board vacancies have been filled

States

California Fair Political Practices Commission

In July 2016, the FPPC, in partnership with California Forward, University of California Davis and Berkeley Law School unveiled drafts of a major project to rewrite the Political Reform Act. With input from the public and regulated community, the goal is to modernize the Act in plain English. This will likely result in fewer technical violations so that the FPPC’s Enforcement Division can focus its efforts on the more substantive violations.

Connecticut Office of State Ethics

While the Office of State Ethics achieved independence in the 2017 budget, it also experienced cuts that resulted in two layoffs -- the office assistant and an attorney. Since 2008, the number of positions has decreased from 21 to 13, nearly 40% of our staff. As a result of these cuts, the Office has decreased the number of lobbyist audits by 75%, eliminated a statutorily mandated annual ethics conference, decreased the number of trainings provided and streamlined its operation. The talented and committed staff has kept us moving forward notwithstanding the significant cuts we have faced.
Delaware Public Integrity Commission
PIC's operating budget was cut again. It now has $28,000 as its operating budget for more than 58,000 people at the State level, and 50 local governments (number of persons unknown)—less than a penny on each person under our jurisdiction. For the upcoming budget, they want us to cut another 1%.

New York State Assembly Office of Ethics and Compliance
This is a new office which was created after the last COGEL conference.

Ohio Ethics Commission
Merom Brachman was once again unanimously chosen by Commission members to serve as Chairman this year. The new Deputy Director/General Counsel at the Ohio Ethics Commission is Matt Lampke.

Canada

Office of the Conflict of Interest and Ethics Commissioner
Conflict of Interest and Ethics Commissioner Mary Dawson, who was originally appointed to her position in July 2007, was appointed on an interim basis for a further six months, until January 8, 2017. Her term of office was to end on July 8, 2016.

Alberta – Office of the Ethics Commissioner
Appointment by Order in Council of the Honourable Marguerite Trussler, Q.C. as Ethics Commissioner on May 26, 2014, for a 5 year term.

Ontario Office of the Integrity Commissioner
The Honourable J. David Wake was appointed Integrity Commissioner for a five-year term from Feb. 1, 2016. The Office staff has increased to 18 people from 13.

Québec - Commissaire à l'éthique et à la déontologie du Québec / Quebec Ethics Commissioner
In February, the Report on the implementation of the Code of ethics and conduct of the Members of the National Assembly (MNA) for 2011-2014 has been tabled in the National Assembly. In it, the Commissioner makes 23 recommendations inviting MNAs to consider the advisability of amending the Code. These recommendations include adding or modifying rules of conduct, simplifying certain application mechanisms, and elements to reflect on for which no amendment to the Code is submitted.([http://www.ced-qc.ca/en/rapports/CED-RMEO-2011-2014_2015-04-30_en.pdf](http://www.ced-qc.ca/en/rapports/CED-RMEO-2011-2014_2015-04-30_en.pdf))

In May, in the context of a statutory order, the Ethics Commissioner was heard by the Committee on Institutions to present his report on the implementation of the Code of ethics and conduct of the Members of the National Assembly.

City of Calgary – City Clerk
Establishment of an Integrity Commissioner was added to legislation for local government in spring of 2016. The first Commissioner should be in place early in 2016 and make up of Office and authority will be known at a similar time.
Education/Information Technology

CITIES/COUNTIES

TRAINING UPDATES

-Los Angeles offer free on training

-Los Angeles County MTA reports setting up an ethics training library with TV’s, desktop, Smart Board, web cam and white board, and loaded a computer with all training programs, and is creating an e-training program

-Miami-Dade reports new in-house videos featuring a lobbyist/FBI informant

-Atlanta, Milwaukee County, New York City and Washington DC report developing e-learning courses

-Denver reports online training for most new employees

-NYC reports on monthly ethics contests, educational ethics plays and musicals, short videos

-Philadelphia reports on training on changes to the Whistleblower Protection Code, and on-line training thereon

-OGE reports on a fully day, in person symposium, and a MOOC, and a 3 day National Government Ethics Summit on the Presidential Transition, and a series of transition-related materials; ~7,200 people registered for these, and developed a library of ethics scenarios and customizable booklets

WEBSITE UPDATES

-Oakland reports a new web application that visualizes campaign date for mayoral candidates and races and ballot measure for the 2016 election

-Los Angeles reports encouraging public participation by soliciting e-comments on its activities and post audio of all commission meeting

-Los Angeles also reports creation of a database through which City department must disclose all bidders, contractors and procurement processes.

PUBLIC OUTREACH

-Los Angeles reports on an extensive distribution list, with thousands of subscriber

-SF reports on a “Blueprint for Accountability” with 3 prongs: (i) strengthened policy focus; (ii) more effective enforcement; (iii) all e-filing

-Miami-Dade reports municipal attorney luncheon programs; a Fifth Annual Ethical Governance Day, and citizen and student academy program

-NYC reports on an annual Citywide Seminar on Ethics in City government and on the street events, and special sessions with members of the local press;
- Washington DC reports on the first annual Ethics Day DC, and a evening best practices symposium

**ETHICS OFFICERS**

- Miami-Dad reports implementation of ethics officer program

**MISCELLANEOUS TECHNOLOGY**

- NYC reports switching to a voice-over internet telephone protocol

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**Alabama Ethics Commission**

Our website is undergoing major revisions which will include revised training; determinations made with respect to precertification of events will now be available online, as well. We’re investing in software to cross-check all of the filings with our office to spot consistent patterns, such as family members names disclosed on the SEIs with the identities of individuals mentioned in lobbying and principal disclosures.

**Alaska Select Committee on Legislative Ethics**

A new Management Activity Log was implemented in 2011. All calls are categorized by the type of call, i.e., gifts, employment, close economic association, campaign related, legislative communications, lobbyist related, open meetings, etc. The activity log has been extremely useful for many reasons; tally of the types of calls received, referencing previous advice, and the ability to attach documents to a record. Note: Alaska has 60 legislators and approximately 500 employees.

Mandatory ethics training for legislators and legislative staff implemented in 2008. New in 2012: Legislative interns and volunteers are now required to attend training if they serve for at least 30 days within a calendar year. Committee issues a bi-monthly ethics newsletter called THE ADVISOR which is another educational tool. Newsletters are posted on our web site at: [http://ethics.akleg.gov/](http://ethics.akleg.gov/)

**California Fair Political Practices Commission**

In January 2016, the Commission launched its new website, which provides the public with a portal to search advice letters, opinion letters, enforcement actions, behested payments, and specified statements of economic interests (Form 700) filed with the FPPC.

In October 2016, the Commission launched its new Electronic Complaint System (ECS). The ECS is the latest achievement in the Chair’s priorities to focus on continued strong enforcement of the law, improving technology for both efficiency and transparency, and simplifying and streamlining our processes as well as the law itself.

In addition, the Commission is currently in the process of implementing its own Form 700 electronic filing system for the 25,000 statements filed with the FPPC. This effort will modernize
and streamline Commission operations regarding its Form 700 duties and provide additional transparency and access to the information by creating greater search capabilities for the public.

**Connecticut Office of State Ethics**
The OSE offers training for lobbyists, public officials and state employees including in-person training; interactive online training; a training DVD; training by Web-streaming video; as well as a monthly electronic newsletter and a number of plain-language guides and handouts. The OSE is required to provide mandatory training to members of the General Assembly upon first election, and for all members of the General Assembly every four years.

In 2016, the OSE provided a full range of communication and education services to ensure high ethical standards among our public servants. We continued our Top Ten Ethics Rules format and completed 75 in-person trainings to approximately 2,500 individuals. We launched State Contractor training and conducted training at the 2016 Ethics and Compliance Summit. Through a partnership with the CT Department of Transportation and the CT Department of Emergency Services, 1,200 state troopers completed our latest streaming download. We also partnered with the Connecticut Education Academy (CEA), adding Ethics eLearning to the Course Catalog. This program provides another option for agencies to meet the mandatory annual training requirement for all state employees regarding the Code of Ethics. The CEA system can easily schedule, track, record and provide reports and certificates of completion for each employee.

**Delaware Public Integrity Commission**
PIC created an online training module to reach more employees.

**Florida Commission on Ethics**
The Commission worked with our IT office to develop a new tracking system for complaints, moving our previous database out of Access and into a .net environment. We also redesigned our website which had not been done in more than 10 years.

**Illinois Secretary of State - Index Department**
Instructions for lobbyist registration and expenditure reporting and other requirements are found on website; Instructions and forms for annual disclosure of financial interests are mailed to designated officials and employees. A self-explanatory form is available on website; Appointees who have an interest in contracts with the state must declare interest and contract on a form that is available on website.

**Indiana State Ethics Commission**
The OIG/State Ethics Commission recently implemented a new document management system to assist with the advisory function of the office. This system will allow the OIG to log, track, and save informal advisory opinions as they are issued by OIG attorneys as well as allow for searching capabilities within the text of the opinions. The new system provides a reliable, centralized location to store and locate opinions (upgrade from previous spreadsheet system). The expanded system also has a component for the statutorily required filings received by the OIG and allows the OIG to organize, track, and maintain these documents in a centralized location.
**Maryland State Ethics Commission**

The Commission is required to provide lobbyist live training at least twice a year but the Commission normally offers live training three times per year. Lobbyists are required to take lobbying ethics training within six months of initially registering as a lobbyist (or if the initial registration is for less than six months, prior to any subsequent registration) and thereafter within two years of the previously-completed training. By law, one of the training days must be in January.

General Ethics training is provided to all employees who are required to file financial disclosure statements. They must attend the 2 hour training session within 6 months of assuming a State position that requires them to file. The Commission also offers live training to other State employees at the request of State agencies. These sessions typically focus on conflicts of interest.

The Commission has provided 42 live training sessions (to include both the mandatory training for financial disclosure filers and conflicts training at the request of agencies) with 663 employees trained thus far in calendar year 2016. It has provided 3 live lobbyist training sessions with 20 lobbyists trained thus far in 2016.

**Massachusetts State Ethics Commission**

Beginning in January 2014, the Commission began offering a webinar option for conflict of interest law educational seminars. Public agencies that can not meet minimum attendance requirements for hosting an educational seminar can still have employees participate in a seminar via webinar. Webinars are also offered in connection with monthly seminars conducted at the Commission office. Participants can either attend in-person or participate via webinar.

The conflict of interest law includes education and training requirements for all state, county and municipal employees. Public agencies are required each year to distribute a summary of the conflict of interest law to all employees, and every two years, all public employees must complete an online training program.

The summaries of the law are also available in Spanish and Portuguese translations. The summaries, the online training programs and related implementation procedures are all available on the Commission’s website, [www.mass.gov/ethics](http://www.mass.gov/ethics).

The conflict of interest law requires all municipalities, regional municipal districts and independent municipal agencies to designate liaisons to work with the Ethics Commission to implement the education requirements.

Educational seminars are also conducted in conjunction with the state Inspector General’s public procurement officer certification program, Mass. School Building Authority certification program, and other Inspector General education programs for charter schools and municipal boards. Seminars are also part of continuing education credits required for members of municipal retirement boards and housing authority boards.

**Michigan Department of State**

A training tutorial on filing reports electronically has been placed on the Internet.
Minnesota Campaign Finance and Public Disclosure Board
The Board offers regular training sessions for campaign finance and lobbying, but not for ethics or economic interest disclosure. However, staff has participated in training held for judges and county commissioners who more recently came under the Board’s jurisdiction for economic interest disclosure.

Montana Commissioner of Political Practices
The Office has carried out a project that all current complaints, and decisions dating back to 1990, are available on the web and searchable at http://politicalpractices.mt.gov/2recentdecisions/default.mcpx.

Code of Ethics training is conducted by the Professional Development Center, Department of Administration, and the Commissioner's office may make a presentation as part of that course. Our agency does additional speaking/training periodically on request -- most often on campaign finance issues.

Nevada Commission on Ethics
The Commission is poised to launch a new Website at the beginning of 2017 and anticipates funding to incorporate a fully integrated electronic case management system and online searchable database of Commission opinions. If approved, the technology is also expected to modernize submission of required filings via the Website.

New Jersey State Ethics Commission
The Commission recently updated its comprehensive online ethics training program for State employees and has made the program available on the State’s Learning Management System as well as the Commission’s website. The use of the LMS system for online training will assist State agencies with tracking their employee’s compliance with the Commission’s requirement that employees receive comprehensive ethics training every three years.

New York State Office of the State Comptroller
The Ethics Unit trains all employees new to OSC with an ethics fundamentals program. In addition, by statute, the Ethics Unit provides training prepared by the New York State Joint Commission on Public Ethics for those who must file financial disclosure statements, including those designated as "policy makers" and those earning over a filing rate (in 2016, $91,821) who perform certain duties and have not been otherwise exempted. In addition, the Ethics Unit provides Division-specific ethics training periodically.

The Ethics Unit has its own page on OSC's internal Intranet, which provides comprehensive and easy-to-access information about the functions of the Ethics Unit and various ethics issues including, but not limited to, gifts, political activities, outside activities, and post-employment restrictions.

The Ethics Unit also provide advice regarding the Procurement Lobbying Law. The Special Counsel also serves as the agency's Privacy Officer, insuring compliance with statutory requirements to protect personal information from misuse.
North Carolina State Ethics Commission
The Commission has continued its effort to provide as many services as possible online. For example, online registration in education programs has been successfully implemented. The Commission also provides online updates about an official's compliance with the financial disclosure and education mandate.

In 2016 the Commission received funding for a new database to manage the education and financial disclosure systems and to update its website.

The State Government Ethics Act mandates ethics and lobbying education for public servants, ethics liaisons, legislators and legislative employees. It does not require education for judicial officers. Refresher education is required every two years. In addition to live and broadcast presentations made across the State, the Commission now provides online education for all covered persons. The Commission also offers optional live lobbying education to lobbyists and lobbyist principals. During 2015, the Commission provided education to nearly 4,000 individuals.

Ohio Ethics Commission
In 2015, the Education Section offered 206 “live” presentations to nearly 16,000 people. In addition, thousands of public officials and employees took advantage of the online learning opportunities on the Commission’s web site for a convenient and cost-effective Ethics Education option. In addition, ten live webinars attracted 2,000 on-line attendees In addition, the Education Section publishes a quarterly electronic newsletter which provides information and updates to subscribers (more than 800 subscribers to date).

The Commission's Education staff also provides articles, brief e-courses and update fact sheets to help those regulated under the Ohio Ethics Law to understand and comply with the law.

Ohio Legislative Inspector General's Office
The OLIG conducts a standing monthly ethics training session. Attendance by new employees is mandatory. These trainings are in addition to the annual training provided to legislators. Formalized training sessions for lobbyists are also conducted. Lobbyist attendance is voluntary.

University of Texas System, Office of General Counsel
We developed a web-based training course for all employees, which UT System requires them to take when hired and then every two years. Additionally, our Regents, as well as all elected or appointed public officials, are required to complete a training course regarding their responsibilities under the Open Meetings Act and Public Information Act. Regents are also required by law to take an ethics training course when first appointed to office.

Canada

Office of the Commissioner of Lobbying of Canada
Information Technology Update: The Registry of Lobbyists was migrated to a new hosting platform with a new service provider in February 2016. The migration was seamless and there was no downtime.
Office of the Conflict of Interest and Ethics Commissioner

Information Technology Update: In October 2015, the Office launched a new online portal for the submission of public declarations by reporting public office holders and Members of the House of Commons. The portal was introduced in order to facilitate the process by which reporting public office holders and Members meet their reporting requirements. The portal provides them with the option of reviewing and approving their public declarations online, thus reducing the amount of time it takes to make the information public on the Office’s public registry.

Training: Guidelines and explanatory materials are available on the Office website and updated as necessary. Advisors are available to provide guidance throughout all stages of the compliance process (from initial election/appointment disclosure process, through to annual reviews and post-employment) and are available to answer specific questions (gifts, invitations etc.) as they arise. Education is not viewed as a one-time effort but rather an ongoing process.

Education/training takes place through targeted group presentations (party caucuses, ministerial offices, boards/tribunals etc.). The Commissioner participated in the orientation program for new Members organized by the House of Commons. The 2015 election had resulted in significant turnover amongst Members of the House of Commons and public office holders. The Office took part in a number of the induction events for new Members of Parliament and provided briefings for Ministers offices and other public office holders as requested. Material detailing obligations under the Code was included in the information that new Members receive from the House immediately after their election. The Office provided hard copy information to new Members and public office holders as well.

In January 2016, the Commissioner made presentations to Government and opposition caucuses, and in February 2016, she participated in an information seminar organized by the Library of Parliament for Parliamentarians and their staff.

Office of the Public Sector Integrity Commissioner of Canada

Training: The Office proactively engages with public servants by presenting at various events across the public service including conferences, staff and executive staff meetings of federal departments and crown corporations.

Alberta – Office of the Ethics Commissioner

Information Technology Update: The web site has been updated using new, custom software, and the appearance has changed.

Ontario Office of the Integrity Commissioner

Information Technology Update: The Office completed a major overhaul of its IT system. This included moving off a Domino/Lotus notes platform onto Microsoft Dynamics/CRM, as well as launching a new website. The site includes a portal to a redesigned registration system for the Lobbyists Registry.

Additional changes are to be made in the coming year to ensure the system functions in accordance with legislative amendments. This work will include updating the lobbyists
registration forms, as well as implementing new case management systems for internal users related to the provision of investigative powers under the Lobbyists Registration Act.

**Training:** The Commissioner is required to meet face to face with each legislator each year. These meetings are a key opportunity for training.

The Office also holds regular training sessions under its lobbying, expenses review, disclosure of wrongdoing and ministers' staff ethical conduct mandates.

**Ontario – Office of the Conflict of Interest Commissioner**

**Information Technology Update:** The Office has completed the digitization of all of its paper records and has put in place a fully electronic operational process. The Office has implemented a records retention and disposition policy that has been approved by the Archivist of Ontario. The Office is one of the first in our jurisdiction to go paperless.

**Education:** The Commissioner of the Conflict of Interest Commissioner has partnered with the Institute of Public Administration of Canada (IPAC) and a number of universities and other ethics offices in Ontario to host a conference on public sector ethics on September 29 and 30, 2016. The conference focused on the Canadian experience in the area of public sector ethics and included panel discussions with leading academics and practitioners in the field in Canada. Two publications will be released as a result of the conference - a special issue of IPAC's online Public Sector Management magazine in December 2016, and peer-reviewed academic articles in a special issue of IPAC's Canadian Public Administration journal in early 2017.

**Québec - Commissaire à l’éthique et à la déontologie du Québec / Quebec Ethics Commissioner**

Development training provided to relevant stakeholders and information to public.

**Financial Disclosure**

**Cities/Counties**

**City of Los Angeles**
reports required filings for lobbyists, and that e-filing is available for SFI

**Los Angeles County MTA**
reports that 99% of lobbyists use e-filing, and that for SFI, forms are available via email but filing must be by hard copy

**City of Chicago**
reports that all lobbyists filing must be electronic beginning in 2017

**City of San Francisco**
reports making filed SFI available through the City’s OpenData portal, with sortable, searchable data
City of Atlanta reports developing a new electronic disclosure system, available in 2018, and Milwaukee County reports this too.

Washington D.C. reports on no more paper filings—all SFI must be done electronically.

Office of Governmental Ethics (OGE) implemented a new e-filing system for the STOCK Act, as mandated by federal law.

Connecticut Office of State Ethics
The Office of State Ethics received $100,000 in bond money for the first phase of a two-part project to update its filing applications. The first phase will update the software upon which the applications are built as well as improve public access to lobbyist reports.

Nearly 99 percent of required filers met the May 2, 2016 filing deadline and 96 percent of those utilized the online filing system. This year 80% of our Agencies, Offices, Commissions and Quasi-Public Agencies were deemed in 100% timely compliance. Thirty-nine agencies earned the distinction of not only achieving 100% timely compliance but also had 100% submit filings electronically. Agencies that are deemed in 100% compliance are given certificates of excellence, recognizing the efforts of the ethics liaison.

Delaware Public Integrity Commission
Public Disclosures Forms are retained for 5 years after they leave public office. Confidential disclosures: permanent. NOTE: All State elected officials and candidates for State office have to file with the financial disclosure report any private entity of which they are a Board or Council member, even if no financial interest.

Illinois Secretary of State - Index Department
Filings are currently performed by the filer submitting a hard copy statement to his/her agency Ethics Officer, who, in turn, submits the statement to the Secretary of State for Filing. Legislation in 2015 authorizes filing via website which is expected to be available in 2017.

Indiana State Ethics Commission
Financial Disclosure Statements filed by the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General and Superintendent of Public Instruction are available for review on our website. All others are available upon request.

Kansas Governmental Ethics Commission
Individuals can choose to file their Statement of Substantial Interests forms electronically with the Secretary of State's Office, the public repository for these forms.
Kentucky Legislative Ethics Commission
In May 2009, electronic filing became available for lobbyists and employers. Although it’s not required, electronic filing is increasingly popular and is being used by 75 to 80 percent of lobbyists and employers of lobbyists for six annual filings.

Massachusetts State Ethics Commission
Bond funding of $850,000 was approved to enable the Commission to replace its aging Financial Disclosure electronic filing application. In 2015, approximately 90% of those required to file a 2014 SFI did so electronically. Commission staff also responded to 3,859 telephone and email inquiries relating to either the completion or the amendment of SFIs.

Mississippi Ethics Commission
Electronic filing and posting of statements on website were mandated beginning January 1, 2010.

Nevada Commission on Ethics
The Secretary of State posts all filed financial disclosure statements on its web site

New Hampshire Attorney General’s Office
Currently only certain filings are posted on the web.

Joint Legislative Committee on Ethical Standards (JCES)
Electronic filing of financial disclosure statements allowable beginning in 2016.

New York State Office of the State Comptroller
Since 2013, the Financial Disclosure Statements of the statewide elected officials (Governor, Lieutenant Governor, Attorney General and Comptroller), are made available on the website of the NYS Joint Commission on Public Ethics and maintained there for a period of five years.

North Carolina State Ethics Commission
In 2016 the Commission received funding for a new database to manage the education and financial disclosure systems and to update its website.

Ohio Ethics Commission
Ohio’s law requires many public officials and employees to file personal financial disclosure statements each year. The Commission administers the financial disclosure requirement for those officials and employees which included receiving more than 10,500 statements in 2015 with more than eighty percent of these filers using the Commission’s on-line filing system. This was the third full financial disclosure cycle using online filing. Financial disclosure filers had the option of filing electronically or in paper format. This system has significantly improved the efficiency of the financial disclosure process, for both the Commission and its filers. This new system allows those public officials and employees required by the Financial Disclosure Law, found in Ohio’s Revised Code, at Section 102.02, to complete and file their financial disclosure statement online and pay their associated filing fees and any accrued late fees online via electronic payment. The online portal has been so successful that the Ohio Supreme Court has partnered with our agency to offer online filing for judges and magistrates. After three years of online filing, the Commission continues to receive extremely positive feedback.
**Oklahoma Ethics Commission**

Beginning July 30, 2015 through present, the Commission has developed and implemented an entirely new electronic filing system "The Guardian System" at [www.guardian.ok.gov](http://www.guardian.ok.gov). All lobbyist filings, campaign filings, and financial disclosure statements are required to be filed using The Guardian.

The Ethics Commission undertook a lengthy and comprehensive study of financial disclosure that culminated in a completely new system for financial disclosure in Oklahoma. First, financial disclosure is now limited to elected officials and judges subject to elections for retention. Second, the Ethics Commission developed a new philosophical goal for financial disclosure that is comprised of two important parts: 1) an educational component requiring the acknowledgement of the application of the conflicts of interest Ethics Rules, and 2) the disclosure of all material financial interests that could lead to conflicts of interest. The first part requires all filers to read and acknowledge how conflict of interest rules apply to their position, which serves as an excellent educational tool. The second part discloses specific material financial interests (which is a detailed and specific definition) of the filers in a simple and straightforward way that will increase the accuracy and relevance of the filings and reduce the complexity and time required to complete the filing. In addition, the specific information creates a better resource for inquiring parties to see potential conflicts of interest.

**Washington State Public Disclosure Commission**

An online public records request application with internal management controls was developed. IT staff built and launched an online application for campaigns to electronically file certain required reports concerning large contributions given or received in the last weeks before an election. The development of the e-filing application allowed the Commission to expand its public database search capability to include last minute contribution data. Finally, improvements were made to the lobbyist and lobbyist employer electronic filing applications that will prevent users from filing incomplete or incorrect reports.

**Canada**

**Senate – Ethics Officer**

The public disclosure summaries of senators are made available for public inspection at the Office of the Senate Ethics Officer pursuant to subsection 33(1) of the Conflict of Interest Code for Senators. They are also required to be made available to the public online on the website of the Senate Ethics Officer, pursuant to subsection 33(3) of the Code.

**Ontario – Office of the Integrity Commissioner**

Within 60 days of election, and annually thereafter, every member of the Legislative Assembly of Ontario must file a private disclosure statement identifying all assets, liabilities and income received together with benefits received as a result of a contract with the Government of Ontario. A public disclosure statement is prepared in accordance with s. 21 of the *Members' Integrity Act* (Ontario). It is filed with the Clerk of the Legislative Assembly of Ontario, who makes a copy available to the public. The Commissioner is also required to make this available online. The Commissioner has discretion to exempt certain information from the public
disclosure statement if the information is not relevant to the purpose of the Members’ Integrity Act and if a departure from the general principle of public disclosure is justified. [s.21(5)]
Concerning failure to file a private disclosure statement or a statement of material change or failure to disclose relevant information, the Commissioner must make a recommendation in a report to the Speaker of the Legislative Assembly. [s.34]

Québec – Ethics Commissioner
After reviewing a disclosure statement, the Ethics Commissioner may request a meeting with the person required to file this document to ensure that adequate disclosure has been made and discuss this person obligations under the Code, the Rules or the Regulation.

In 2014, a electronic filing capability will be offer to members of the National Assembly and Cabinet Minister.

The Ethics Commissioner must retain all documents, including financial disclosure, relating to a member of the National Assembly for a period of 60 months after he or she has ceases to be a Member. As for office staff member, The Ethics Commissioner must retain those documents for a period of 12 months after he or she has left the position of office staff member.(s. 82 of the Code of Ethics and Conduct of the Members of the National Assembly (chapter C-23.1) ; s.30 of The Regulation Respecting the Rules of Conduct Applicable to the Office Staff of Ministers (chapter C-23.1, r.2) ; s. 21 of The Rules of Conduct Applicable to the Staff of Members and House officers of the National Assembly (chapter A-23.1, a.124.3))

Saskatchewan – Conflict of Interest Commissioner
Members of the Assembly or Executive Council file with the Commissioner an annual disclosure statement containing the assets, liabilities and financial interests of the member, spouse and dependent children and of any private companies that are controlled by all or any of them; the sources of their income; directorships held; businesses managed or operated; government contracts in which they participated and any other information directed by the commissioner. The member and/or spouse must consult with the Commissioner after filing to ensure that adequate disclosure has been made or to obtain advice and direction on the member’s obligations.

Once satisfied, the Commissioner files a public disclosure statement containing the name and address of the registered office of each corporation in which they or their trustee hold any shares, share warrants or share purchase options; the name and address of each business from which they receive remuneration for services as employee, officer, director, trustee, partner or owner; names and addresses of all sole proprietorships or partnerships in which they have an interest; name and address of each corporation, organization or association they serve as an officer or director; name and address of each organization or association in which the member holds a membership; identity of bonds and debentures with a value greater than $2,000 held by them in other than government bonds; identity of investment funds, mutual funds, investment trusts or similar securities of which they hold more than $2,000 other than registered retirement savings plans (other than self-directed), registered home ownership savings plans, registered education savings plans, bank deposits, pension plans or insurance policies; municipal address or legal description of any real property they own, have an interest in or title or right to; identity
and extent of their participation in any government contract; identity and extent of any gift or benefit they received valued at over $200; any grant or subsidy from the Crown they, or an associated business, received and any other information directed by the Commissioner.