



CURTIS, HEINZ,
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STAY OFF THE FRONT PAGE!

ETHICS TRAINING IN THE AGE OF FAKE NEWS

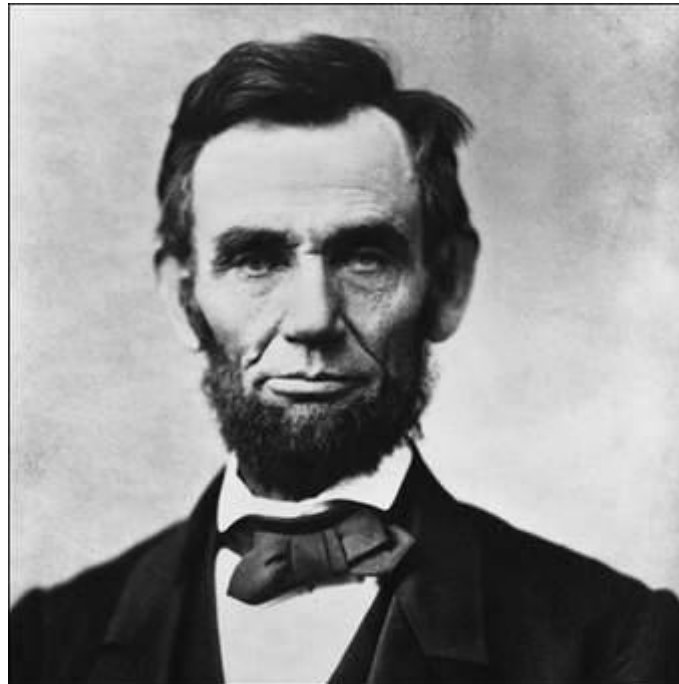
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HOW TO STAY OFF THE FRONT PAGE



Do:



Don't:



Questions?

Divorced from ethics, leadership is reduced to management and politics to mere technique.

[James MacGregor Burns](#)

(founder of field of Leadership Studies)

Do:

- Increase public confidence and trust
- Demonstrate integrity, accountability, responsibility
- Assure impartiality and fairness
- Provide due process and equal protection

Do: Put public interest above personal interest



Do: Avoid any action that would create the appearance of impropriety.

I value my reputation. I work hard to avoid even the appearance of impropriety. [Richard Hanna](#)

(In the 1970s, he received payments of about \$200,000 from Korean businessman Tongsun Park in what became known as the [Koreagate](#) influence buying scandal. After the payments were revealed, he pled guilty to conspiring to commit bribery and was sentenced to 6–30 months in federal prison, of which he served one year.)

Don't:

- Put yourself first
- Rationalize yourself into a corner
- Lose sight of the big picture



Do:

- **Keep your radar on**
- **Discuss issues with peers**
- **when appropriate, seek formal advice from city attorney or private legal counsel**

Do:

- Provide complete information when seek advice
- Ask the right question – not just “what do I have to do”, but also “what do you think I should do”

Ethics is knowing the difference between what you have a right to do and what is right to do.

Potter Stewart (Supreme Court Justice)

Don't:

- Act with blinders on
- Let others think for you
- Try to hide behind
uninformed advice



Do:

Think about the possible consequences



St. Louis Post-Dispatch – 4-22-14

(front page, above the fold)

FIRM THAT WON SCIENCE CENTER BID HAS BOARD TIES

member has “no intention of stepping down”

St. Louis Post-Dispatch – 4-23-14

(front page, above the fold)

MEMBER LEAVES MUSEUM BOARD

“in resignation letter defends bid”

Consequences

Does it matter now whether or not there was “technically” a conflict of interest?

Consequences

December – retires after successful career, remains chairperson of firm and 37% owner

January – appointed to public board, without disclosing firm's pending bid to sub-agency for project with projected fees of \$45,000 - \$100,000

April – votes on tax measure for the sub-agency, after seeking advice of legal counsel, and still with no public disclosure

- firm selected by sub-agency
- disclosure of “new” conflict, upon legal advice
- resignation after uproar

Consequences

“lack of public trust”

versus

“got legal advice”

“not a big dollar deal”

“not reason for approving award”

St. Louis Post-Dispatch – 4-30-14

(front page, above the fold)

MUSEUM CONFLICT RESURFACES

“records differ from member’s account”

“chairman says problem with optics, not reality”

Really?

Don't: try to cut things too fine

Appearances matter

Simple to recuse – just briefly explain reason, step down from dais, “to avoid any potential conflict of interest”

After debate and vote – return to dais

Do: know who “you” are



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Do: know who “you” are

- Yourself
- A spouse
- Parent of dependents
- Substantial participant or investor in private business enterprise or trust with 10% or \$10,000+ interest, or receive \$5,000+/yr in compensation, or serve as officer, director
- To avoid “appearance” – use broader sphere than statutory definition??

Do: File Required Disclosure Reports

- **File with City Clerk and Missouri Ethics Commission – open to public**
- **Generally due by May 1, but when newly appointed to office must file within 30 days, and candidates generally must file within 45 days of closing of filing for office**
- **Forms USUALLY available from City Clerk**
- **Check City code for specifics – can be local ordinance in lieu of statute**

Don't: Be Confused By 105.461 RSMo

Statute says “before passing on measure”

Elected official with substantial interest in legislation must file written report with clerk unless in regular financial disclosure

BUT should recuse instead (See other statutes, city charter, ordinances) - Cannot be involved as City official in the making of any contract in which have a substantial interest

Do: Comply with statutes and codes

Missouri statutory MINIMUM standards

- 105.452 to 105.466 (conflicts of interest)
- 105.667 (pension rules)

Missouri Constitution, Article 7, Section 6 (anti-nepotism)

City Charter and City Code

Don't:

- Accept a bribe
- Use or disclose confidential information for private gain
- Act to obtain special monetary benefit
- Coerce or extort others
- Sell political appointments

Don't:

- Perform side work for state or city over \$500/transaction or \$5000/year, unless lowest bid per public bidding process
- Engage in transactions with State or City over \$500/transaction or \$5000/year, unless lowest bid per public bidding process
- Attempt to influence decisions about such transactions (if you are going to bid, but why do it?)

Don't:

- Perform services for City for compensation beyond pay for official position
- Engage in paid lobbying of State or City including one year after term of office, except for public proceedings
- Engage in paid work after term of office on specific matters you were involved in

Don't:

When parties to your zoning or regulatory actions are involved:

Exert influence for any gain, or

Engage in transaction over \$500/transaction or \$1500/year, unless lowest bid per public bidding process

Including for one year after term

NPR 4-25-14

Former Illinois state official agrees to pay \$100,000 fine to settle charges of violating ethics laws by going to work for state contractor a week after leaving office – had approved payments to contractor while serving.

Official maintains did nothing wrong, just wants to put it to rest.

Don't:

- Act in judicial or quasi-judicial capacity if family member a party
- Including administrative hearings held by council/board

Don't:

Realize gain from pension plan transactions (except as participant) – if you are appointing authority, board member, or involved employee



Forfeit office if accept anything of value for purpose of influencing pension plan investment and could forfeit plan benefits

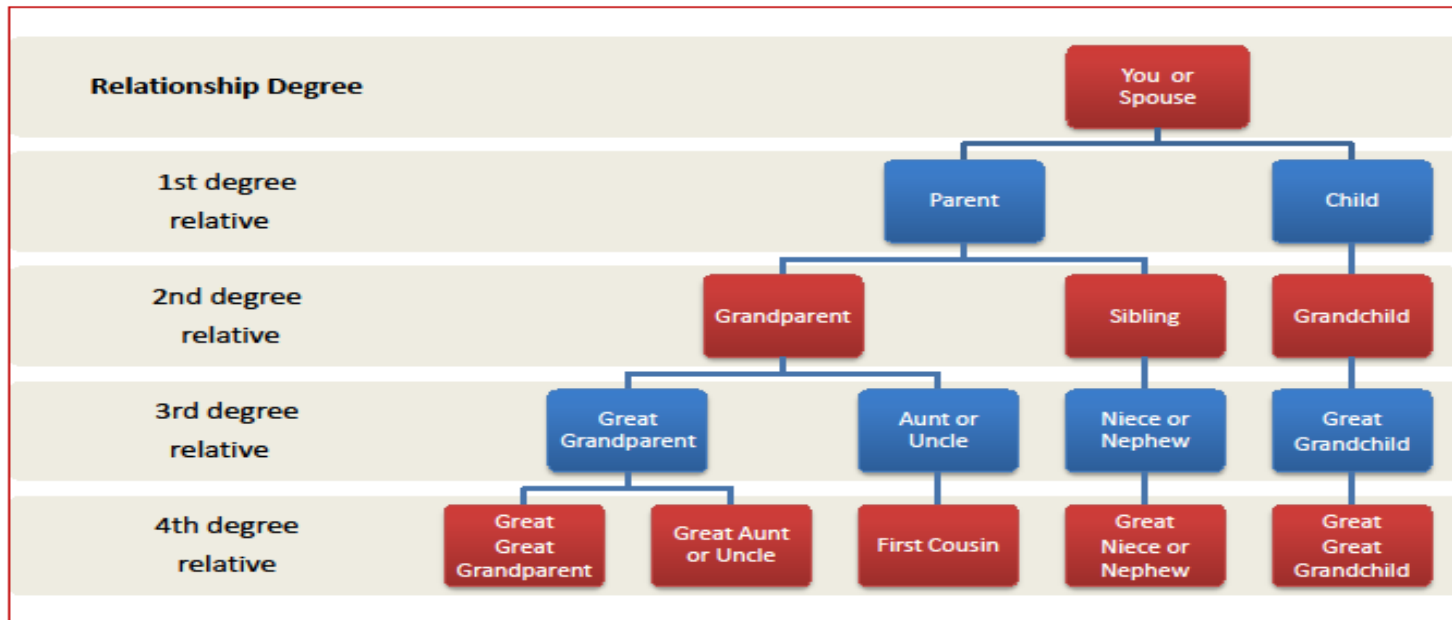
Don't:

Name or appoint relative to public office or
employment



forfeit office

Relationship Chart
Missouri Ethics Commission
Rev 09/2011



Consanguinity relationships are relatives by blood. Affinity relationships are relatives by marriage or adoption.

This document is intended only as a guide to aid in understanding the duties and responsibilities of the Missouri Ethics Commission. For the Law's complete requirements, consult the law itself, codified at Chapter 103 and 130 of the Revised Statutes of Missouri.

Don't:

- Use City property other than for City business
- Obtain unapproved special benefits from City

Do: Comply with Missouri Sunshine Law

- Meetings should generally be open to public
- Meeting notice requirements
- Access to public records
- Email retention
- Comply with closed meeting/record limitations
- Avoid penalties

Do: Consider whether your city needs to beef up local ordinances

- Specific anti-fraud measures?
- Donations policy? Solicited and unsolicited

Creve Coeur has good examples in its city code, on web (Section 130.070)

www.creve-coeur.org

Some additional “Don’ts”

Don’t commit misconduct in administration of justice

It is a class A misdemeanor (up to \$2,000 fine, year in jail), if a “public servant”:

- Don’t order or suggest to an employee of a political subdivision that such employee shall issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota basis or that such employee shall increase the number of traffic citations that he or she is currently issuing.

Some additional Don'ts

Don't obstruct government operations

It is a class B misdemeanor (up to \$1,000 fine, six months in jail).

A person commits the offense of obstructing government operations if he or she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

Some additional Don'ts

Don't violate new detailed Missouri Supreme Court rules of conduct for municipal court personnel

Court personnel must report any attempt to influence the handling of cases

Do: Think about the front page of the newspaper

Many of the statutory provisions refer to intentions

But do you want the media, opponents, or court to interpret your intentions?

Remember you now live in the age of fake news and alternative facts – proceed with caution



Do:

Ask Questions

