

Minutes

**Board of Ethics
City of Memphis**

Meeting of March 2, 2016

The meeting was formally called to order at 2:06 p.m.

The following Chairman, Board Members and Chief Ethics Officer were present at the meeting:

Latonya Sue Burrow	Chairman Robert A. Lanier	Edward Vaughn
Craig L. Cardwell	Thomas Parker	
Robert Dawkins	Pete Scatamacchia	

APPROVAL OF AGENDA AND MINUTES

A motion to approve today's Agenda and Minutes from February 3, 2016 meeting was made and seconded. The Motion carried with no modifications or amendments.

ITEMS FOR DISCUSSION

a. February 16, 2016 Presentation to the City Council

CEO Burrow advised the Board that the Presentation to the City Council went as scheduled. Board Member Cardwell advised that the presentation went well. Cardwell was impressed that all Council members were attentive and seemed interested in the information presented. Cardwell advised the Board that one Council Member asked if the Board had subpoena power. When Cardwell advised that the Board did not, the member asked if the Board of Ethics would like to have subpoena power in the future.

b. Letter to Mayor Strickland regarding non-compliance with Ethics Training

CEO Burrow advised the Board that she sent the letter to Mayor Strickland on February 22, 2016. The Board advised Burrow to allow at least another week to receive a response.

c. Status of New Mayor's Executive Order

CEO Burrow advised that she had contacted City Attorney McMullen to get an update on the Mayor's Executive Order and the Disclosure of Financial Interests Forms. Burrow had advised McMullen the Mayor's Executive Order sets out for whom Ethics Training is mandatory. She also explained to McMullen that the Disclosure of Financial Interests Forms were to be turned in to the Ethics Office by January 31, 2016.

Burrow read McMullen's response, "We are working with personnel on the mandatory training issue."

The Board discussed whether or not it had the power to request the Mayor to issue a new Executive Order.

d. Status of Amendments to Disclosure of Financial Interests Forms

The Board decided to write a letter, not an e-mail, to the Administration, asking for a date that the Administration would have the revised Disclosure of Financial Interests Forms for dissemination to employees. The Board voted to include the names of all Board Members on the letter. CEO Burrow is under the belief that these completed forms were due to be turned in to the Ethics Office by January 31, 2016.

e. Update of assistance to Board by Dabney Ring

CEO Burrow advised that she would send a follow-up e-mail to Dabney Ring regarding assisting the Board to fill its vacancy and secure re-appointments for Board Members Edward Vaughn and Ruth Pollard.

REPORT ON ETHICS INQUIR(IES)

The Chief Ethics Officer received three (3) Ethics Complaints within the last two weeks.

First of the Complaints (by spouse of MPD Officer) will require more information to formulate the nature of the violation. CEO Burrow called the Complainant, but has been unable to make contact.

CEO Burrow advised that she had requested additional information on February 8, 2016 from the Complainant, but has received no response. The Board decided to have CEO send written communication to the complainant, advising that, if no response is received by March 30, 2016, the Board of Ethics would probably vote to dismiss or close the matter at its next meeting on April 6, 2016.

Second of the Complaints was received on today (March 2, 2016), regarding a Conflict of Interest. The Complainant is a City Council Member, and the complaint is against other Council Members. The Complaint, received a couple of hours before this meeting, does not meet the requirement for submission (signed, notarized, etc.), as it was forwarded via e-mail. CEO Burrow will see that the Complainant receives the necessary information to submit a Formal Ethics Complaint.

CEO Burrow advised that she sent a copy of a Sworn Complaint form on February 8, 2016, but has received no response. The Board decided to have CEO send written communication to the complainant, advising that, if no response is received by March 30, 2016, the Board of Ethics would probably vote to dismiss or close the matter at its next meeting on April 6, 2016.

Third of the Complaints was made by a city official against an attorney working on contract for the City Council. CEO Burrow received the information on yesterday and has not had the

opportunity to completely review the documents, as they are voluminous. Burrow did advise that a complaint, similar to one of the issues mentioned, was filed by the same complainant, against the same person in the past for the same alleged violation. She recalls reading the documents that accompanied the prior complaint. Burrow will give a full report to the Board after all information is gathered and reviewed.

CEO Burrow provided Board members with summary of the 250-page document and allowed the Board to review a copy of the full document during the meeting.

Within the document was a Sworn Complaint submitted by Michael Williams, President of the Memphis Police Association on April 15, 2013 against Attorney Alan Wade, regarding a Conflict of Interest.

Board Member Cardwell refreshed the Board's memory of what happened when the Sworn Complaint was considered by the Board in 2013. Cardwell advised that Williams came to a hearing. The Board discovered that Attorney Alan Wade has a specific exemption to continue the dual employment in question. Attorney Wade's employment was specifically allowed by the City Council.

CEO Burrow advised the Board that she remembered reviewing the Complaint in her initial review of the Ethics files in April 2015. Burrow produced the 2013 file, and informed the Board that then Ethics Officer Monika Johnson advised Mr. Williams that the Board of Ethics declined to issue an opinion, and the Ethics Office would close its file.

After review of the 250-page document, Board Member Dawkins moved to return the document back to the City Attorney. Board Member Cardwell seconded the Motion. The Board of Ethics voted unanimously to return the document to the City Attorney, as the Board of Ethics has no jurisdiction to grant the requested relief. (The Author(s) of the document repeatedly and consistently request a "Forensic Audit and Ethics Review by a reputable, third party independent auditing firm with no ties to the past or current administration.")

The Board further voted to write a letter to Michael Williams, inquiring whether or not he wished to file a Sworn Complaint on a matter within this Board's jurisdiction.

ETHICS TRAINING UPDATE

CEO Burrow advised that she had scheduled three (3) training sessions: Wednesday, January 27, 2016 at 10:00 a.m., Thursday, February 4, 2016 at 2:00 p.m. and Thursday, February 11, 2016 at 2:00 p.m.

On January 27, 2016, Mayor Strickland needed to use the Conference Room for a meeting.

CEO Burrow cancelled February 4th and 11th, as she had not received the New Mayor's Executive Order from the City Attorney, advising the Board as to which City Employees will be mandated to take Ethics Training.

CEO Burrow advised that she would contact Administrative Assistant Alma Crawford to get a list of names to begin Ethics Training for employees for whom the training is mandatory.

INFORMATION AND ANNOUNCEMENTS

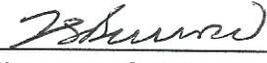
CEO Advised that, per Chairman Lanier's request of February 3, 2016, she had forwarded information to City Attorney Bruce McMullen on February 10, 2016, regarding ambiguities in the Ethics Ordinance which need clarification.

CEO Burrow raised additional issues:

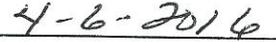
- a) Since Sworn Complaints are to be kept confidential, how can CEO preserve this confidentiality and yet discuss the matters at a public Board of Ethics meeting?
- b) CEO Burrow brought several copies of the Code of Ethics and asked Board Members to please re-read the Code, to re-familiarize itself with issues within the Board's jurisdiction. This will also assist the CEO to be as responsive as possible to the Board and conform her services more closely to the Board's expectations.
- c) The Code requires that the CEO notify respondents promptly. The Code also requires the CEO to post Ethics Complaints, requests and opinions on the Board of Ethics website. If the CEO finds that a Complaint is not within the Board's jurisdiction, must the CEO, or at what point does the CEO, notify the respondent and post the information on the website?

ADJOURNMENT

A Motion to Adjourn was made and seconded at 3:17 p.m.



Signature of Secretary



Date