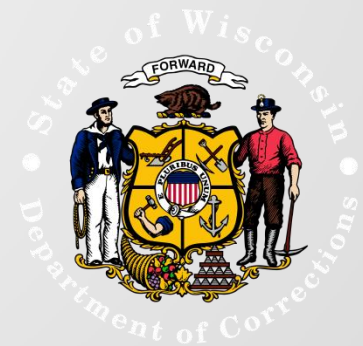


# Ethics, Public Records, & Open Meetings

Legal Obligations for the Corrections Facilities Planning Committee

December 2017



# Ethics

Code of Ethics for Public  
Officials and Employees

[Wisconsin Stats. § 19.41-19.59](#)

## **Purpose:**

- To ensure high moral and ethical standards among state public officials and state employees
- Serves as guidance to avoid conflicts between personal interests and public responsibilities
- To promote and strengthen faith and confidence of the public in their state public officials and state employees

# Ethical Obligations

- **DO NOT** use your position on this committee for private gain for you, a member of your immediate family, or any organization with which you are associated
- **DO NOT** solicit or accept ANYTHING of value if it could reasonably be perceived as influencing your judgment, action or inaction on Committee business
- **DO NOT** keep gifts related to your position on the Committee
- **DO NOT** intentionally use or disclose information gained in the course of your position on the Committee that could result in receipt of anything of value
- If you accept anything of value, the burden is on you to prove it was given to you for reasons unrelated to your role on the Committee

# Examples: What You Cannot Accept

- An invitation for all members of the Committee to attend a special reception or dinner.
- A gift from a business owner whose industry might be directly affected by the work of the Committee.
- All-expenses-paid transportation to and from Committee meetings, *if* the only reason it is being provided to you for free is because of your position on the Committee.
- A free dinner or event ticket from someone who wants to discuss your work on the Committee – *you must pay the full market value.*
- Gift from someone as a “thank you” for your work on the Committee.

# Examples: What You Can Accept

- Anything that would likely have been given to you for the same reasons even if you were not serving on the Commission.
  - E.g., gifts from old friends, family, or gifts related to other employment
- Anything available to the general public on the same terms.
- Anything paid for by the State of Wisconsin.
- Meals or other expenses offered in connection with a talk you are giving
  - E.g., if invited to speak at a luncheon about your role on Commission, you may accept food and reasonable expenses in connection with your talk.
- Anything of unexceptional value (info brochure, pens, etc.)

# Public Records

## Public Records and Property Law

[Wis. Stat. § 19.21 – 19.39](#)

- **Purpose:**
  - To provide the public with access to the greatest possible information regarding government affairs and the official acts of officers and employees
  - Providing information is an essential function of a representative government and part of an officers' duties
  - Presumption of public access, unless there is an exception

# What is a Record?

- All Committee communications are considered subject to public records law
- Exceptions in the law:
  - Drafts, notes, preliminary computations, etc.
  - Records prepared solely for personal use
  - Copyrighted materials
  - Attorney-Client Privileged Communications
  - Personal property with no relation to the Committee
  - Published materials available for sale or in a public library

# Responsibilities of the Committee

- Retain any and all Committee-related records
  - Memoranda, correspondence, e-mails, text messages, voicemails, etc.
- **DO NOT** delete or destroy any Committee-related records
- The chairperson of the committee is the legal custodian of the records of the committee
- Forward public records requests received regarding the commission to [DOCPublicRecords@wisconsin.gov](mailto:DOCPublicRecords@wisconsin.gov)



# Open Meetings

## Open Meetings of Governmental Bodies

[Wis. Stat. § 19.81 – 19.98](#)

- **Purpose:**
  - Public entitled to fullest and most complete information regarding the affairs of the government

# Responsibilities of the Committee

- All Committee meetings are subject to Open Meetings Law
- Every meeting **must** be open to the public
  - Public Notice of Meeting must be posted at least 24 hours in advance
  - Meetings must be held in publicly accessible locations
  - Meetings must be held in open session, unless exemption to open session requirement applies

# Compliance with Open Meetings Law

- Refrain from discussing Committee business with members outside of regular meetings
- **DO NOT** convene or discuss Committee business with 50% or more of the members without notice
  - Telephone conference calls
  - E-mail discussions
- **AVOID** walking quorums or the appearance of walking quorums
  - Example: Calling each member separately to get their individual thoughts on an issue, rather than discussing it during the meeting
- No secret ballots to determine decisions
- **Best Practice:** Keep discussions of Commission business with other members to a minimum

# Penalties & Enforcements

- Forfeitures.
- Mandamus Actions
- Investigations
- Civil Action

# Contact Information

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