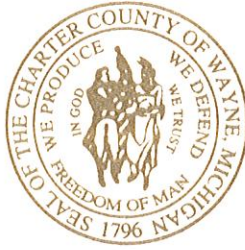


# Wayne County Ethics Board

William J. Giovan, Chair  
William O'Neil, Vice-Chair  
Sidney Bogan  
Anthony S. Guerriero  
Daniel Martin  
William C. Schaefer  
Stella Szczesny



The Guardian Building  
500 Griswold, Suite 861  
Detroit, MI 48226  
Phone: 313-224-0909  
Fax: 313-224-7484  
wcethics@co.wayne.mi.us

December 12, 2014

Hon. Robert A. Ficano, Wayne County Executive  
Hon. Cathy M. Garrett, Wayne County Clerk  
Hon. Benny N. Napoleon, Wayne County Sheriff  
Hon. Raymond J. Wojtowicz, Wayne County Treasurer  
Hon. Gary Woronchak, Wayne County Commission Chair  
Hon. Kym L. Worthy, Wayne County Prosecutor  
Hon. Bernard J. Youngblood, Wayne County Register of Deeds

## Third Year-End Report of the Wayne County Ethics Board

Dear Elected Officials:

This report is submitted pursuant to Wayne County Ethics Ordinance. No. 2012-209, which directs the Wayne County Ethics Board to submit a written report of its activities to the appointing elected officials by December 15 of each year. This report covers the second full year of the operations of the Board.

The first full year of the Board's operations in 2013 was concerned in the main with procedural matters. In 2014 the board addressed the first substantive complaints filed under the ordinance.

### Advisory Opinions

1. Conflict of Interest. Michele Underwood, an employee of the Wayne County Sheriff's Department, sought an advisory opinion from the Board regarding whether her proposed enterprise to supply an informative handbook to inmates of the County jail, supported by paid advertising, would constitute a conflict of interest with her employment. At its meeting of June 23, 2014 the board unanimously determined that no conflict existed.

2. Use of County facilities For Political Purposes. Wayne County Sheriff Benny Napoleon submitted a request for an advisory opinion on whether it was permissible for



him to use his county-supplied Sheriff vehicle, operated by an on-duty deputy Sheriff, while campaigning for political office or for attending political events.

A discussion of this question by the board at its meeting of June 23, 2014 produced divided opinion, which resulted in an initiative to seek an opinion from outside legal counsel, considering that the board's counsel had declined to offer advice because of a conflict of interest. Subsequently the board sought and obtained an opinion from attorney John Jacobs, who opined that the Sheriff was forbidden by County ordinance and state statute from using either the vehicle or a paid deputy while campaigning. At its meeting of October 20, 2014, by a vote of 3 to 1, the board issued its advisory opinion that the Sheriff was forbidden from using either his County supplied vehicle or a paid employee to operate the same for attending political campaign events.

### **Failure to File Personal Disclosure**

Several complaints were filed against public servants alleging failure to file the personal disclosure form required by Section 40-5 of the ethics ordinance.

Two complaints against Prosecutor Kym worthy and one against Register of Deeds Bernard J Youngblood were dismissed on the basis that, although the disclosure is mandated in Section 40-5, the requirement to file the same is not listed among the "Standards of Conduct" listed in Section 40-4, construed by the ethics board as defining those matters regarding which the board has authority to sanction.

It should be noted that, among proposed amendments to the ethics ordinance adopted by the Committee of the Whole of the Wayne County Commission, presently scheduled for vote by the Commission on December 18, is one which would add the personal disclosure filing requirement to the sanctionable standards of conduct.

Similar personal disclosure complaints were filed against County Treasurer. Raymond J. Wojtowicz and Jeremy Cady. Both were dismissed by the Board on the additional basis that both public servants had in fact filed their personal disclosure forms. (The electronic search process will produce misleading results if a search is not entered according to the precise terms recognized by the system.)

### **Use of Public Assets for Private Purposes**

After considerable prehearing procedure, a hearing was held on November 17 regarding the complaint of Mary Sullivan that Livia Calderoni had improperly authorized, and Ryan Bridges had improperly received, tuition money to pay Wayne State University for a course related to Mr. Bridges' employment. The complaints against both were dismissed by the Board on the basis that the only mishap that had occurred, if any at all, was that Mr. Bridges received the funds before paying the University instead of afterwards.



## **Nepotism**

At its final meeting of the year on December 8, the board sustained a charge against Deborah Wendt under section 40-4(d)(3) on the basis that she caused the hiring of her nephew for a temporary position in the County's WIC program.

## **Rules of Procedure**

Pursuant to the single-handed efforts of its counsel, Susan M Bisio, the Board adopted substantial revisions to its Rules of Procedure for the principal purpose of making them consistent with the requirements of the ethics ordinance.

## **Ethics Ordinance Amendments**

As mentioned above, a number of amendments to the ethics ordinance are proposed for vote by the County Commission on December 18. In addition to the one already mentioned, several others have particular relevance to the Ethics Board:

1. Language has been added to specifically provide that members of the board will be defended and/or indemnified against claims or suits that may be brought against them (not including criminal matters) arising out of their duties under the ordinance.
2. Removal of a member from the board is afforded for good cause by a majority of the Wayne County Commission after a hearing, in place of potential removal of a member by the sole discretion of his or her appointing authority, as is presently provided.
3. The filing of a complaint in bad faith is itself made eligible for a complaint under the ordinance.
4. More specific provisions are made for the dissemination of a finding by the Board of an ordinance violation.

## **Impending Board Vacancies**

The terms of Vice-Chair William O'Neil, appointee of the Commission, and Dr. Daniel Martin, appointee of the County Clerk, expire at the end of the year. Mr. O'Neil has expressed the intent not to seek re-appointment. We thank them both for their service in this inaugural composition of the Ethics Board and wish them well in their future endeavors.

## Acknowledgments

New enterprises are frequently attended by uncertainties and travails that accompany novel procedures, and the function of the ethics board has been no exception during this past year. The board is particularly grateful for the assiduous effort of our counsel, Assistant Corporation Counsel Susan M Bisio, who has not only provided guidance, but has also borne the brunt of the procedural requirements demanded by our hearings. The board has also been well served by the always helpful Commission Clerk John Pfeiffer and his assistant Amy Aubry, and by the Board's own Clerk, Darcel Brown.

These being the last days of the tenure of Wayne County Executive Robert Ficano, I wish to take the personal privilege of expressing my appreciation for the trust that he has placed in me by my appointment to this Board.

All members of the Ethics Board join with me in extending best wishes to our elected officials for both the holiday season and the New Year.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "W. Giovan".

William J. Giovan  
Ethics Board Chair