

When Ethics Laws are Broken: Handling Mistakes, Dealing with Consequences

Ethics Law eLearning
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Why Mistakes Happen



The Rules are Different

Conduct in which a private citizen may engage without violating the law becomes a violation when that citizen becomes a public servant.

Restriction on employment of relatives.—
 ... promote, or advance, or advocate for
 ... in or to a position in the agency in which
 ... exercises jurisdiction or control any individual who
 ... may not be appointed, employed, promoted, or
 ... appointment, employment, promotion, or
 ... serving in or exercising jurisdiction or control
 ... of which a relative of the individual is a
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 ... of which a relative of the individual is a
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- Public meetings law
- Ex parte communication
- Public records law
- Conflicting employment
- Nepotism
- Gift laws

112.3143 Voting conflicts.—
 (3)(a) No county, municipal, or other local
 any measure which would inure to his or her
 would inure to the special private gain or loss
 the parent organization or subsidiary of a corpo
 than an agency as defined in s. 112.312(2); or
 private gain or loss of a relative or business asso
 prior to the vote being taken, publicly state
 the matter from which he or she is absent
 occurs, disclose the nature of his or her
 person responsible for reconstru
 memorandum in the ...



The Rules are Complicated

- *Government-in-the-Sunshine 2018* runs to nearly 300 pages
- The ethics code (F.S. 112 Part III) runs to more than 40 sections and over 40,000 words
- These codes are not static

PART III
 CODE OF ETHICS FOR
 PUBLIC OFFICERS AND EMPLOYEES

112.311 Legislative intent and declaration of policy.
 112.312 Definitions.
 112.3125 Dual public employment.
 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.
 112.3135 Restriction on employment of relatives.
 112.3136 Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.
 112.3142 Ethics training for specified constitutional officers and elected municipal officers.
 112.31425 Qualified blind trusts.
 112.3143 Voting conflicts.



It's a Part-Time Job

Most elected municipal officials do not make a living from their municipal service

Many aren't compensated at all, or receive less than \$5000 in compensation for each year of service



None of this ***justifies*** behavior that violates federal or state law or local ordinance.

All of this is a ***caution*** to municipal officials



Mistakes: What to Do



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#1 – Avoid Making Mistakes

Attend trainings

- Required 4-hour ethics training annually
- Other training about ethics and public service

Ask your city attorney ***before*** you act



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#2 – Correct Mistakes Properly and Promptly



Generally, public officials who take the initiative in declaring and correcting mistakes related to ethics, public meetings and public records are treated with reasonable leniency.



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#2 – Correct Mistakes Properly and Promptly

Inaccurate Disclosures

- Discuss with your city attorney
- Submit a revised disclosure
- Do so as quickly as possible

Voting Conflict

- Discuss with your city attorney
- Declare the conflict
- Abstain from the vote
- File the conflict disclosure form



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#2 – Correct Mistakes Properly and Promptly

Public Meeting Violation

- Discuss with your city attorney
- Disclose that the meeting occurred
- Disclose the content of the meeting

Gift Law Violation

- Discuss with your city attorney
- Return the gift or pay the value of the gift to the giver



#3 – Be Transparent

Tell it first
Tell it fast
Tell it all



The Consequences of Unaddressed Mistakes

- Loss of reputation
- Attorney and court costs
- Fines and penalties
- Removal from office
- Incarceration



Take-Aways



1. Recognize that the rules are different
 - We're held to a higher standard
2. Learn the rules
3. Ask your city attorney *before* taking action
4. Correct errors promptly



Questions???



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Thank you

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You!

