

Ethics — *in* — Government

By: [insert presenter's name]



What are Ethics?

Ethics are standards by which one should act.



Ethics are based on core values.

Core values motivate actions and attitudes

Core values relate to what is right and wrong

Core values should promote public confidence in government



“Integrity is doing the right things when no one is watching.” - C.S. Lewis (author)

Core Values

Core values help navigate the gray area when law is either silent or requires subjective judgement.

Core Values

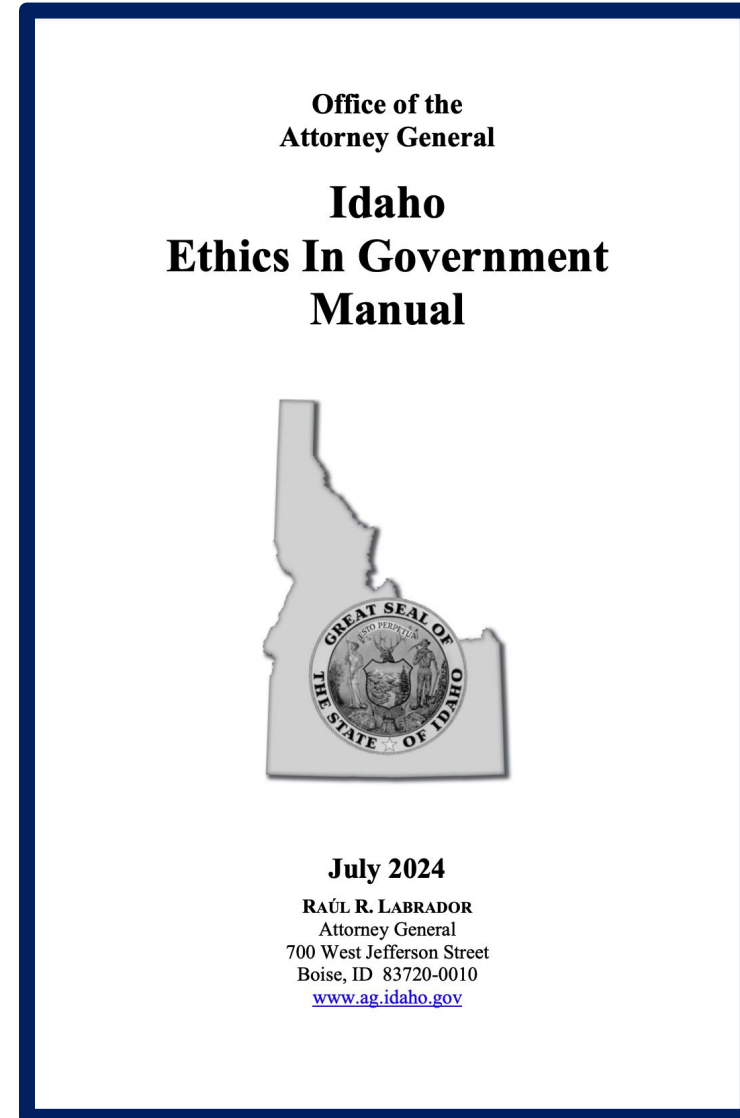
Core values help navigate the gray area when law is either silent or requires subjective judgement.



"It's the community that builds our moral compass." – John Morgridge (Cisco CEO)

Your Ethics in Government Desk Reference

- Idaho Ethics in Government Manual
- Published by Idaho Attorney General's Office
- Include the law, FAQs, and case law



Ask Yourself Two Separate Questions...

May I?

- Does the law, county policy, or ethics rules allow me to legally take an action?

Should I?

- Would my action create the appearance of unfairness?
- Would my action cause a **reasonable person** to question my integrity or the integrity of county officials?

Avoid the Bystander Effect

Bystander – When an individual or group stands by while a wrong is committed and does nothing

Ex: 2012 Penn State Football

- Jerry Sandusky
- Scott McQueary
- Joe Paterno
- Tim Curley
- Gary Shultz



**“To sin by silence when they should protest makes cowards of men.”
– Abraham Lincoln**

Idaho Ethics in Government Laws

The Bribery
and Corrupt
Influence Act
(Title 18, Ch. 13)

The Ethics in
Government
Act
(Title 74, Ch. 4)

The
Prohibition
Against
Contracts with
Officers Act
(Title 74, Ch. 5)

Public
Integrity in
Elections Act
(Title 74, Ch. 6)

Idaho Ethics in Government Laws

The Bribery
and Corrupt
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(Title 18, Ch. 13)

Bribery and Corrupt Influence Act

- It is a felony to bribe or threaten a county commissioner, sheriff, prosecuting attorney or other public official ([§18-1309](#)).
- It is also a felony for a public official to accept a bribe.
- Under I.C. [§18-1352](#), a bribe is an offer of:

“any pecuniary benefit as consideration for the recipient’s decision, opinion, recommendation, vote or other exercise of discretion as a public servant ... [or] in a judicial or administrative proceeding; or any benefit as consideration for a violation of a known legal duty as a public servant or party official.”

Use of Political Position for Personal Gain

- Under I.C. [§18-1359](#), a public official may not:
 - Use public funds or property for personal gain;
 - Solicit or accept a pecuniary benefit as personal payment for public service;
 - Use or disclose confidential information;
 - Be interested in a contract made by the official or governing board on which the official sits;
 - Appoint or vote for the appointment of an person related to the official by blood or marriage within the second degree;
 - Hire or appoint a person to a county position who is related to a county commissioner by blood or marriage within the second degree.

Degrees of Consanguinity

1st Degree: you, parent, sibling, child

2nd Degree: grandparent, grandchild, aunt/uncle, cousin, niece, nephew

			4 Great Great Grandparent
		4 Great Grand Uncle/Aunt	3 Great Grandparent
	3 Child of Great Uncle/Aunt	3 Great Uncle/Aunt	2 Grandparent
3 Second Cousin	2 Cousin	2 Uncle/Aunt	1 Parent
3 Cousin's Child	2 Nephew/Niece	1 Sibling	1 Person 'A'
3 Grand Nephew/Niece			1 Child
			2 Grandchild
			3 Great Grandchild

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Ethics in Government Act

- Prohibits a county official from taking a formal decision in any matter where the official has a conflict and fails to disclose the conflict ([§74-404](#)).
- If you have a conflict of interest, disclose it and consult with your prosecuting attorney to determine how to proceed with the conflict ([§74-404\(5\)](#)).
- Intentionally failing to disclose a conflict of interest is punishable by a civil penalty of up to \$500 ([§74-406](#)).

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Prohibition Against Contracts with Officers

- A county official may not be interested in a contract made by them in their official capacity ([§74-501](#)).
- A county official may not purchase county goods at auction ([§74-503](#)).
- Contract made in violation are voidable ([§74-504](#)) and the violating county official shall be guilty of a misdemeanor ([§74-509](#)).

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Public Integrity in Elections Act

- ❑ Public agencies and public officials may not use public funds, public property, or public resources to influence the outcome of a ballot measure or a race for public office ([§74-7604](#)).
- ❑ The Act does not restrict your first amendment right to use personal money, personal time, personal resources, or personal facilities to advocate for or against a measure or candidate ([§74-605](#)).
- ❑ The Act does not restrict a public entity or official from neutrally encouraging the public to vote or sharing/distributing objective statements explaining the purpose of a ballot measure or voter guides ([§74-605](#)).
- ❑ Violation of the act results in a \$250 civil fine, a \$1,500 civil fine for knowingly violating the act, or a fine of \$2,500 for repeated violations ([§74-606](#)).

Ripped From the Idaho Headlines

CRIME

Ada County treasurer charged with misusing public funds

BY CYNTHIA SEWELL
UPDATED AUGUST 01, 2018 4:23 PM |

CRIME WATCH

Clark County Clerk pleads guilty to misusing public funds

Published at 8:56 am, October 2, 2018
Updated at 8:59 am, October 2, 2018



Eric Grossarth, EastIdahoNews.com

CRIME

Former Jerome County Sheriff sentenced for misusing public money to buy gun safe at Costco

The former sheriff was sentenced to three years, with one year minimum, but the court suspended the sentenced and three years of probation.

Eye On Boise

Blogs / Eye On Boise / Jefferson County sheriff convicted of misusing public funds

Thu., May 14, 2015

Jefferson County sheriff convicted of misusing public funds

Reddit

Facebook

What Causes Ethics Problems?



- Information
- Reasoning
- Loyalty

Information Problems



Didn't know you
were breaking the
policy or rule



Confusion



Believed you had
implicit
permission

What Causes Ethics Problems?



- Information
- Reasoning
- Loyalty

Reasoning Problems



The ends justify the means

“Working around” bothersome policies or laws to accomplish “good”



Self Justification

“I don’t get paid enough”
“That’s how we’ve always done it”
“Nobody will notice”

What Causes Ethics Problems?



- Information
- Reasoning
- Loyalty

Loyalty Problems



Dilbert.com DilbertCartoonist@gmail.com



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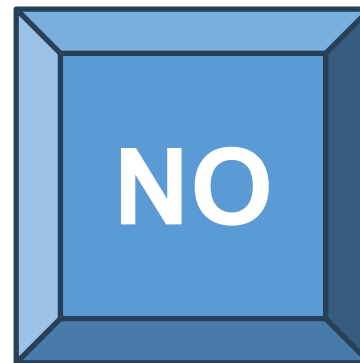
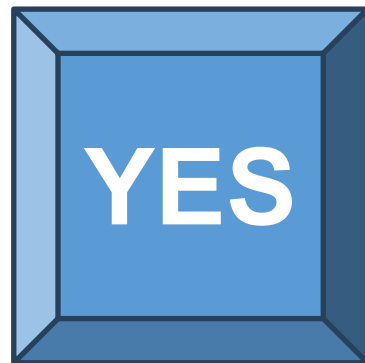
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Hypotheticals

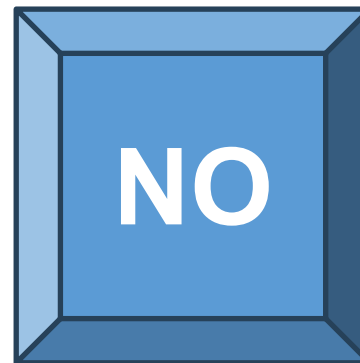
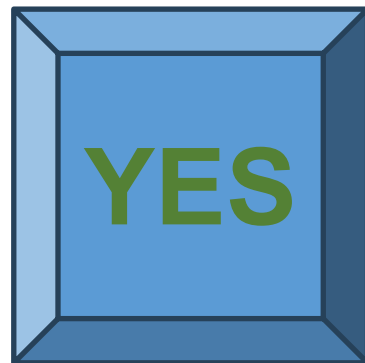
Hypothetical: Contracts

You are a dairy farmer who supplies milk to the county jail. You've just been elected county commissioner and will take office in January. Can the county sheriff continue to purchase from your dairy?



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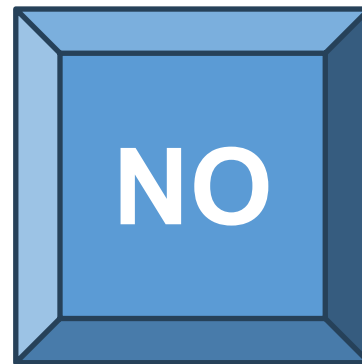
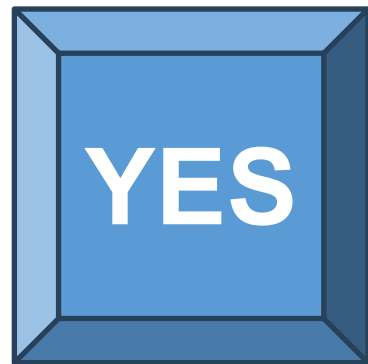


Answer: Idaho Code §18-1361

- A public official or his/her relatives can contract with the board if:
 - Submit a competitive bid and the low bid; and
 - Can't take part in the bidding process (including preparing the contract and voting); and
 - Provides full disclosure in writing to board; and
 - Hasn't violated any laws pertaining to competitive bidding.

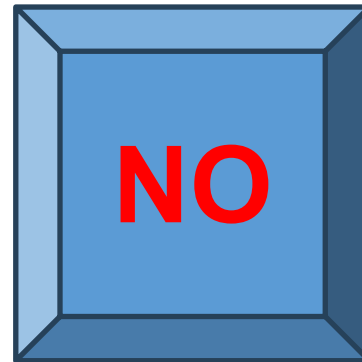
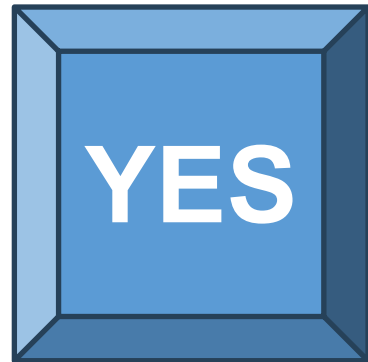
Hypothetical: Gifts

You are a county treasurer. Around Christmas, you receive an envelope addressed to you from a local banker with a gift certificate to a bed and breakfast valued at \$250 because "you are such a great county treasurer." Can you accept it?



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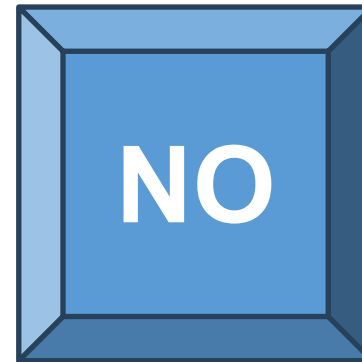
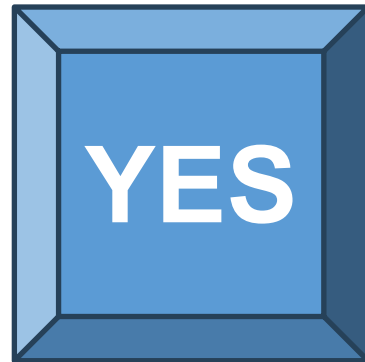
Answer: Idaho Code §18-1356

- Public officials should not accept gifts unless:
 - It is a fee prescribed by law or any other benefit for which she is otherwise legally entitled to receive;
 - It is a gift from a family, friend or business acquaintance; or
 - It is a gift objectively valued at less than \$50.

BUT, also ask yourself, "does it pass the smell test?"

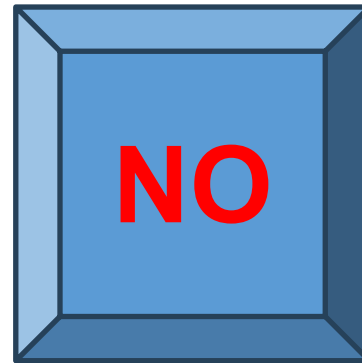
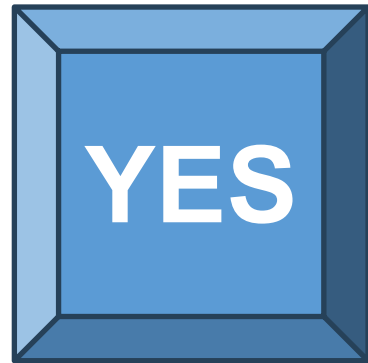
Hypothetical: Nepotism

You've been elected county commissioner and your son-in-law is currently employed by the county as a jail deputy. Must your son-in-law resign his position once you take office?



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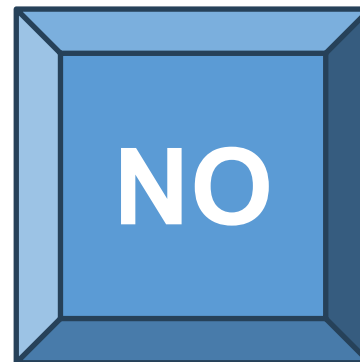
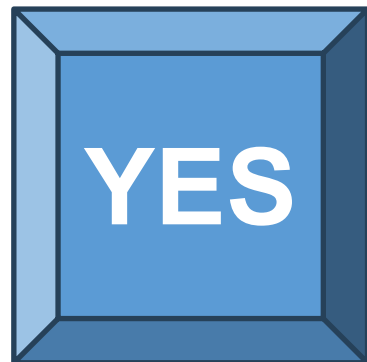
Answer: Idaho Code §18-1359(5A)

An employee of a governmental entity holding a position prior to the election of a local government official, who is related within the second degree, shall be entitled to retain his or her position and receive general pay increases, step increases, cost of living increases, and/or other across the board increases in salary or merit increases, benefits and bonuses or promotions.



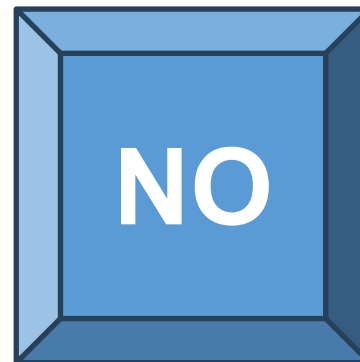
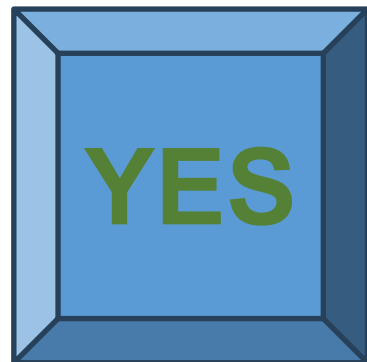
Hypothetical: Nepotism 2.0

You are a sitting county commissioner. The county assessor is hiring an appraiser and would like to hire your second cousin who is an experienced appraiser in a neighboring county. Your second cousin was the only person who applied for the position.
Can the county assessor hire your relative?



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Answer: Idaho Code §18-1359(4)

No person related to a county commissioner by blood or marriage within the second degree shall be appointed to any clerkship, office, position, employment or duty with the commissioner's county when the salary, wages, pay or compensation of such appointee or employee is to be paid out of public funds.

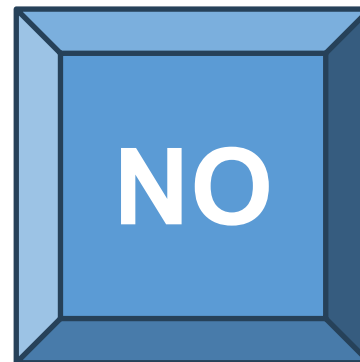
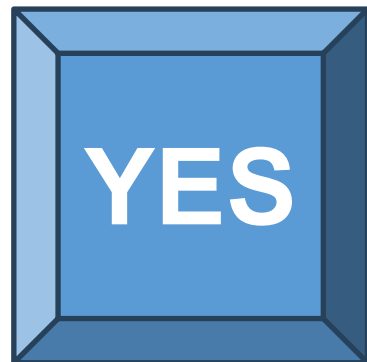
Answer: Idaho Code §18-1359(4)

Degrees of Consanguinity:

				4 Great Great Grandparent
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	3 Child of Great Uncle/Aunt	3 Great Uncle/Aunt	2 Grandparent	
3 Second Cousin	2 Cousin	2 Uncle/Aunt	1 Parent	
3 Cousin's Child	2 Nephew/Niece	1 Sibling	1 Person 'A'	
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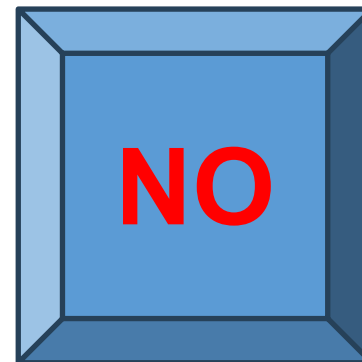
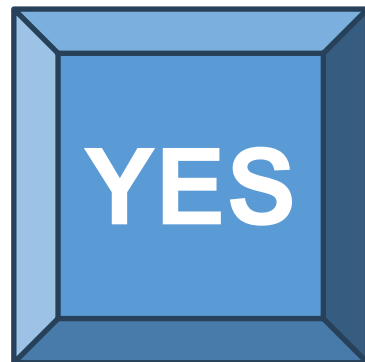
Hypothetical: Outside Employment

The recently-elected prosecuting attorney had maintained a flourishing law firm prior to running for election. Must the prosecuting attorney sell their firm or otherwise cease their private practice prior to taking office?



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Answer: Idaho Code §31-2606

ISB Bar Opinions #31 & #133

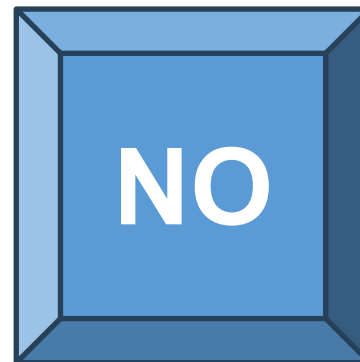
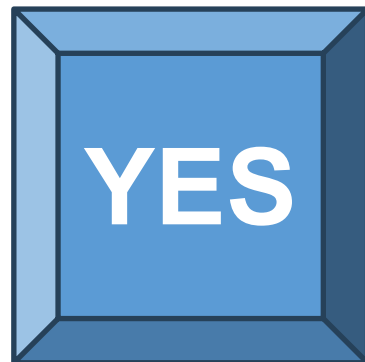
Idaho has long held that prosecuting attorneys may maintain a private practice and represent clients outside of their duties as a prosecuting attorney, including other local government entities. However, an attorney should exercise reasonable judgment in ascertaining whether outside representation would cause a conflict of interest, and where such conflict exists which can be waived, the attorney should obtain express consents from those clients involved. Additionally, attorneys should be mindful that Idaho Code prohibits prosecuting attorneys from defending individuals in criminal actions in most instances and from acting as counsel in a civil action that depends on the same facts as a criminal prosecution which they have prosecuted.



Hypothetical: Integrity in Elections

You are an elections clerk. The county clerk has asked you to take a county vehicle to go and pickup ballots for the upcoming election.

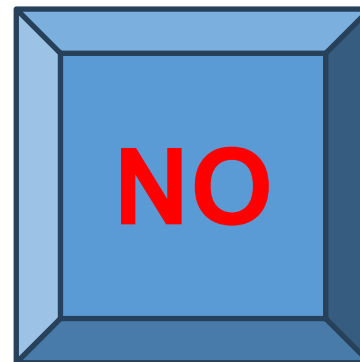
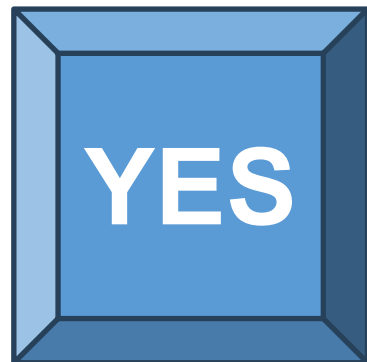
The county coroner overhears that you are headed to the print shop and asks that you deliver one of his campaign signs to the mortuary across the street from the print shop. Is this legal?



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Answer: Idaho Code §74-604

Neither a public official nor its employee shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure.

Tips for Behaving Ethically

1. Lead by example.
2. Set clear expectations.
3. Discuss county policies with county officials and employees.
4. Foster a culture in which county employees go beyond asking “is it legal” and ask “is it ethical”.
5. Remove fear of retaliation from county culture.

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3. Discuss county policies with county officials and employees.
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5. Remove fear of retaliation from county culture.

Bonus: Take time to get to know the processes and procedures of those employees or departments whom you will be working with, governing, or setting policies for.

When in Doubt – CYA

Call Your (prosecuting) Attorney



Ethics
— *in* —
Government

Questions?