

Ethics — *in* — Government

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Ethical Values

- Ethics are standards by which one should act, 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

Core Values

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

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

Office of the
Attorney General

Idaho Ethics In Government Manual



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Ask Yourself the Right Questions

- Does the law, county policy, or ethics rules allow me to take an action (may I)?
- If so, should I take the action?
- 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

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

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

Example: 2012 Penn State Football

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



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](#))

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
- A bribe is an offer of ([§18-1352](#)):
 - "any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official, or voter; or any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or any benefit as consideration for a violation of a known legal duty as public servant or party official."

Use of Office for Personal Gain

- A public official may not ([§18-1359](#)):
 - Use public funds or property for personal gain
 - Solicit or accept a pecuniary benefit as personal payment for services or advice
 - 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
 - No person related to a county commissioner by blood or marriage within the second degree may be employed by the county with the exception of a relative already employed by the county prior to the county commissioner taking office.

Degrees of Consanguinity

- 1st Degree: you, parent, sibling, child
- 2nd Degree: grandparent, grandchild, aunt/uncle, cousin, niece, nephew

CONSANGUINITY CHART

			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

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](#))

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](#))

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 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

- County treasurer reaches plea deal after being charged with seven counts of misuse of public funds in connection with purchases made at a conference in Las Vegas
- County sheriff pleads guilty to misdemeanor after using \$79 Costco gift certificate issued in the name of the county for personal use
- County clerk pleads guilty to felony misuse of public funds for depositing mileage reimbursement check into personal checking account despite using county owned vehicle



What Causes Ethics Problems?



- Information problems
- Reasoning problems
- Loyalty problems

Information Problems

- Didn't know you were breaking the policy or rule
- Confusion
- Believed you had implicit permission

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”
 - “Know one will notice”

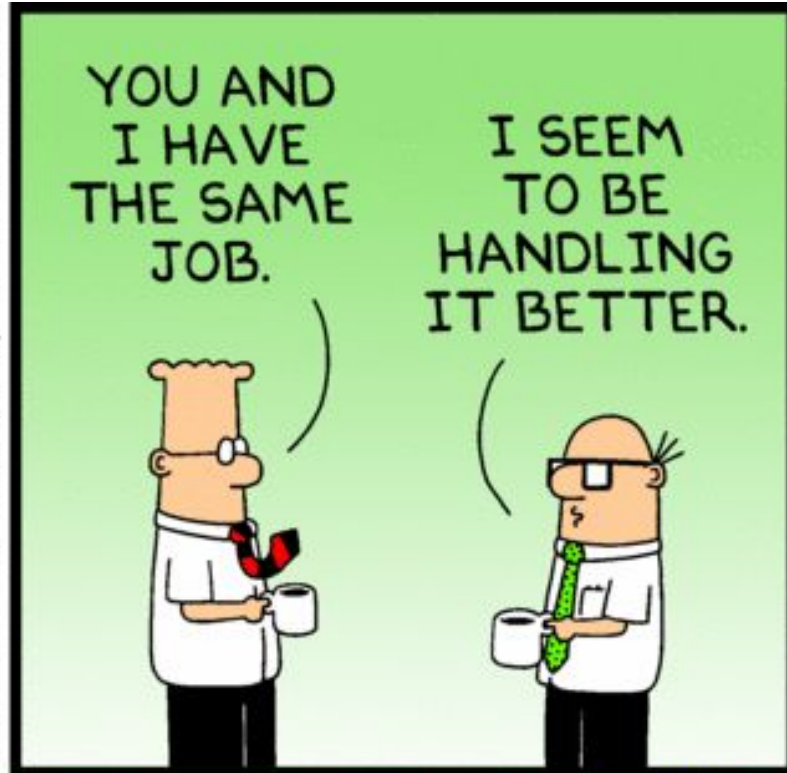
Loyalty Problems



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Lets Roll Up Our Sleeves and Talk 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?

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 envelop addressed to you from from a local banker with a gift certificate for a local bed and breakfast valued at \$250 because "you are such a great county treasurer." Do you accept it?

Answer: Idaho Code §18-1356

- Public officials should not except 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
 - It is a gift less than \$50
- But also ask yourself, “does it pass the smell test?”
 - 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
 - It is a gift less than \$50

Hypothetical: Nepotism

- You've been elected county commissioner and your son is currently employed by the county as a jail deputy. Is your son's job in jeopardy?

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

- You are a sitting county commissioner. The county assessor is hiring an appraiser and would like to hire your daughter who is an experienced appraiser in a neighboring county. Can the county assessor hire your daughter?

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.

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. What do you do?

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

When in Doubt, Ask Your Prosecutor

