

# Ethics in Public Service

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## First goal



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**CRIME**

## Ada County treasurer charged with misusing public funds

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July 26, 2018 03:55 PM  
Updated August 01, 2018 04:23 PM

Ada County Treasurer Vicky McIntyre was charged with seven felony counts of misuse of public funds.

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## Rita Crundwell



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## Second Goal



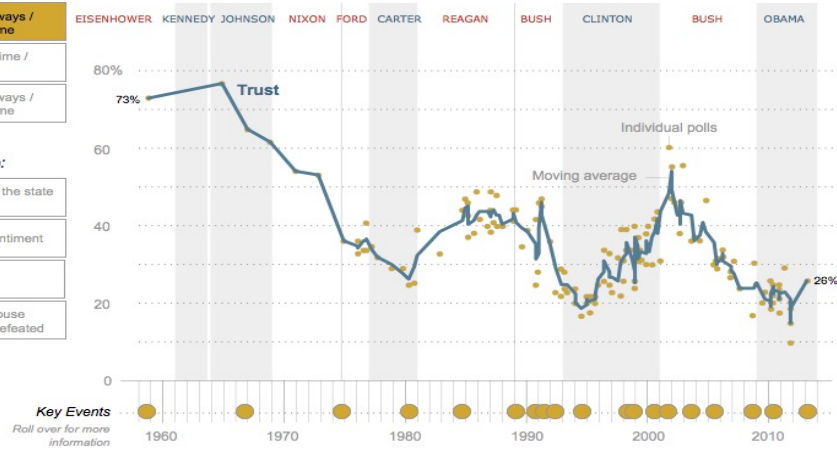
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# Trust in Government has declined

source: Pew research Center

much of the time do you trust government in Washington?

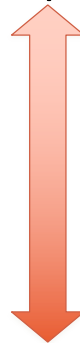
Trust	Just about always / most of the time
Trust	Some of the time / never
Trust by Party	Just about always / most of the time
<b>Where trust in government to:</b>	
Satisfaction	Satisfied with the state of the nation
Confidence	Consumer sentiment
Employment	Monthly rate
Incumbent Losses	Number of House incumbents defeated



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## The floor and the ceiling: where are you?

- Ceiling: doesn't even take a paper clip home



- Floor: the law and administrative rules.

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## Why is ethics NOT like “doing your taxes?”

- Taxes

- It is legal and rational to take every single legal way to reduce your tax burden.

### Ethics

The argument “it’s technically legal” may fail the “higher standard for public service” test  
Being “technically legal” doesn’t help with the appearance of impropriety

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## How Ethics Problems Happen

### Information Problems

- “Sector Confusion”
- Didn’t know policy
- Believed they had implicit permission

### Reasoning Problems

- Ends justify the means
- Justifications

### Loyalty Problems

- Right v Right choices

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## Information Problems

- “Sector confusion”
  - open meetings
  - open records
  - disclosure requirements
  - receipt of gifts
  - accounting for expenses

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## Information Problems

- Didn't know the rule or policy
- Believed they had implicit permission

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## Thinking problems

- Ends justify the means

“working around” bothersome rules or laws to get a good thing done

Protecting the jurisdiction or colleague by covering something up

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## Thinking problems

- Justifications

“We aren’t paid enough so...”

“That’s how they do it at the state, the city, etc.”

“That’s how we’ve always done it”

“Just this one time...”

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## Loyalty problems

- When more than one right thing is involved  
Loyalty to family or friends versus office  
Professional training versus politics  
Electoral survival versus ???

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## Case Study: Conflicting Loyalties

- Your best friend is an employee of the County. In a meeting over potential budget cuts, you learn that her job might be eliminated. As the meeting ends, the Dept. head reminds everyone that the meeting is CONFIDENTIAL and everyone nods yes. On your way home, you remember that your friend is just about to put a down payment on a new house. Do you tell her about the job cut possibility?

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## When people choose “bad actions”

### POTENTIAL REASONS

- Evil Person
- Don't know policy or rules
- Thought there was implicit permission
- Under coercion or pressure from boss, coworkers, interest group, profession, conscience

### POTENTIAL RESULTS

- Termination
- Legal actions
- Training
- Coaching
- Review of policy
- Hiring practices

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## Ethics

- **74-501. Officers not to be interested in contracts.**

**“Members of the legislature, state, county, city, district and precinct officers, must not be interested in any contract made by them in their official capacity, or by any body or board of which they are members.”**

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## Ethics

- **Bribery & Corrupt Influence Act—Idaho Code Title 18, Chapter 13**
  - **Public officials are prohibited from accepting gifts, but there are a few exceptions:**
    - **Fees prescribed by law to be received by a public servant or other benefits for which the recipient gives legitimate consideration or is otherwise legally entitled.**
    - **Gifts from family, friends, or business acquaintances.**
    - **Trivial gifts under \$50 in value involving no risk of undermining official impartiality.**

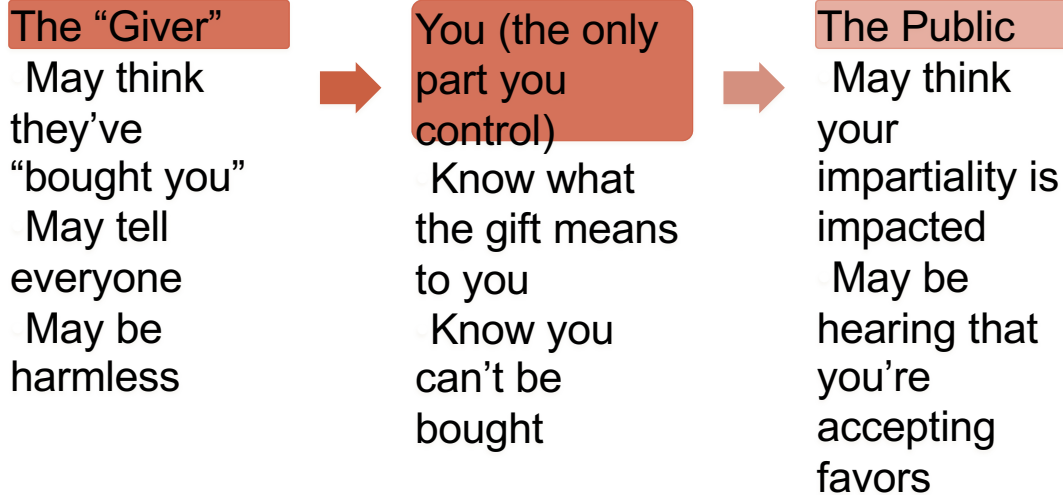
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## Case Study: The Vase

- You are a county official. A few days before Christmas, a package arrives at your office. Inside is a card from the vice-president of a large corporation in your city. The company has never done business with the county. The card says, “You are doing a great job for our county and we just wanted you to know that we appreciate it. We hope you will accept this token of our gratitude.”
- You open the package and find a beautiful crystal vase that you estimate to be worth \$75 to \$100. Do you accept the vase? Would your answer be different if you worked for a private company?

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## The “Gift Equation,” or why it is problematic to accept gifts



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## Ethics

- **Bribery & Corrupt Influence Act—Idaho Code Title 18, Chapter 13**
  - **Nepotism**
    - **No person related to a Commissioner or hiring person by blood or marriage within the 2<sup>nd</sup> degree can be paid to work for the County.**
    - **Relatives within the 2<sup>nd</sup> degree include: spouses, parents, siblings, children, grandparents, grandchildren, cousins, aunts & uncles, nieces & nephews.**

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## Case Study: The Son-in-Law

- You have just been elected to the County Commission. Your son-in-law is employed by the County Roads Department. Does this violate the Idaho Nepotism Statute?

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## Ethics

- **Bribery & Corrupt Influence Act—Idaho Code Title 18, Chapter 13**
  - Nepotism
    - **A person currently employed when a relative is elected retains their position and continues receiving cost of living increases, bonuses and promotions.**

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## TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT

[CHAPTER 1](#) PUBLIC RECORDS ACT

[CHAPTER 2](#) OPEN MEETINGS LAW

CHAPTER 3 [RESERVED]

[CHAPTER 4](#) ETHICS IN GOVERNMENT [CHAPTER](#)

[5](#) PROHIBITIONS AGAINST CONTRACTS  
WITH OFFICERS

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## Conflict of interest in Idaho

- A conflict of interest is generally defined as any “official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person’s household, or a business with which the person or a member of the person’s household is associated.”

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## Conflict of Interest

- When a conflict of interest exists, the public official must disclose the conflict. Under the Ethics in Government Act, disclosure does not affect an elected public official's authority to be counted for the purpose of determining a quorum and to debate and to vote on the matter.

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## Exemptions to Conflict of Interest

- Question No. 11: Are there exceptions to the definition of conflict of interest in chapter 4 of title 74, Idaho Code, the Ethics in Government Act?
- Answer: Yes. Under the Act, there is no conflict of interest if the pecuniary benefit received arises out of:
  - (a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;
  - (b) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;
  - (c) Any interest which the person has by virtue of his profession, trade or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation;
  - (d) Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

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## Open Meetings Law

- <http://www.ag.idaho.gov/publications/legalManuals/OpenMeeting.pdf>
- When in doubt: open the meeting!

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## Case Study: Privacy and Public Officials

- Your county's Deputy Clerk attended her high school reunion out of state and partied hard with her old friends. One of the friends took a picture of the drunken Deputy Clerk passed out on a table surrounded by empty bottles, posted it on Face book and "tagged her." Before long, the photo was being emailed and posted by many. Angry citizens are now calling and demanding she be fired as a "bad example." Should she be fired?

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## The Expectation of Privacy increases as you go down the organization

### Lowest

- Highest ranking officials
- Issue may be relevant to their office

### Medium

- Middle ranking officials
- Issue is relevant to their office

### Highest

- Lower ranking employees
- Issue not relevant to their office

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## Ethics resources

- Attorney General's Ethics handbook
  - <http://www.ag.idaho.gov/publications/manuals.html>
  - Lists the statutes addressing ethics in Idaho
  - Contains a listing of Attorney General findings in answer to specific ethics inquiries

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# First goal



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