

# *City of Detroit Board of Ethics*

Alicia Skillman, Esq. Chairperson  
Beth G. Morrow, Esq. vice Chairperson  
Hon. Norma Dotson, Member  
Pastor Keenann Knox, Member  
Pastor Eddie Myles, Member  
Robert Page, Esq., Member  
Hon. Alma G. Stallworth, Member

**TO:** **Hon. Mike Duggan**

**Hon. Brenda Jones, Council President**  
**Hon. George Cushingberry Jr., Council President Pro Tem**  
**Hon. James Tate, Council Member**  
**Hon. Scott Benson, Council Member**  
**Hon. André L. Spivey, Council Member**  
**Hon. Mary Sheffield, Council Member**  
**Hon. Raquel Castaneda-Lopez, Council Member**  
**Hon. Gabe Leland, Council Member**

**Hon. City Clerk Janice M. Winfrey**

**Department Directors, Heads of All boards and Commissions**

**FROM:** **Board of Ethics**

**SUBJECT:** **13<sup>th</sup> Annual Report of the Board of Ethics**

**DATE:** **January 14, 2015**

---

The 12<sup>th</sup> Annual Report of the Board of Ethics (the "Board") was submitted October 15, 2013, and reported on activities of the Board from July 1, 2012 to September 30, 2013. This 13<sup>th</sup> report will cover July 1, 2014 to December 31, 2014. This report will be brief in nature due to the retirement of the former Executive Director Deborah Gaskin in October 2013 also a new administration which took place in January 2014. From October 2013 to June 2014 the Board of Ethics was non operational. Therefore this report will cover July 2014 to December 2014 under

the new administration of Mike Duggan. In accordance with Section 2-6-97 of the Ethics Ordinance (the “Ordinance”), the Report contains:

1. An analysis of Board activities, including the number of Advisory Opinions requested and issued, and the number of Complaints filed and their disposition;
2. A compilation of Advisory Opinions issued; and
3. Recommendations, if any, for improvement of the disclosure requirements and standards of conduct found in the Ordinance, and for improvement of the administration and enforcement of the Ordinance.

### **Board Activities**

#### **A. Meetings**

During the period of this Report, the Board met nearly every month and disposed of all matters presented, including two (2) Requests for Advisory Opinion and two (2) Complaints.

#### **B. Advisory Opinions**

Request for Advisory Opinion 2014-01 & 2014-02, requested the Board interpret conduct and circumstances that do not fall within the scope of the Board authority. The request was regarding the conduct of a public servant other than themselves. Detroit City Code, Section 2-6-101 provides that a Request for an Advisory Opinion is proper only if it is “regarding the public servant’s own conduct.” The Board dismissed the Requests due to their failure to comply with the requirements of Section 2-6-101, 1984 Detroit City Code.

#### **C. Complaints**

Complaint # 2014-01 concluded, the evidence presented and gathered does not substantiate the allegation of incompatible employment, nor does it substantiate the allegation of improper use of an official position. As such, both ordinance based charges cannot be sustained and these charges are dismissed pursuant to Section 2-6-115(b) (1) (ii), 1984 Detroit City Code for failing to “allege facts sufficient to constitute a violation of this article...”

Similarly, the board lacks jurisdiction to review Complainant’s ERISA claims as the ERISA does not apply to government pension plans and the statute vests exclusive jurisdiction with the United States District Court. Accordingly, this charge is dismissed pursuant to Section 2-6-115-(b) (1) (i), 1984 Detroit Code.

Complaint # 2014-02 concluded, the Board is without jurisdiction to review either of the claims asserted in Compliant #2012-02. The Complaint is time-barred as the Complainant bases this claim on facts asserted in a civil complaint filed on October 1, 2009. This time lapse is well

beyond the two year limitation on the Board of Ethics authority. Accordingly, the Complaint is dismissed in accordance with the provisions of Section 2-6-114(a), 1984 Detroit City Code.

In addition, even if the Complaint was filed in a timely manner, the Board lacks jurisdiction to review Complaint's ERISA claim as the statute does not apply to government pension plans and vest exclusive jurisdiction with the United States District Court.

**D. Other Activities**

**Compilation of Advisory Opinions**

**Recommendations for Improvements in the Ethics Ordinance**