

# Ethical Behavior in the Spotlight and under the Microscope

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NACo Annual Conference  
Orleans Parish, LA  
July 2014

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# Roadmap of Assumptions

- Personal Ones
- There are shared moral values in our society.
- The shared moral values matter.
  - Environment
  - Backlash
- There are ethical dilemmas in politics.
- The dilemmas can be resolved. Path to PEACE.

# Shared Moral Values: American Style

- Declaration of Independence
  - Equality
  - Life
  - Liberty
  - Happiness
  - Safety
  - Honor and concern for the Rule of Law
- US Constitution
  - Justice
  - Common Good
  - Freedom from autocratic rule
  - Individual rights (Bill of Rights)

# Shared Values in Local Government

The strength of free peoples resides in the local community. Local institutions are to liberty what primary schools are to science; they put it within the people's reach; they teach people to appreciate its peaceful enjoyment and accustom them to make use of it. Without local institutions a nation may give itself a free government, but it has not got a spirit of liberty.

~ Alex de Tocqueville, Democracy in America

# Significance of Shared Values

- Obedience to the enforceable
- Obedience to the unenforceable
- Common values are the starting point for resolving ethical dilemmas. Help identify goals, define objectives, create a plan of implementation and evaluate results.
- In turbulent times, values give a sense of direction amid conflicting views and demands.

**THE FBI** FEDERAL BUREAU OF INVESTIGATION

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## It's our top priority among criminal investigations—and for good reason.

Public corruption poses a fundamental threat to our national security and way of life. It impacts everything from how well our borders are secured and our neighborhoods protected...to verdicts handed down in courts...to the quality of our roads, schools, and other government services. And it takes a significant toll on our pocketbooks, wasting billions in tax dollars every year.

The FBI is singularly situated to combat this corruption, with the skills and capabilities to run complex undercover operations and surveillance.

### In Depth

#### Issues and Initiatives

- State/Local Corruption
- Border Corruption
- Disaster Fraud
- Foreign Corruption
- Economic Stimulus Fraud/Corruption
- Election Crimes
- International Contract Corruption

#### Major Cases

- Hurricane Katrina cases
- Lively Green
- New Jersey Bust
- Operation Illwind
- Tennessee Waltz
- William Jefferson
- More

### In the News

- 06.27.14 Baltimore:** Correctional Officer Sentenced to Over Three Years in Prison in Baltimore...
- 06.26.14 New York:** Former NYPD Detective Pleads Guilty to Conspiracy and Tax Fraud Charges...
- 06.26.14 El Paso:** Former El Paso County Assistant District Attorney Sentenced to Federal...
- 06.25.14 Philadelphia:** Judge Sends Former Philadelphia Police Officer to Prison for 15 Years for...
- 06.24.14 New Orleans:** State Auditor Pleads Guilty to Theft from a Federal Program

[More News](#)

### Report Corruption Now

#### Submit an Online Tip


#### Call our Local Corruption Hotlines

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| - Katrina Fraud: (800) CALL FBI    | - Omaha, NE: (402) 492-8688         |
| - Birmingham, AL: (877) 828-2533   | - Philadelphia, PA: (856) FBI-TIPS  |
| - Columbia, SC: (803) 561-4200     | - Pittsburgh, PA: (412) 432-4122    |
| - Denver, CO: (888) 232-3270       | - Portland, OR: (503) 460-8585      |
| - Indianapolis, IN: (317) 845-4812 | - Puerto Rico: (877) FBI-SJPR       |
| - Jacksonville, FL: (888) 722-1225 | - Richmond, VA: (804) 627-4597      |
| - Kansas City, MO: (856) KCPCTIP   | - Sacramento, CA: (856) 466-7243    |
| - Knoxville, TN: (888) 878-8720    | - San Diego, CA: (877) NO-BRIBE     |
| - Little Rock, AR: (501) 221-8200  | - San Fran., CA: (800) 376-5991     |
| - Los Angeles: (855) 5 BRIBES      | - Springfield, IL: (877) U-TIP-OFF  |
| - New Orleans, LA: (504) 816-3000  | - U.S. Virgin Islds: (340) 774-9296 |
| - New York, NY: (212) 384-1000     | - More Local FBI Offices            |

# 50 States and No Winners

[www.stateintegrity.org](http://www.stateintegrity.org)

## Grading the nation: How accountable is your state?

By Caitlin Ginley  email 12:01 am, March 19, 2012 Updated: 12:26 pm, January 14, 2013



RITY

RITY  
& Corruption

o International

# Environment for County Commissioners





# Reaction to this Environment

- Controlling State Legislation
- Zero Tolerance Policies
- Governing Magazine, April 7, 2014: *“Do We Need New Rules About Lobbying and Conflicts of Interest? States are looking harder at rules on gifts to lawmakers”*
  - Opportunity to be Heard
  - Agenda Items for Action
- Local Ethics Commissions and Inspectors General
- Legislative Oversight for Private Entities
  - Kentucky
- ***\$64,000 Question: Do these measures work?***

# Are Politicians Really Less Ethical Than Other Folks?

# Honesty and Ethics in Professions: Gallup Poll

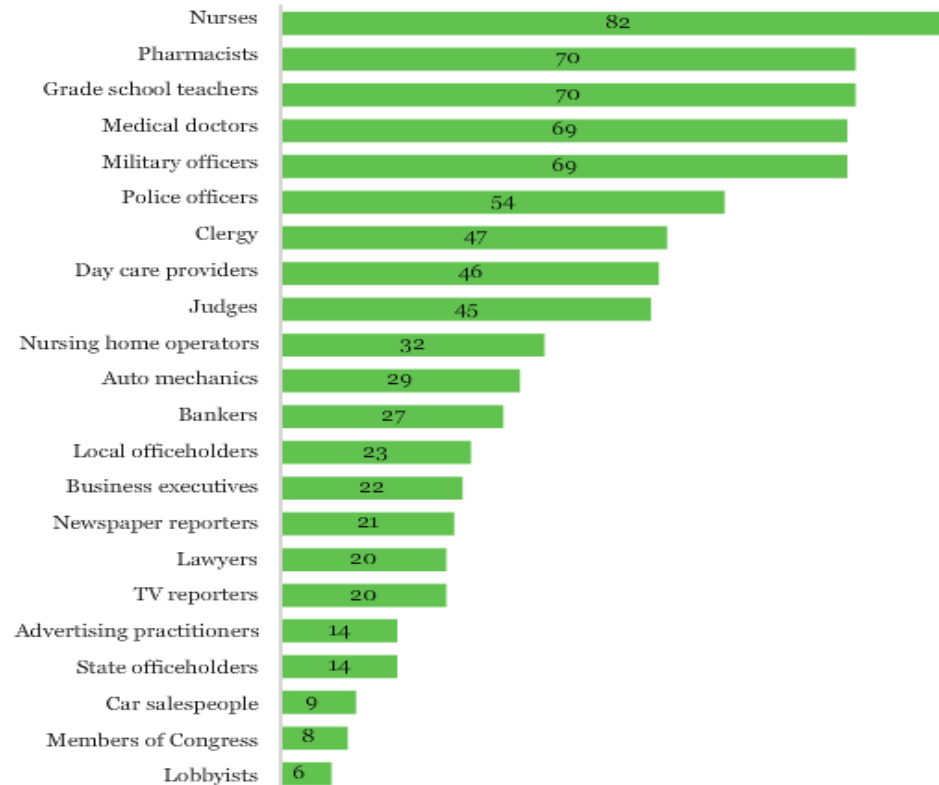
GALLUP

## Honesty/Ethics in Professions

*Please tell me how you would rate the honesty and ethical standards of people in these different fields -- very high, high, average, low or very low?*

Dec. 5-8, 2013

■ % Very high/High



# Opinion Poll Over Time

Please tell me how you would rate the honesty and ethical standards of people in these different fields -- very high, high, average, low, or very low? First, ...  
Next, ... [RANDOM ORDER]

## Local Officeholders

	Very high	High	Average	Low	Very low	No opinion	Very high /High
	%	%	%	%	%	%	%
2013 Dec 5-8	4	19	49	18	8	3	23
2010 Nov 19-21	3	17	55	20	4	2	20
2007 Nov 30-Dec 2	1	19	56	18	5	1	20
2004 Nov 19-21	3	23	57	11	4	2	26
2000 Nov 13-15	3	22	55	13	3	3	25
1999 Nov 4-7	2	18	56	18	5	1	20
1998 Oct 23-25	2	19	59	15	4	1	21
1997 Nov 6-9	3	17	56	17	4	3	20
1996 Dec 9-11	2	17	57	16	4	4	19
1995 Oct 19-22	3	18	55	17	5	2	21
1994 Sep 23-25	2	16	56	20	5	1	18
1993 July 19-21	2	17	57	18	4	2	19
1992 Jun 26-July 1	2	13	56	20	6	3	15
1991 May 16-19	2	17	54	19	5	4	19
1990 Feb 8-11	2	19	56	16	4	3	21
1988 Sep 23-26	2	12	50	23	8	5	14
1985 July 12-15	2	16	53	19	5	5	18
1983 May 20-23	2	14	49	21	8	6	16
1981 July 24-27	2	12	51	20	10	6	14
1977 July 22-25	2	12	47	26	10	3	14

# Opinion Poll Over Time

- Members of Congress

- June 11-14, 1976 15% VH/H
- Dec 5-8, 2013 8% VH/H

- State Governors

- Nov 4-7, 1999 24% VH/H
- Nov 26-29, 2012 20% VH/H

- State Officeholders

- July 22-25, 1077 11% VH/H
- Dec 5-8, 2013 14% VH/H

# Profile of a Politician

- “Politicians are more likely than people in the general population to be sociopaths.”
- Identified dominant personality traits:
  - Lack of guilty
  - Fearlessness
  - Interpersonal dominance

*~Huffington Post, 9/13/12, Psychopathic Personality Traits Linked With U.S. Presidential Success, Psychologists Suggest*

# Of Course Politicians are NOT “Bad” Folks

- High achievers
- Exhibit respect of the office
- Well connected (business, religious, education, community)
- In positions to ask for and receive favors
- Smart
- Hard working
- Community minded
- Energetic
- Change Oriented
- More comfortable with conflict than most
- Competitive

# Ethical Dilemmas Exist, but what are they?

- Right vs. wrong is easy. No dilemma.
- Reasonable vs. unreasonable is easy. No dilemma.
- **Ethical dilemmas** occur when two or more ethical values are conflicting in a **right vs. right** scenario.
- You are faced with ethical dilemmas every day. Whether personal or not, it is the very nature of legislative decisionmaking.
- **You have been elected (entrusted) to resolve ethical dilemmas for your community.**



# Four Classifications of Dilemmas

- Truth vs. Loyalty - being honest while keeping one's promises.
- Individual vs. Community - placing the interests of the individual against those of the larger community.
- Short Term vs. Long Term - requirements of the present against the need for a safe and secure future.
- Justice vs. Mercy - conflict between fairness and equal treatment on the one hand and compassion and understanding of special circumstances on the other.

# Path to PEACE



# No Magic Pixie Dust but there is PEACE

- **P**roactively Seek Protection
- **E**ducate Yourself
- **A**nalyze the Dilemma
- **C**ulture
- **C**ommon Sense
- **C**ompassion
- **C**ommunication

# Proactively Seek Protection

- You citizens will not ignore the dilemma
- The dilemma will not be swept away with the next rainstorm
- The dilemma will not be hidden by the local media
- You must actively seek to resolve the dilemma

# Proactively Seek Protection

- Hire Capable Counsel
- Professional Staff: Rely on them
- Solid, latest employment, procurement, ethics policies and procedures in place **and follow them**
- Use your governmental protections (sovereign immunity, corporate veils of penetration, etc.)

# Proactively Seek Protection

- Conflict of interest
- Fundraising
- Gifts
- Transparency: public records, open meetings
- Codes of ethics
- Executive compensation/review process
- Conduct at Board meetings
- Independent finance & audit committee
- Whistleblower protections, strong anti discrimination and harassment policies

# Educate Yourself

- Become educated on subject matter of the dilemma
- Seek out experts
- Identify consequences of either choice

# Analyze the Dilemma

- Ends Based Approach. Identify the Likely Outcomes (distinguishes choices based on consequences)
- Rules-Based Approach. If Consequences cannot be predicted, what universal rules are implicated? (seeking to identify a standard to be followed by everyone in similar circumstances, REGARDLESS of outcome)
- Care-Based Approach. Rationally apply the Golden Rule (place yourself – the decisionmaker- into the other person's position)



# Culture

- Tone at the top
- Tone in the middle
- Tone at the bottom
- Have high expectations
- Uphold the expectations
- Respect

# Common Sense

- Listen

(know what is going on with your constituents and fellow Board members; who is in trouble; who might be in trouble -- not gossiping; this is preparation and understanding your environment)

- Be careful

(“if you can’t be good, be careful”; Billboard Rule)

- Reasonable flexibility

(need to be flexible in approach but not arbitrary)

# Compassion

- Your constituents and colleagues are life-long friends (and, in some cases family)
- You, as an elected official, are in a position to help them
- Your constituents and colleagues are human
- Practice role reversal

# Communication

- Make expectations of behavior known to constituents, staff, interest groups, fellow Board members
- Talk (about non government business) to your fellow commissioners and colleagues more often than you might like to
- Talk to your citizens

# Path to PEACE

In the end, you are seeking and creating a balance between energy and stability; conflict and compromise; change and stagnation; initiative and protection; policies and flexibility; training and common sense

Seeking a method by which you can make a decision in the midst of an ethical dilemma – there is no silver bullet, no pixie dust, no rule, no policy, no law, no procedure, no secret box that holds the answer. The dilemma must be worked through. And, at the end of the path is the choice you must make.

# Or, Fix Your Drink of Choice, Grab a Snack, and Float Off into the Gulf of Mexico

