

Honorable City Council Members

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August 11, 2020

The following report was approved by the Sioux Falls Board of Ethics, in a 5-0 vote, at the meeting of Aug. 11, 2020.

Complaint 20-B alleges a violation of Sioux Falls City Ordinance 35.053(e) asserting that a city officer accepted a "gift of travel" "under circumstances which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence the officer, in the performance of their official duties. ..."

The Board accepted the complaint and complied with the provisions of Sioux Falls City Ordinance §§ 35.009, 35.010, 35.058 and the Rules of Procedure, City of Sioux Falls Board of Ethics, Article III. The Board makes the following findings based upon the evidence received:

#### FINDINGS

1. The Board finds the circumstances and nature of the complaint worthy of investigation and chooses not to dismiss the complaint pursuant to Ordinance 35.009(b) based on any disclosure of the complaint.
2. The Board finds the complaint does not lack a rational basis in fact or law and, furthermore, the complaint is not "frivolous" as that term is used in Ordinance 35.009(c).
3. The Board finds the facts surrounding the event from which the complaint originated establish probable cause of a violation of the Ordinances that warrant the Council to conduct proceedings to review and clarify policies concerning travel paid for by third parties. The Board finds the facts surrounding the event from which the complaint originated do not warrant imposition of sanctions on any individual in this situation.
  - a. The accused acknowledges attendance at a seminar for which travel and other expenses were paid by third parties. The host of the seminar is a group with an acknowledged political agenda. The conference included multiple settings for attendees to be potentially influenced by commercial or political interests. The accused indicates attendance was educational and did not include overt attempts to influence regarding any specific issue. The Board notes that the complaint singled out only one individual for attendance at this conference, even though other Sioux Falls officials or officers also attended. Other attendees were not named in this complaint but were named in sworn closed-door testimony. The Board finds that attendance at such events funded by third parties raises ethical questions regarding the appearance of potential influence.
  - b. The Board finds the accused contemporaneously reported the travel in question to the City Council and the City Council took no action to disapprove, rebuke or otherwise sanction the travel for the accused or other city officers or officials in attendance.