Executive Summary
A detailed case monopolized much of the enforcement process during FY12 but added to the overarching theme of the year – the need be a professional always. While it might seem second nature to be professional members can stray away from such conduct without even breaking the law. Remaining professional allows ICMA members to earn and maintain the trust of the public, staff, and elected officials. As FY12 ethics reviews show, ICMA members acted unprofessional and unethical by failing to inform their manager-colleagues about discussions they had with elected officials from another community; engaging in political activities and running for office; failing to serve two years with a local government; and, of course, violating the law.

Ethics Enforcement
ICMA enforces the Code of Ethics through a formal review process administered by a peer-review body, the ICMA Committee on Professional Conduct (CPC). The confidential process provides a member with the opportunity to respond to the complaint and for the appointment of a fact-finding committee where additional documentation and information is required. At the conclusion of the review process, the CPC can decide to close a case where no violation has occurred; issue a private censure for an ethics violation; or recommend that the ICMA Executive Board publicly censure and/or expel, bar or revoke the credential of a member who has violated the Code of Ethics. New in FY12, the CPC can recommend to the Executive Board that a member’s membership be suspended for a period not to exceed five years and any member barred or expelled from membership are so for life.

The ICMA Committee on Professional Conduct reviewed 9 ethics complaints filed against ICMA members. The reviews resulted in:

- 1 public censure and expulsion;
- 1 public censure and membership bar;
- 5 private censures; and
- 2 closed cases
Conduct that resulted in a public censure and expulsion

► Running for elected office
  • An administrator successfully ran for an elected seat on the governing body of the community where he lived and formerly served as administrator. (Tenet 7)

Conduct that resulted in a public censure and membership bar

► Professional respect, contact with elected officials; length of service
  • While working for another local government, a member communicated about city business with a council member and mayoral candidate in his former community; made comments criticizing the incumbent manager’s performance; and did not inform his colleague about any of the conversations. The member also sent his résumé to the mayoral candidate shortly before an election. The member also failed to serve a two-year tenure after he resigned his position after serving only nine months in order to return to the his previous community as the manager. (Tenets 2, 3, and 4)

Conduct that resulted in a private censure

► Driving under the influence
  • A member pled no-contest to a misdemeanor charge of driving under the influence. (Tenets 2 and 3)

► Supporting a candidate for elected office
  • A manager made a financial contribution to a congressional candidate and also made two contributions to a political organization. (Tenet 7)
  • A manager attended a gubernatorial candidate’s kickoff event and made a financial contribution to the campaign. (Tenet 7)

► Length of service
  • After serving approximately 16 months, a manager resigned to take a preferred position in another state. (Tenet 4)

► Violation of the law
  • A member pled no-contest to reckless driving. (Tenets 2 and 3)

Working with Fact-Finding Committees
Fact-finding committees appointed by the state association president to assist in gathering information on cases serve as an arm of the CPC and play an invaluable role in the ethics process. ICMA staff worked with one fact-finding committee, appointed at the request of the CPC, to investigate a member’s conduct that spanned across Missouri and Illinois.
Ethics Advice and Resources
ICMA staff responded to 45 ethics inquiries requests from members for confidential advice and assistance in resolving ethics dilemmas. Challenging ethical issues are publicized in the ethics column of the monthly PM Magazine.

Members seeking ethics advice are encouraged to contact ICMA Director of Ethics Martha Perego at 202-962-3668 or mperego@icma.org or Jared Dailey, Program Manager, at 202-962-3557 or jdailey@icma.org.