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**Ethics Matter!**

**Ethics Versus the Law…**

**Which One is Better?**

Just because something is legal doesn’t make it ethical

If a public official or employee is facing an allegation of unethical conduct, what’s the standard response? “I’ve done nothing wrong. My conduct didn’t violate the law.” And chances are pretty good that even the most egregious conduct—even if it fails the smell test—is actually legal.

This is because our “ethics laws” tend not to be about ethics at all but rather about compliance with a set of narrowly drawn conflict-of-interest regulations that emphasize relationships and disclosure of financial matters. And, although many are based on the principle that public office is a public trust and government exists to serve the people, they don’t actually require us to do so.

But, because these ethics laws are the definitive standard, they actually encourage some to work to the rule rather than do what is right. Let’s face it. The gap between what the law requires of public officials and what the public expects in terms of honesty, transparency, and stewardship is as wide as the Grand Canyon.

Consider the impact the following legal conduct had on the public’s faith and confidence in government:

At 2 a.m. and without public notice, input, or debate, the Pennsylvania state legislature approved pay increases for the state’s legislators, judges, and executive staff. To their credit, Pennsylvania voters clearly and directly expressed their outrage at this act that so violated the ethical standards of transparency and open government. For the first time in the state’s history, a Supreme Court judge was not returned to the bench, and other long-serving incumbents were also defeated.

In another example, a seasoned manager cited his deep roots in the community as an asset when he returned to his hometown to become the city manager. Several years into his tenure, rumors surfaced of his questionable personal relationships and investments. Just as the city was about to finalize a major land acquisition, the media disclosed that the manager had a personal business relationship with both the seller’s agent and a principal in the seller’s firm.

In addition, the manager vacationed with the principal, and they even owned a boat together. The manager acknowledged investing in partnerships and property purchases with a councilmember, the chair of the planning commission, and a developer in the community. When he was forced to resign, the manager blamed the media for creating an atmosphere of distrust and defended to the end his integrity as well as his friendships.

Yet another example: During an inquiry following the death of a resident, one of the paramedics revealed that she had bypassed the nearest hospital in favor of one near her home so that she could run a personal errand at the end of the call. The paramedics concluded that the patient was just drunk when in fact he had been mugged and was suffering from severe head trauma.

Lastly, a manager applied for the position of town manager in the community where he and his wife lived—and where his wife served as the chair of the town council! The chair announced that she would let the search committee members do their work and, if her husband was a finalist, she would recuse herself. When pressed to address what would happen if he got the position, the chair replied that state ethics officials saw no conflicts with one spouse being on the council and the other being the administrator. Of course, she would recuse herself from any discussions and votes on performance and pay.

The search process was contentious, with the search committee chair announcing at the outset that they would not entertain any candidates who had a conflict of interest. A town councilmember questioned the integrity of the process when the first round of candidates was tossed out, noting that there was the appearance that the husband was given a big edge. When two search processes failed to result in the selection of the husband, he cried foul and argued that he hadn’t received equal and fair consideration because of this “perception of a conflict of interest.”

The fact that state and local governments are adopting ethics laws and requiring mandatory training is not bad. This approach at least frames the minimum standards and opens the door for the far more difficult discussions about why the conduct described above is unethical.

Mere adherence to the letter of the law alone isn’t going to build the trust and confidence of those we serve. To gain trust, we must commit to a standard of conduct that is far higher. As public officials and employees, we must be honest, responsible with public resources, and remember that, first and foremost, our duty is to serve.

Last, we need the courage to challenge those in public service who are too blinded by ambition, emotion, or self-interest to understand the damage they do when they recklessly place their interests above those of the public. It’s the Mt. Everest of challenges!

**Martha Perego**ICMA Ethics Director  
Washington, D.C.  
[mperego@icma.org](mailto:mperego@icma.org)