

CITY OF MADISON ETHICS BOARD COMPLAINT FORM

1. All complaints must be made in writing. Completion of this form is not required, but this form is designed to assist you in providing the required information. For more information please refer to the Ethics Board Procedures Manual and Madison General Ordinance Section 3.35. For additional information, contact The Office of the City Attorney at (608) 266-4511.
2. Complaints shall be directed to the attention of the Ethics Board at the City of Madison, c/o City Attorney's Office, 210 Martin Luther King, Jr. Boulevard, Room 401 City-County Building, Madison, WI 53703.
3. The complaint shall be made under oath and may be made on information and belief.

COMPLAINANT INFORMATION

NAME Davin Pickell			
ADDRESS 17 Merrill Crest Dr.			
CITY Madison	STATE WI	ZIP 53705	
HOME PHONE 608-345-9350 (Cell)		BUSINESS PHONE 608-258-4168	

SUBJECT OF COMPLAINT

NAME Dave Cieslewicz		
ADDRESS 2309 Eton Ridge		
CITY Madison	STATE WI	ZIP 53726
POSITION/OCCUPATION Mayor of the City of Madison		PHONE (if known) TEL: (608) 266-4611 TTY: 1-866-704-2340 FAX: (608) 267-8671

The purpose of the Ethics Board is to see that the Code of Ethics as outlined in Section 3.35 of the Madison General Ordinances is uniformly applied to all City of Madison employees and officials. The areas of responsibility include, but are not limited to: (a) Fair and Equal Treatment, (b) Conflict of Interest, (c) Incompatible Employment, (d) Disclosure of Confidential Information, (e) Gifts and Favors, (f) Political Activity, (g) Campaign Contributions, (h) Disclosure of Economic Interests, and (i) Real Estate Disclosure.

NATURE OF COMPLAINT

Section Violated 3.35(5)(a) 2	Standards of Conduct: Influence and Reward

The facts constituting the alleged breach of ethics must be set forth in detail with clearness and certainty. Please reference specific sections within Madison General Ordinance 3.35 which you believe to have been violated. Please attach additional sheets as required.

On Thursday August 19th, 2010, the first meeting of the Overture Ad Hoc Committee commenced by skipping over the statutorily required public comment period completely [M.G.O. 33.01(9)(b)], in the form of an agenda item for that night's meeting.

Moving on to the 'Business' at hand, City of Madison Mayor Cieslewicz opened the meeting by delivering his 'charge,' [19524 Committee Charge from Mayor Dave Cieslewicz] in which he stated, among other things, that:

"He hoped to have a report to the Common Council by October 19, 2010. He stated that the Overture Center carried a \$28 million debt and that issue has not been resolved (despite what the papers report) and will not be resolved until the Common Council votes to take over the building. If he cannot convince the Council to take over the building the city taxpayers would be potentially liable for \$6 million (or more) in 2011."

The \$28,000,000 debt that the Mayor spoke of is a privately held debt, currently in the name of Overture Development Corporation, I believe.

The Mayor was speaking in advocacy of Common Council endorsement of a plan that would be subsequently negotiated to facilitate the satisfaction of a forbearance agreement between Overture Development Corporation, the Madison Cultural Arts District, 201 State Foundation, Inc., JPMorgan Chase Bank, N.A., US Bank National Association, which is all too ridiculously complicated to do sufficient injustice to here.

On page 7 of the Forbearance Agreement, it is stipulated that:

"The Overture Parties have advised Lenders and Agents that the source of funds for the Final Payment shall be donations and gifts to 201 State or Overture Development Corporation."

I believe that any and all steps taken by Mayor Cieslewicz in pursuit of facilitating the City purchase of Overture may be violations of the City of Madison Ethics Code, by virtue of an Advisory Opinion issued by the City of Madison Ethics Board on October 15, 2010, regarding Soliciting Funds for a Conference, which stated, in part:

The Ethics Board determines that solicitation of funds from entities which either are regulated by the City or regularly do business with the City would violate sec. 3.35(5)(a) 2, because the Mayor would be "solicit[ing]...from any person or entity...anything of value..." and that solicitation in this case "could reasonably be expected to influence the incumbent's vote, official actions, or judgment..."

The specifics of the Names and Dollar Amounts of the promised "donations," from the various 'angel donors,' and an analysis of their current roles, if any, on the boards of any of the interested parties, or their employment status with any of the interested parties, or their other influential relationships with any of the interested parties will help establish who, if anyone, is similarly guilty of violating of the City of Madison Ethics code, and this will also help establish the record of why this instance of the Mayor soliciting funds is an obviously more egregious violation of section 3.35(5)(a)2 than the proposed circumstance opined upon by the Ethics Board in their 10/15/10 Advisory Opinion.

I'm not even sure, given the existing Advisory Opinion, whether a further determination is necessary, by the Ethics Board, but welcome the opportunity to see justice served, and Ethics prevail.

The undersigned, under oath, states that he or she has read the foregoing complaint and that the information contained in it is true and correct based on his or her personal knowledge, except for those matters alleged on information and belief and as to those matters, the undersigned believes them to be true and correct.

[Handwritten Signature]

11/10/11

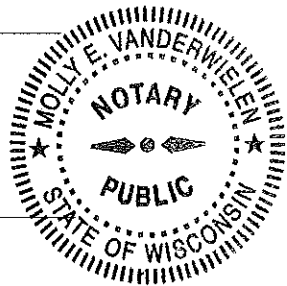
Subscribed and sworn before me
this 10th day of November, 2011.

[Handwritten Signature]

Notary Public

My Commission expires (is permanent)

7/19/2014



(seal)