



# City of Madison

## Meeting Minutes - Final

### ETHICS BOARD

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

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Tuesday, May 29, 2007

4:45 PM

215 Martin Luther King, Jr. Blvd.  
Room 260 (Madison Municipal Building)

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#### 1. CALL TO ORDER

*The meeting was called to order at 4:52 p.m.*

#### 2. ROLL CALL

*Staff: Michael P. May*

*Others Present: Mike Quieto, Aaron Halstead (attorney for Mike Quieto), Ryan Lipscomb, Maribeth Witzel-Behl.*

**Present:** Eric D. Hands, Carol A. Weidel, David Albino, Laura D. Rose, Michael B. Jacob and Charles G. Center

**Absent:** Michael E. Verveer

#### 3. PUBLIC COMMENT

*Rosemary Lee spoke in opposition to Item 6. Susan Vilbrandt spoke in opposition to Item 6. Alderperson Zach Brandon spoke in favor to Item 6. Alderperson Brena Konkel spoke for informational purposes on Item 6.*

#### 4. APPROVAL OF MINUTES

*Carol Weidel asked that the minutes of May 2, 2007 be corrected to reflect the fact that she recused herself from the Quieto complaint due to having formed an opinion on the case and communicated it to City Clerk. David Albino asked that the minutes be changed to reflect the fact that he voted "No" on the motion to accept jurisdiction of the Quieto complaint.*

**A motion was made by Weidel, seconded by Hands, to Approve the Minutes.  
The motion passed by acclamation.**

#### CLOSED SESSION NOTICE

*When the Ethics Board considers the following item, it may go into closed session pursuant to Section 19.85(1)(a), Wisconsin Statutes, which reads as follows: Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. If the Ethics Board does convene in closed session as described above, upon completion of the closed session, notice is hereby given that it may reconvene in open session to consider the following items without waiting 12 hours, pursuant to Wis. Stats. Sec. 19.85 (2).*

## 5. RESTRICTING CAMPAIGN ACTIVITIES OF ELECTION EMPLOYEES

*Upon request of Chair Center, and without objection by any member of the Board, the Board then took up formerly Item 6 (Restricting Campaign Activities of Election Employees).*

*The proposed amendment to the Ethics Code would be to limit political activity by city election employees. The Board had some questions for Alderperson Brandon and for City Clerk Maribeth Witzel-Behl.*

### 06493

Creating Section 3.35(8)(g) of the Madison General Ordinances to establish limitations on political and campaign activities of election employees.

**A motion was made by Jacob, seconded by Albino, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by the following vote:**

**Absent:** Verveer

**Aye:** Hands, Albino, Rose and Jacob

**No:** Center

**Abstain:** Weidel

## ROLL CALL

**Present:** Michael E. Verveer, Eric D. Hands, Carol A. Weidel, David Albino, Laura D. Rose, Michael B. Jacob and Charles G. Center

## 6. ETHICS COMPLAINT HEARING - BRANDON COMPLAINT vs. QUIETO

*The Board then considered formerly Item 5 (Ethics Complaint Hearing - Brandon Complaint vs. Quietto).*

*Mr. Quietto's lawyer, Aaron Halstead, questioned whether recording the hearing through the use of notes was sufficient. Mr. Center indicated that the Ethics Board practice was to prepare the notes as the Record. He noted that all the Ethics Board did was to make a recommendation either to the Common Council or the City Attorney, after which there was further opportunity for testimony.*

*Zach Brandon, being sworn in, referred the Board to his complaint and the exhibits attached to it. He testified that Quietto was employed in the City Clerk's Office. He said Quietto falsely certified that Ryan Lipscomb had reviewed documents filed with the Clerk. He referenced the campaign finance report of January 24, 2006, showing Quietto's signature and his affiliation with the TAA- PAC, Lipscomb's signature as shown on the finance report of July 11, 2006, and the filings on behalf of the TAA-PAC dated March 17, March 24, and March 25, 2007, all of which were signed in Lipscomb's name by Quietto.*

*Brandon testified that the issue was whether a City employee could sign a document on behalf of an organization. He noted that the documents include a certification that it has been reviewed by the person signing it. He asserted that Mr. Quietto turned in his document to the Clerk's Office and that it was Quietto's job to review the document. He testified that this was a benefit to a political organization with which Quietto was affiliated. The benefits included avoiding penalties for a late filing.*

*Brandon also questioned who time-stamped the document in. Was this done by Quieto? He testified that other persons can't get City Clerk employees to fill out and file their documents on their behalf and this was a clear benefit to the TAA-PAC, with which Quieto was associated.*

*Michael Jacob asked whether it was Brandon's position that the TAA improperly used Quieto.*

*He stated no, it was his position that Quieto improperly used his position for the benefit of the TAA.*

*Following Brandon's testimony, a motion to dismiss was made by Attorney Halstead on behalf of Mike Quieto. He argued that there was no evidence that Quieto took any official action as a City Employee. Brandon then indicated he wanted to examine Mr. Quieto. Such examination was to take place after Mr. Halstead's cross-examination of Brandon.*

*On cross-examination by Mr. Halstead, Brandon admitted that he had stated that Mr. Quieto falsely signed documents and had participated in apparent forgery. He denied that he told people Mr. Quieto forged the documents, but admitted that news accounts may have done this. He stated that he did not call either Lipscomb or Quieto about the documents before filing a complaint.*

*He agreed that it would be allowable if Lipscomb authorized the use of his stamp for his name. Brandon stated that the problem was that Quieto signed these documents as he was an employee in the Clerk's Office. He also testified that he believed Quieto's crossing out a portion of his first name was an attempt to conceal that he had a personal interest in the filing. He asserted again that the problem he saw is that Mr. Quieto was an employee at the time. He couldn't have signed his own name because of the indication of an inherent personal interest in the matter.*

*Mr. Brandon was asked several questions regarding his proposed amendment to the Ethics Code (Item 6 of the agenda). He stated he believed the ordinance was a solution to the problem being considered in the Quieto complaint this evening. Brandon testified that he would need evidence from Quieto to be able to prove that he signed the documents either in the Clerk's Office or on City time. He believed he had sufficient information and belief to bring the complaint, but needed that evidence from Quieto. He believed there was possibility that Quieto may have reviewed or done the work on City time. When asked about the time stamping, Mr. Brandon admitted that the filing could have been mailed on that day and it would have been timely.*

*Mike Quieto was then sworn in. Mr. Brandon questioned him.*

*Quieto testified that he was a TAA member and is not an officer of the TAA-PAC. He is part of the Public Education Committee of the TAA.*

*He indicated he was an officer of the TAA - PAC in 2006. He was unclear if they have unregistered him as an officer in March of 2007. He does recall that they filed documents with the state to indicate that Mr. Quieto was not Treasurer of the TAA-PAC after April of 2006. He was still a principal officer of some sort in the TAA-PAC in March of 2007.*

*In reviewing the documents, Mr. Quieto admitted he signed the document dated January 24, 2006.*

He stated that with respect to the document dated March 25, 2007, he signed for Lipscomb because Lipscomb's signature was needed on the form. He stated that Lipscomb gave him his authority to do this, and that he was authorized to sign Lipscomb's name. He testified that this was done at an earlier meeting of the TAA, but that Lipscomb also gave him his o.k. in a phone conversation on the Sunday prior to the Monday date of filing. He stated that the TAA had an arrangement whereby any of Lipscomb, Quieto, or Supanich could sign the other's names if necessary on required filings.

He also stated that he signed the documents dated March 17, 2007, and March 24, 2007, in Lipscomb's name and with Lipscomb's permission. All the documents were filed on March 25, 2007, even though they had different dates on them.

He also stated that he told Deb in the Clerk's Office that he had signed them with Lipscomb's permission, and that he asked Deb to review the materials because Quieto did not think he should review them because of his association with the TAA. He stated that he handed them to Deb when the office opened. He cannot recall whether he or Deb stamped the documents in. He was in the office at the time he asked Deb to review the documents.

He testified that Deb agreed that she would review the documents. She didn't say anything about the signature by Quieto on Lipscomb's behalf. Quieto asked if he should go back to the public side of the Clerk's counter to turn in the documents and she said that wouldn't be necessary. He testified that Deb was the only employee who reviewed the documents. She then gave the documents to Quieto and stated that her review was finished and he should make copies and put them in the file. It was after 8:00 A.M. when he copied and two-hole punched the documents for the file.

He stated that Lipscomb did not actually review the document before Quieto signed it on his behalf, but that they discussed it and went through the numbers.

Ryan Lipscomb was sworn in. On questioning by Mr. Brandon, he testified that he was a member of TAA and the Treasurer of the TAA-PAC. He identified his signature on the document dated July 11, 2006.

Lipscomb stated that he did talk to Mr. Quieto on the Sunday before the Monday that the documents were due. The document was still being completed. Lipscomb said he was working at his lab and had to finish some work there. He couldn't get to the TAA office. He had reviewed the checkbook and went through the numbers with Quieto, and had Quieto fill out the form. He testified that he did not review the form before Quieto filed it. He testified that he told Quieto to sign Lipscomb's name on his behalf. He reviewed the data in the document, but never actually reviewed the document itself. He also asked Quieto to drop it off at the Clerk's Office.

On examination from Mr. Halstead, Lipscomb testified that Brandon never contacted him before filing a complaint. He stated that neither Mr. Brandon nor anyone else had contacted him.

Attorney Halstead renewed his motion to dismiss on behalf of Mr. Quieto on the grounds that there was insufficient evidence that Mr. Quieto had taken any official action as a member of the Clerk's Office with respect to the filings, or that he used or attempted to use his office for the benefit of the TAA.

**A motion was made by Albino, seconded by Jacob to Grant the Motion to Dismiss. The motion passed by the following vote:**

**Aye:** Hands, Albino, Rose and Jacob

**Abstain:** Center, Weidel and Verveer

**7. SET NEXT MEETING DATE**

*No meeting date was set.*

**8. ADJOURNMENT**

*The meeting adjourned at approximately 7:21 P.M.*

**A motion was made by Rose, seconded by Hands, to Adjourn. The motion passed by acclamation.**