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April 13, 2017

VIA EMAIL [SBrist@cityofmadison.com](mailto:SBrist@cityofmadison.com)

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**RE: Complaint to the Ethics Board (Alder Sara Eskrich)**

Dear Mr. Brist:

This letter follows up on our telephone conversation from yesterday. Quarles & Brady has been retained by Alder Sara Eskrich in connection with the ethics complaint filed against her. We understand that the Ethics Board has scheduled a meeting on April 25 to consider the complaint.

This letter is to request that the meeting on April 25 be used for the purpose of considering the Board's jurisdiction; namely, the sufficiency of the complaint. In the matter at hand, Ms. Eskrich sought legal advice when the conflict arose. Consistent with the applicable ethics requirements and the advice she received, she appropriately recused herself. The complaint speculates that Ms. Eskrich's conflict must have arisen sooner than it actually did, but references nothing other than the complainant's suspicions to support this assertion.

Fundamentally, we believe the complaint fails to provide information or evidence sufficient to permit the ethics charges against Ms. Eskrich to proceed to hearing. It is unfair to require Ms. Eskrich to show up for a hearing at which, in essence, she would need to defend against suspicions and assumptions in order to affirmatively prove her innocence. I will be filing a written motion to dismiss the complaint against Ms. Eskrich before the April 25 meeting for this reason, and we ask that the Board consider and decide this motion at the meeting. Assuming the complainant can show evidentiary support for her complaint going beyond mere assumption and speculation, and the Board decides the allegations are sufficient to merit a hearing, this


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hearing can be scheduled. If that's the outcome, Ms. Eskrich will attend and defend at the hearing, showing the charges to be baseless, but it is premature and fundamentally unfair to put her to the expense and inconvenience of defending where, as it stands, there is no apparent *evidence* of wrongdoing even as a *prima facie* matter. If the matter goes to a hearing on April 25, without more, any city official or employee can be put to the expense of defending against allegations made on mere assumption or suspicion. We think that sets a terrible precedent and would like to be heard.

Should you have questions regarding this request please let me know.

Very truly yours,

QUARLES & BRADY LLP



Gregory T. Everts

GTE/slj

cc: Ms. Janet Etnier (via U.S. Mail)