

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 Tom Carto		
ADDRESS 16 Cornucopia Ct.		
CITY Madison	STATE WI	ZIP 53719-3083
POSITION/OCCUPATION President & CEO Overture Center for the Arts		PHONE (if known) 608-230-5713

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) (b)	Privelege and Advantage

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. Pleas attach additional sheets as required.

On Friday October 22nd, 2010, at 12:16 p.m. Deirdre Garton sent out an e-mail to an (the?) Overture Center for the Arts mailing list, presumably using a City computer, and/or the City computer network, and/or letterhead generated by City of Madison Employees while working for the City of Madison. The e-mail was a privileged use of City-owned equipment, a City operated computer network, and was delivered to a mailing list compiled by City employees, using letterhead presumably generated by City employees.

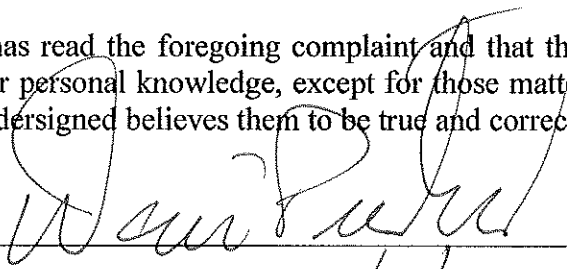
Ms. Garton is primarily a private citizen, with private interests, including private interests currently before the Common Council. As the chair the board of the Privately operated 201 State St. Foundation, she has a personal interest in the outcome of the public policy decision. Tom Carto, as President and CEO of Overture Center for the Arts, and as a City Employee, bears ultimate responsibility for letting his other employer, 201 State St. Foundation's chair Deirdre Garton, use City owned equipment to lobby support for a Public Policy issue currently before the Madison Common Council.

Her sending out an e-mailed correspondence whatsoever appears to be a violation of 3.35(5)(b), as such a right is not available to the public generally, and as far as I'm aware, the message, or the use of the various City properties was not approved, in advance, by the Common Council, regardless of the content of the e-mail. Mr. Carto's facilitating such an act would appear to be, by extension, a violation of the Ethics Code as well.

The political rallying cry encouraging e-mail subscribers to weigh in on a public policy matter, with incomplete information, and with a misrepresentation of the truth therein contained simply exacerbates such an ethics violation.


I have a copy of a forwarded version of the e-mail, but as such, I can't authenticate the integrity of the message contained therein. I would suggest a polite request or an open records request would put the integrity question to rest, before moving on to the ethical issues.

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.



11/2/10

Subscribed and sworn before me,
this 9th day of November 2010.



Notary Public

My Commission expires (is permanent)
Nov 20, 2011

(seal)