



City of Madison

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

Meeting Minutes - Approved ETHICS BOARD

Thursday, April 4, 2019

5:00 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (City-County Building)

CALL TO ORDER / ROLL CALL

The meeting of the Ethics Board was called to order by Chair Mary Czyszczak-Lyne at 5:00 p.m.

Others present: Assistant City Attorney Brist, Enis Ragland and Mary Bottari.

A quorum was present and the meeting was properly noticed.

Present: 5 - Michael E. Verveer; Mary Czyszczak-Lyne; David Albino; Joseph B. Baring and Drew Cochrane

Absent: 1 - William C. Keys

APPROVAL OF MINUTES

A motion was made by Baring, seconded by Cochrane, to Approve the Minutes of July 2, 2018. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

NEW BUSINESS

DISCUSSION ITEMS

54707

Jurisdictional Hearing on Ethics Board Complaint:
Laura Doherty, Complainant
Paul Soglin, Subject of Complaint

The Chair called upon Assistant City Attorney Brist, who informed the Board members that the Complainant, Laura Doherty, sent an email indicating that she could not attend the hearing and she stated that she was the primary caregiver for her mother and that her mother's health had taken a drastic downturn. She asked that the hearing be rescheduled. Brist stated that he conferred with the Chair and that the decision was made to proceed. Brist said that Doherty offered to submit additional information by way of email but, that as of the time that he left his office for today's meeting, such additional

information had not been received.

In response to a question, Brist said that the Complainant first attempted to file a Complaint in December, 2018. However that document was not notarized. A notarized Complaint was received by the City Attorney's Office on Feb 8, 2019. A hearing was scheduled for February 28, 2019, but that hearing cancelled at request of the Complainant, because of a family medical issue and that as a result the Complainant was out of the state.

Brist raised the question whether the Board lacked jurisdiction under Sec.3.35(4) MGO, because the complaint did not include allegations demonstrating that another body, such as a court or administrative agency has made a final determination that the respondent has violated a provision of law.

Drew Cochrane stated that the Board lacked jurisdiction for that reason, and stated that the Board also lacked jurisdiction to consider whether a violation of Sec. 19.59(1)(b) Wis. Stats. had occurred, because that provision is a state law.

David Albino stated that in addition to those two reasons, the Board lacked jurisdiction because the violation that allegedly occurred when the Respondent met with developers occurred more than 12 months before the complaint was filed. He pointed out that the Complaint stated that the meeting occurred in the Spring of 2017.

Ald. Michael Verveer stated that the Board had recently faced a similar jurisdictional question regarding Sec. 3.35(4) MGO and the Board had concluded that, absent a showing that the respondent in the previous matter had been determined to have broken the law, the Board lacked jurisdiction. Verveer stated that the same analysis applied in this matter.

Cochrane moved that the Complaint be dismissed because the Ethics Board lacked jurisdiction for the following reasons: 1) that under Sec. 3.35 (4) MGO, the complaint did not include allegations demonstrating that another body, such as a court or administrative agency has made a final determination that the respondent has violated a provision of law; 2) that the Board lacked jurisdiction over the state law claim in the complaint; and 3) that the alleged violation of the Ethics code occurred more than 12 months before the complaint was filed. Joseph Baring seconded the motion.

Following discussion, the motion was amended by unanimous consent to state that Brist was directed to prepare a decision for the Board and that the motion state that the decision was made without prejudice. The amended motion was adopted on a voice vote.

Cochrane then moved that Brist be directed to send a letter to the Complainant informing her of the decision and stating that the decision was made without prejudice, and that the Complainant could refile the Complaint. Further, that the letter state that Sec. 3.35(5) MGO contains provisions embodying the same principles as Sec. 19.59(1)(b) Wis. Stats. Baring seconded the motion. The motion passed on a voice vote.

Verveer requested that in the future that, in addition to placing agendas and board materials in Legistar, the entire board packet be emailed to the Board members prior to the meeting.

ADJOURNMENT

A motion was made by Verveer, seconded by Albino, to Adjourn at 5:37 p.m..
The motion passed by voice vote/other.