
ETHICS COMMITTEE MEETING PRESENTATION

NOVEMBER 30, 2021

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DISCUSSION

- Board of Review
- Members
- Room layout and candy
- MGO 3.35
- Harassment and Abuse of Process

BOARD OF REVIEW

The property owner's right to appeal an assessment is a constitutional right. Article I, Section 9 of the Wisconsin Constitution declares that "every person is entitled to a certain remedy in the laws. He ought to obtain justice freely without being obliged to purchase it, promptly and without delay, conformably to the laws." In compliance with this, state laws provide for a local BOR to consider and decide upon all protests against assessments. The BOR is a quasi-judicial body charged with the duty of correcting errors in the assessments.

BOARD OF REVIEW CONTINUED

- By state statute (Wis. Stat. § 70.47), the Board must meet in person. There have been no Covid exceptions. Telephonic testimony is allowed for property owners.
- In Madison, the Board meets about 18 times on average. Each of these meetings includes approximately 3 – 5 hearings.
- Hearings include appeals for both residential and commercial property. The appeals tend to be about an even distribution between the two classes of property each year.
- Hearings can last from 30 minutes to 2 hours.
- An average meeting will last 4 – 5 hours which includes deliberation.

BOARD OF REVIEW MEMBERS

Currently, we have 5 members and 1 alternate.

The members include:

- Retired Administrative Law Judge
- Retired Chief Judge for Dane County Circuit Court
- Retired Department of Revenue employees
- C.P.A.
- Retired Realtor

ROOM LAY OUT

- BOR meets in Madison Municipal Building, room 215



CANDY

VALUE: MINI KIND BAR (.66/BAR); FUN SIZE CANDY .18/CANDY (TARGET)



MADISON GENERAL ORDINANCES

- MGO 3.35 (5) Code of Ethics
- (2) Definitions . As used in this section:
 - (a)"Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the City, money or items which are permitted and reported under Sec. 3.35(6), political contributions which are reported under Wis. Stat. ch. 11, or hospitality extended for a purpose unrelated to City business by a person other than an organization.

MADISON GENERAL ORDINANCES

- MGO 3.35 (5)(a)2.

Influence and Reward . No person or entity may offer or give to an incumbent or member of an incumbent's immediate family, directly or indirectly, and no incumbent may solicit or accept from any person or entity, directly or indirectly, anything of value if it could *reasonably* be expected to *influence* the incumbent's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on her or his part.

MADISON GENERAL ORDINANCES

- MGO 3.35(5)(g)
- Receipt of Anything of Value . No incumbent may receive and retain any transportation, meals, entertainment, fee, food, beverage, or reimbursement therefore, nor any honoraria, service fee or contract payment or anything of value except in accord with Sec. 3.35(6).

MADISON GENERAL ORDINANCES

- MGO 3.35(6)(b)

During her or his term, no elected official or member of any board, committee or commission shall receive and retain from the City or on behalf of the City transportation, lodging, meals, food or beverage, or reimbursement therefore unless the same were incurred or received *primarily for the benefit of the City* and not primarily for her or his private benefit or that of any other person.

HARASSMENT AND ABUSE OF PROCESS

- **813.125 Harassment restraining orders and injunctions.**

- (1) DEFINITIONS

- (am) In this section:

- 4. “Harassment” means any of the following:

- b. *Engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose.*

- **Abuse of Process**

“Abuse of process” is a tort that occurs when someone uses a legal process, whether criminal or civil, against another primarily to accomplish a purpose for which it is not designed.

Wisconsin Public Service Corp. v. Andrews, 2009 WI App 30, 316 Wis.2d 734, 766 N.W.2d 232