

# 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 <b>Davin Pickell</b>		
ADDRESS <b>17 Merrill Crest Dr.</b>		
CITY <b>Madison</b>	STATE <b>WI</b>	ZIP <b>53705</b>
HOME PHONE <b>608-345-9350 (Cell)</b>		BUSINESS PHONE

### SUBJECT OF COMPLAINT

NAME <b>Dave Cieslewicz</b>		
ADDRESS <b>2309 Eton Ridge</b>		
CITY <b>Madison</b>	STATE <b>WI</b>	ZIP <b>53726</b>
POSITION/OCCUPATION <b>Mayor of the City of Madison</b>		PHONE (if known) <b>TEL: (608) 266-4611</b> <b>TTY: 1-866-704-2340</b> <b>FAX: (608) 267-8671</b>

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 <b>3.35(4)</b>	<b>Responsibility of Public Office</b>

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. Please attach additional sheets as required.

Mayor Dave Cieslewicz has allowed City of Madison employee and Overture Center President Tom Carto to also be employed by the Private party doing business as 201 State, Inc., I believe, which has previously negotiated with the city regarding various agreements and contracts of a financial nature.

Mr. Carto's compensation for that private job varies, but has been somewhere in the mid \$30K range over time.

There is no apparent Ordinance provision excepting Mr. Carto from the legal requirements of the Code of Ethics, barring a further search:

### **3.09 OVERTURE CENTER DIRECTOR.**

There is hereby created the position of Director - Overture Center. This position shall be filled according to Section 3.54(6)(f) of these ordinances, and the Mayor shall be the appointing authority for the position. The Director - Overture Center shall manage and administer all work involving the planning, organization, direction and control of the activities and operations, including programming, of the Madison Overture Center. The Director shall serve as staff to the Madison Cultural Arts District Board. (Cr. by Ord. 13,379, 8-2-03; Renum. by ORD-07-00048, 4-12-07)

Per the language of the Ethics Code:

**(c) Outside Employment. No incumbent shall engage in or accept employment or render service whether compensated or uncompensated when such employment or service would impair or reasonably appear to impair her or his independence of judgment or action in the performance of official duties.**

At some point, approximately two years ago, plus or minus two years, I would assert that the two separate employers: The City of Madison, and 201 State, Inc., made an adversarial step in the wrong direction which led to a very long journey which currently pits Mr. Carto's one employer against his other employer at the negotiating table, and Mayor Cieslewicz has continued to allow this ethical lapse.

As the Mayor, Mr. Cieslewicz is ultimately responsible for knowing the contractual limitations of his Directors, and Mr. Carto's private employment should have been terminated as soon as any negotiations between the City and the Private 201 State Foundation had commenced, if not sooner. His failure to do is a breach of his Responsibility of Office.

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.

Wain P. [Signature]

3-21-11

Subscribed and sworn before me

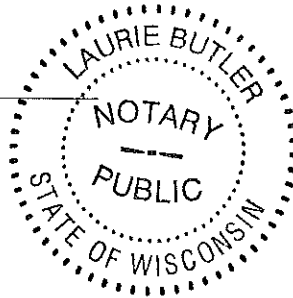
this 21<sup>st</sup> day of March 2011.

[Signature]

Notary Public

My Commission expires (is permanent)

10.5.2014



(seal)