

ETHICS BOARD

Thursday, April 29, 2010 @ 1:30 pm
La Crosse County Admin Ctr. Bldg, 3rd Floor, Room 3220

PRESENT: Roland Solberg, Lynne Valequette, Richard Kyte, William Shepherd (Counsel for County Ethics Board), Attorney Anna Pepelnjak (Counsel for Respondents), Pete Eide, David Munson, Tom Yoshizumi, and Laurie Tweten (Recorder)

EXCUSED: Robert Taunt

PROBABLE CAUSE HEARING RE: ETHICS COMPLAINT OF TOM YOSHIKUMI.

PROCESS AND PROCEDURES OF ETHICS BOARD HEARING.

Bill Shepherd reviewed the process and procedures of the Ethics Board's roles and the due process of a probable cause hearing. Shepherd advised the Ethics Board that they are responsible for reviewing the information and making a decision: (1) whether or not there was an ethics violation, (2) whether or not the complaint is frivolous, and (3) if complaint is frivolous, decide whether or not to sanction the complainant for fees and cost, pursuant to the s. 2.04(10)(b)11 of the La Crosse County General Code.

CLAIMANT'S STATEMENT.

Tom Yoshizumi stated that the respondents (Robert Taunt, Pete Eide, and David Munson) violated various sections in the Code of Ethics. Mr. Yoshizumi accused the respondents of treating him unfairly, showing disrespect, harassment, and intimidation which caused his health to decline and his willingness to come to work.

RESPONDENT'S MOTION TO DISMISS AND/OR FOR SANCTIONS.

Anna Pepelnjak discussed the difference between the County's Collective Bargaining Agreement with the Union and the Code of Ethics. Ms. Pepelnjak stated that Mr. Yoshizumi had filed a grievance with the County alleging the respondents violated the Collective Bargaining Agreement. Ms. Pepelnjak informed the Board that the selection of an independent arbitrator is currently pending, and Mr. Yoshizumi has a union representative assisting him in the grievance matter. Ms. Pepelnjak countered Mr. Yoshizumi's allegations that the respondents violated the Code of Ethics and stated the complaint is not appropriate for the Ethics Board. Ms. Pepelnjak questioned the Board on whether Mr. Yoshizumi should be sanctioned for filing a frivolous complaint with the Ethics Board.

ETHICS BOARD'S DECISION.

Board found no Code of Ethics violations by the respondents. Board members stated that the Ethics Board is not a place to hear labor relation issues and found no merit to Mr. Yoshizumi's complaint. **MOTION** by Valiquette/Kyte to dismiss the Code of Ethics complaint filed by Mr. Yoshizumi. **Motion carried unanimously.**

Board also found no basis that the complaint made by Mr. Yoshizumi was frivolous according to the County Code. **MOTION** by Valiquette/Kyte to not sanction Mr. Yoshizumi for any costs or fees related to filing a complaint with the Ethics Board, pursuant to La Crosse County General Code, s. 2.04(10)(b)11. **Motion carried unanimously.**

ACTION ITEM:

After hearing the Ethics Board's decision, Ms. Pepelnjak agreed to draft an order to dismiss and send to the County Corporation Counsel for review. If the Ethics Board Chair approves and signs the order, the Corporation Counsel office will send signed copies to all parties.

ADJOURNMENT

MOTION by Solberg/Kyte to adjourn. **Motion carried unanimously.** Hearing adjourned at 3:00 pm.

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.

Laurie Tweten, Recorder