

HOW TO USE THE MINUTES ARCHIVE

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Ethics Board
c/o Human Resources Department
625 52nd St. , Room 205
Kenosha, WI 53140
Phone (262) 653-4130
Fax (262) 653-4127
E-mail: ktery@kenosha.org



BOARD MEMBERS:
Cathryn Bothe
Bruce McCurdy
Raymond Potenziani
Julia Robinson
Thomas P. Aiello

CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD JANUARY 13, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 p.m.

Roll Call – all members were in attendance. Attorney Tom Binger was also in attendance.

1. The minutes from the December 16, 2013 meeting were revised and approved via motion made by Board Member McCurdy and seconded by Board Member Potenziani.
2. Attorney Binger shared that the City of Racine has not yet adopted the Intergovernmental Cooperation Agreement.
3. Board Member Bothe shared that she would like to draft a summary of the ethics complaint process so that the citizens of Kenosha can easily understand it. This will be included on the next meeting agenda for review and discussion.
4. The Board received complaint #4 against Alderman Scott Gordon. Review of this complaint will be included on the next meeting agenda. Attorney Binger will provide official notice to the accused.

Board Member Bothe called a recess until 4:30. She also noted that she would recuse herself from the 4:30 hearing.

5. 4:30 Hearing on complaint filed by Mary Magdalen Moser against Alderman Steve Bostrom.

Cathryn Bothe – Chairperson

Julia Robinson – Vice Chairperson

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

Thomas Aiello – Board Member

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CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD FEBRUARY 10, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 pm.

Roll Call – all members were in attendance except Board Member Julia Robinson. Attorney Tom Binger was also in attendance.

1. A motion to approve the minutes from the January 13, 2014 meeting was made by Board Member McCurdy and seconded by Board Member Potenziani.
2. Board Member Bothe noted that the January 27, 2014 Ethics Board meeting was canceled due to City Hall being closed because of weather conditions.
3. Board Member Bothe discussed the possible development of a summarized complaint process to be made available for the general public. After some discussion, the Board decided not to pursue it but rather discuss this idea with City Council sometime in the future.
4. Board Member Bothe recused herself from the next discussion regarding the findings of fact and conclusions of law from the hearing on the complaint filed by Mary Magdalen Moser against Alderman Steven Bostrom due to a conflict of interest. Attorney Binger shared the timeline in which the Board would need to deliver its final decision to the Common Council. He also shared changes that were made to the Board's conclusion, which were approved by the Board. Board Member Robinson would be able to weigh in at the next scheduled meeting.
5. Board Member Bothe returned to the meeting. Attorney Binger shared that Alderman Bogdala requested an advisory opinion of the Board regarding whether using his city email address to communicate with the public would be seen as unethical in light of the Alderman Bostrom finding. The Board shared that conducting city business with city email was very different than Alderman Bostrom's case which related to campaign use. The Board agreed that no ethical problem existed with Alderman Bogdala's concern. Attorney Binger noted that he would draft a written response to Alderman Bogdala as well as the City Attorney which would be reviewed and finalized at the next Board meeting. During this discussion, Board Member Aiello read Alderman Bogdala's email concern on record.
6. Future meeting dates were confirmed for February 24th, March 10th, March 24th, April 7th, and April 21st. Board Members Aiello and Potenziani will not be present at the March 10th meeting, and Board Member Bothe will not be present on March 24th.
7. Attorney Binger shared that the Board has received another request for an advisory opinion from Alderman Matthewson. Since this item was not on the agenda, it will be added to the next meeting agenda.

8. Board Member Aiello announced that he would recuse himself from the next complaint against Alderman G. John Ruffalo. At a prior meeting, Julia Robinson had recused herself due to a conflict of interest. A motion to enter into closed session to discuss the complaint against Alderman G. John Ruffalo was made by Board Member McCurdy and seconded by Board Member Potenziani.

The Board reconvened into open session. Board Member Bothe shared that in regard to the complaint filed against Alderman G. John Ruffalo by Alderman Patrick Juliana, the Board voted unanimously to dismiss it for lack of probable cause. Attorney Binger will issue written notice to both parties regarding this decision.

9. A motion to enter into closed session to discuss the complaint against Alderman Scott Gordon was made by Board Member McCurdy, and seconded by Board Member Potenziani.

The Board reconvened into open session. Attorney Binger shared that in regard to the complaint filed against Alderman Scott Gordon by Alderman Kevin Matthewson pertaining to his facebook page blocking and deletions of posts related to city business, the Board voted unanimously that the complaint does not state sufficient facts to constitute a violation of the Code of Ethics.

10. A motion to adjourn was made by Board Member Potenziani and seconded by Board Member McCurdy.

Cathryn Bothe – Chairperson

Julia Robinson – Vice Chairperson

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

Thomas Aiello – Board Member

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BOARD MEMBERS:
Cathryn Bothe
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Thomas P. Aiello

CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD FEBRUARY 24, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 pm.

Roll Call – all members were in attendance. Attorney Jeff Molinski was also in attendance.

1. A motion to approve the minutes from the February 10, 2014 meeting was made by Board Member McCurdy and seconded by Board Member Aiello.
2. Board Member Bothe shared that due to the immediate resignation of Board Vice President Julia Robinson, Mayor Bosman will propose her replacement at the next Common Council meeting.
3. Board Member Bothe shared that once a new Ethics Board Member has been appointed, Mayor Bosman has agreed to meet with Board Member Bothe and Board Member Aiello to review the Board's questions and issues that will be composed for the Common Council.
4. A motion to forward to the City Attorney the Findings of Fact and Conclusions of Law regarding the complaint against Alderman Bostrom was made by Board Member Aiello, seconded by Board Member McCurdy, and was carried unanimously.
5. A motion to approve Attorney Binger's advisory opinion to Alderman Bogdala was made by Board Member Potenziani, seconded by Board Member McCurdy, and was carried unanimously.
6. Board Member Aiello shared his interpretation that review of advisory opinions should be done in closed session or that the City Attorney should render these opinions. It was decided by the Board that the advisory opinion requested by Alderman Matthewson would be moved to closed session at the next Board meeting unless he states in writing that he would like it discussed in open session. Board Member Aiello is also requesting clarification from City Attorney Antaramian on whether or not he will render opinions instead of the Board.
7. The next meeting scheduled for March 10th may need to be canceled unless the new Board Member is approved and appointed by then. Board Member Aiello and Board Member Potenziani will not be at that meeting, so there may not be a quorum. Board Member Bothe shared that she will not be present at the April 21st meeting.
8. The items for the next agenda include a closed session to discuss the advisory opinion request of Alderman Matthewson, continue evaluation of the complaint against Alderman Scott Gordon, discuss complaint #6 in closed session, and elect a vice chairperson.
9. Board Member McCurdy urged the Board to review the citizen's comments portion of the video

of the February 19th City Council meeting. He also shared that there is a proposed resolution before Council to make a change in the Board's rules, specifically 30-10. This has been forwarded to all of the City's committees. Once this becomes public record, he will share it with the Board.

10. A motion to enter into closed session to evaluate the complaint against Alderman Scott Gordon was made by Board Member Aiello and seconded by Board Member McCurdy.

The Board reconvened into open session. Attorney Molinski shared that the Board is requesting clarification from the City Attorney regarding a specific portion of the Code of Ethics as it relates to the complaint against Alderman Gordon. A determination will be included on the next Board meeting agenda.

11. A motion to adjourn was made by Board Member McCurdy and seconded by Board Member Potenziani.

Cathryn Bothe – Chairperson

Thomas Aiello – Board Member

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

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BOARD MEMBERS:
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CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD APRIL 7, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 p.m.

Roll Call – all members were in attendance. Attorney Jeff Molinski was also in attendance.

1. A motion to approve the minutes from the March 24, 2014 meeting was made by Board Member McCurdy and seconded by Board Member Potenziani.
2. Board Member Bothe shared that Ron Bailey has agreed to serve on the Ethics Board. His appointment will be placed on the April 21, 2014 Common Council agenda for consideration.
3. Attorney Molinski shared the draft of the advisory opinion to Alderman Matthewson. A motion to approve the draft as written was made by Board Member Potenziani and seconded by Board Member McCurdy. Attorney Molinski will send this to Alderman Matthewson.
4. Board Member Bothe will not be present at the next meeting on April 21, 2014. Since Board Member Aiello has recused himself from the Alderman Juliana complaint, there will not be a quorum to discuss that matter at the April 21st meeting. New meeting dates were added on May 5th and May 19th.
5. There were no new items to add to the next agenda.
6. There was no other business as authorized by law.
7. A motion to move to closed session to evaluate the complaint against Alderman Juliana was made by Board Member Potenziani and seconded by Board Member McCurdy. Board Member Aiello recused himself.

The Board reconvened into open session. Attorney Molinski shared that sufficient facts were found for a probable violation of the Code of Ethics which warranted further investigation. An investigation plan would be conducted by the Board of Ethics' attorneys.

8. A motion to adjourn was made by Board Member Potenziani and seconded by Board Member McCurdy.

Cathryn Bothe – Chairperson

Thomas Aiello – Vice Chairperson

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

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BOARD MEMBERS:
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Thomas P. Aiello
Raymond Potenziani
Bruce McCurdy
Ronald Bailey

CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD MAY 19, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 pm.

Roll call – all members were in attendance. Attorney Jeff Molinski was also in attendance.

1. A motion to approve the minutes from the April 7, 2014 meeting was made by Board Member McCurdy and seconded by Board Member Aiello.
2. Board Member Bothe welcomed Ronald Bailey as the newest Board Member.
3. Board Member Bothe shared points from a meeting that took place between herself, Board Member McCurdy, Mayor Bosman, and City Attorney Ed Antaramian regarding procedural revisions to the Board of Ethics Ordinances. She summarized the Mayor's opinion that if an Alderperson submitting proposed changes requests said changes be sent directly to Common Council without input, that the request would be honored. Otherwise, the Ethics Board would be able to include input.

The recently approved change to the Ordinance states that the City of Kenosha Human Resource Department must forward a filed Ethics complaint to the Ethics Board within 15 days of receiving it, and the Ethics Board must forward a copy of the verified complaint to the accused within 45 days of filing. The Ethics Board was in agreement with this change.

4. The next meeting dates are scheduled for June 2nd, June 16th, June 30th, July 7th, and July 21st. Meetings will be cancelled if there are no complaints to include on the agendas.
5. Board Member McCurdy asked for a status update on the Alderman Bostrom complaint. Attorney Molinski shared that it will be placed on a Common Council agenda and that he will follow up with City Attorney Antaramian.
6. A motion to move to Closed Session to evaluate the complaint against Alderman Gordon was made by Board Member Potenziani and seconded by Board Member Aiello.

The Board reconvened into open session. Attorney Molinski stated on behalf of the Board that it voted unanimously to dismiss the complaint for failure to state a claim.

7. A motion to move to Closed Session to further discuss the complaint against Alderman Juliana was made by Board Member Bailey and seconded by Board Member Potenziani. Board Member Aiello recused himself.

The Board reconvened into open session. Attorney Molinski stated on behalf of the Board

that it voted unanimously to dismiss the 44 count complaint for failure to state a claim.

8. A motion to adjourn was made by Board Member Potenziani and seconded by Board Member McCurdy.

Cathryn Bothe – Chairperson

Thomas Aiello – Vice Chairperson

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

Ronald Bailey – Board Member

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BOARD MEMBERS:
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Raymond Potenziani
Bruce McCurdy
Ronald Bailey

CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD NOVEMBER 17, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 pm.

Roll call – all members were in attendance. Attorneys Jeff Molinski and Christopher Conrad were also in attendance.

1. A motion to approve the minutes from the May 19, 2014 meeting was made by Board Member Bailey and seconded by Board Member McCurdy.
2. The Board reviewed and discussed proposed language of 'Intimidation and Retaliation' in the General Ordinance. The Board wants the language to include City of Kenosha citizens rather than just covered persons. Attorney Molinski will draft an email to Mayor Bosman and City Attorney Antaramian reminding them of the Board's original intent to change this language to include citizens in the ordinance.
3. The next meeting date is scheduled for Monday, December 1, 2014. The meeting will be cancelled if there are no new complaints to discuss.
4. A motion to move to Closed Session to evaluate the complaint against Alderman Ruffalo was made by Board Member McCurdy and seconded by Board Member Bailey. Board Member Aiello recused himself.

The Board reconvened into open session. A motion to move back to Closed Session to discuss how to handle complaint withdrawals was made by Board Member Bailey and seconded by Board Member McCurdy.

The Board reconvened into open session. The Board decided to allow Board Member Juliana to withdraw his Ethics Complaint dated October 13, 2014. Attorney Molinski was authorized to send an email to City Attorney Antaramian with suggestions regarding the withdrawal of future complaints.

5. A motion to adjourn was made by Board Member Bailey and seconded by Board Member McCurdy.

Cathryn Bothe – Chairperson

Thomas Aiello – Vice Chairperson

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

Ronald Bailey – Board Member

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BOARD MEMBERS:
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Raymond Potenziani
Bruce McCurdy
Ronald Bailey

CITY OF KENOSHA ETHICS BOARD
MINUTES OF MEETING HELD DECEMBER 1, 2014

The meeting was called to order by Board President Cathy Bothe at 4:00 p.m.

Roll Call – all members were in attendance with the exception of Board Member Bailey. Attorney Jeff Molinski was also in attendance.

1. Board Member McCurdy recommended that the minutes from the November 17, 2014 meeting be corrected to read Alderman Juliana rather than Board Member Juliana in item number 4. A motion to approve the amended minutes was made by Board Member Aiello and seconded by Board Member McCurdy.
2. Attorney Molinski shared that he addressed suggestions of the Board with the City Attorney's office but has not received a response yet.

The next meeting date was scheduled for Monday, January 5, 2015.

- 3./4. A motion to consider both complaints from agenda item number 3 and 4 in Closed Session was made by Board Member Potenziani and seconded by Board Member McCurdy.

The Board reconvened into open session. Attorney Molinski shared that the Board agreed to dismiss both the complaint against Alderman G. John Ruffalo and the complaint against Alderman David Bogdala (Agenda Items 3 and 4) because violations were incorrectly alleged under Section 30.03 of the City of Kenosha Ordinance, not Section 30.06. In addition, for a complaint to be filed, it must be filed by a person, not an entity. The Board will review subsequent complaints if a violation of Section 30.06 of the City of Kenosha Ordinance is alleged.

5. A motion to adjourn was made by Board Member Aiello and seconded by Board Member McCurdy.

Cathryn Bothe – Chairperson

Thomas Aiello – Vice Chairperson

Bruce McCurdy – Board Member

Raymond Potenziani – Board Member

Ronald Bailey – Board Member