

BOARD DISPUTE RESOLUTION COMMITTEE II MINUTES (KROLCZYK VERSUS SORENSEN)

June 19, 2014

CALL TO ORDER

County Board Chairman David Hintz called the Board Dispute Resolution Committee II, Krolczyk versus Sorensen, to order at 1:30 p.m. in the County Board Room of the Oneida County Courthouse. It was noted that this meeting had been properly noticed in accordance with the Wisconsin Open Meeting Law and meets the Americans With Disabilities Act.

PANEL MEMBERS PRESENT: David Hintz – Chairman, Carol Pederson, and Billy Fried

ALSO PRESENT: Linda Herrmann, Dan Gleason (Labor Relations/Employee Services); Brian Desmond (Corporation Counsel); Cade Halada (ITS); Jack Sorensen, Lance Krolczyk, Scott Holewinski, Bob Mott, Alan VanRaalte (Supervisors); Jeffrey Jackomino (Attorney); Jonathan Anderson (Lakeland Times); Ken Krall (WXPR); Joel Knutson, Bob Elliott, Jim Eifler, (Citizens)

APPROVE AGENDA

Motion by Pederson, second by Fried to approve the agenda for the present meeting. All ayes; motion carried.

Chairman Hintz provided an overview of the agenda starting with item number 3 where they will briefly review the Oneida County Board of Conduct. The panel should have 3 documents: the agenda for today's meeting, Krolczyk's complaint and the Code of Conduct. Item number 4 will be the presentation by the complainant and how he feels the conduct was violated and that will include evidence and witnesses. There is no public comment section during this meeting but the supervisors can call witnesses or other people to speak. Recordings of the meeting in question are available and can be played if either party desires. Also available is the recording of the most recent County Board meeting where Supervisor Sorenson made some comments at the end of the meeting. Next will be the presentation by the defendant which will be the rebuttal of the alleged violations of the Code of Conduct including evidence to support the defendant's position. Item number 6 is the questioning portion of the meeting by the panel. The panel is made up of 3 people. The complainant appointed Supervisor Bill Fried and the defendant appointed Supervisor Carol Pederson and the County Board Chair. After the questioning is complete they will move into deliberation. The panel will decide was the Code of Conduct violated, yes or no. If it was violated what discipline or action would they recommend be taken related to that violation. If the panel says no obviously there is no discipline or actions taken. They will then talk about the next steps. Regardless of the findings they have to report back to the full County Board on their findings. The County Board will hear those findings as a recommendation meaning they can overturn the recommendation and say the panel got it wrong and they think differently. Then we will be following with adjournment. If at anytime after this meeting today, if one of the sides decides that they would like to settle and have a settlement offer Hintz would act as a conduit for that settlement offer.

REVIEW ONEIDA COUNTY BOARD CODE OF CONDUCT

Chairman Hintz asked that everyone have a copy of the Code of Conduct as the decision they are making today is was the Code of Conduct violated, yes or no. It also talks about suggested remedies that would be open to them if the Code of Conduct was violated. It also talks about the procedure,

June 19, 2014

number of days allowed before the report is issued. This is the set of rules we are going by. This is what will be determining was it violated, yes or no.

PRESENTATION BY COMPLAINANT

Supervisor Krolczyk stated this was his first board meeting and was naturally upset by the end of it. He wrote the letter to Chairman Hintz to find out if this was proper or improper. When he reviewed the Code of Ethics he decided that some ethics were violated. In his letter he stated that he would appreciate Hintz's attention to his concerns as to whether Sorensen was in violation of Code 4 and 6 of the Code of Conduct, and if so to please explain to him why his actions may have been appropriate at an Oneida County Board meeting. Basically the questions that as a Christian he forgot the golden rule and also as a realtor who forgot the Code of Ethics and those two issues were the questions he didn't understand.

Supervisor Krolczyk asked to hear the tape from the May 20th County Board meeting.

The tape from the May 20th County Board Meeting regarding Supervisor Sorensen's comments was played.

Supervisor Krolczyk stated that he was questioning what was on the tape and also for his education as a new supervisor as to the proper etiquette he should be using.

PRESENTATION BY DEFENDANT

Supervisor Sorensen stated that if you paid attention to what the quotes were his comment about the golden rule was not directed at Krolczyk in any way, shape or form. It was directed towards Bob Mott's campaign and not directed at Krolczyk at all. He stated that in Krolczyk's complaint he indicated that he (Sorensen) said Krolczyk violated the Code of Ethics. He stated that we heard what he said. In no way, shape or form did he ever intend as he told Krolczyk in a private conversation that he thought Krolczyk violated the Realtor Code of Ethics. Never. Forgot, that is a long way from violated. He is a realtor and he tries every day in his dealings with people whether professionally or unprofessionally to follow the spirit of the Realtor's Code of Ethics. It is important to him. He apologized to Supervisor Krolczyk in open session before the entire County Board and the public at large that it bothered him that he had personally offended him.

Attorney Jackomino stated that having spent 37 years of his life trying to listen to debate and what is being said he can understand the entirety of this situation. The first day on the County Board when you are trying to take everything all in, trying to figure out what the procedures are, certainly you are listening to this and it is not a leap to believe that this was a personal attack. He believes that was not Jack's intent. When one listens closely to the tape and you don't get the benefit of replaying it two or three times to make your judgment. He has known Jack for 30 years and there is not a malicious bone in his body. He doesn't think that was Jack's intent nor did he say that Krolczyk violated the Code of Ethics. As he pointed out this morning he thought that was just an attempt to say that he believed that was not fair in terms of campaigning. It certainly was not a personal attack on Krolczyk or his ethics. He believes that Sorensen is sincere in his apology and believes it is a good situation here to try to resolve this matter.

QUESTIONING OF COMPLAINANT AND DEFENDANT BY THE COMMITTEE

Supervisor Fried commented that Sorensen keeps talking about violation of the Realtor's Code of Ethics. We are here to talk about violation of the Code of Ethics of the Oneida County Board that has been put together. Fried stated that Sorensen did come off as argumentative and we are trying to

June 19, 2014

move forward in a positive way. He stated he was very disappointed with what went on May 20th when this was put on the agenda. Some of the board supervisors, including himself, tried to put an end to it right there and then. He stated that Sorensen wanted to get in what he got in. Fried then asked Sorensen what he got out of it.

Supervisor Sorensen stated after a long conversation with the Chairman it was put on the agenda. He stated secondly, that Fried chose the wrong motion and had the opportunity to put forth a non-debatable motion and chose not to. His intention on the whole thing was that he was so tired of negative campaigning. The fact of the matter is, by the agenda item he was allowed to express those feelings.

Supervisor Fried referred to #6 in the Code of Conduct “making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings”. He reminded Sorensen that he just admitted he made an opinion in a public meeting.

Supervisor Fried stated that at County Board that day there were a couple of people that must have perceived the agenda item as being about that and voiced some concern about that. Others did not even understand what the “Dam Plan”, as written on the agenda, was even about. There was no written documentation or anything. There was nothing for him to make a judgment as far as what was negative, positive or whatever campaign. Then we come to the apology at the last meeting and there was no mention about the negative campaigning. It was all related to your relationship with the candidate that he beat.

Supervisor Sorensen remarked that he had apologized to Cushing and Krolczyk for anything he had said that offended them.

Supervisor Fried stated that he would like to hear Sorensen, if it is proved, admit that he violated the Code of Conduct.

Supervisor Sorensen stated that he did not.

Supervisor Fried responded that is why they were here. You (Sorensen) think you didn't; Krolczyk thinks you did. Fried cited Article #2 of the Realtor's Code of Ethics. He stated that Sorensen cited a lot of opinion in a public forum if not intended to be negative, perceived to be negative by a number of people. Fried asked Krolczyk what he was looking for.

Supervisor Krolczyk replied that his main item was to find out if the Code was violated and if it was proper to bring up religion and someone's job when you disagree with something they did.

Supervisor Sorensen responded that his comments on religion were not directed to Krolczyk. He did not say that he violated the Realtor's Code of Ethics, which was in the tape.

Supervisor Fried reminded them that they were here to talk about whether Sorensen violated the Code of Conduct. An apology and a shaking of the hand still left open did you violate it.

Hintz commented that we are here today to decide whether the Code of Conduct was violated. He referred to section 4 of the Code of Conduct and asked Supervisor Krolczyk if he felt this clause was violated and is so, why.

June 19, 2014

Supervisor Krolczyk replied that he did and that is why he wrote the letter. He felt that he violated that oath by bringing up the religion and the realtor.

Supervisor Pederson stated she sees the situation as a matter of interpretation. They could go on and on for a long time and doesn't seem like they are hearing much in the way of progress to come to a point in the center. She would like Lance to be satisfied with the procedure here. She stated we have a Code of Conduct and we should follow it. At the same time, she can see where Supervisor Sorensen is coming from also. Part of that is because she was very frustrated with Senator Tiffany. She asked Supervisor Krolczyk if he was looking for something more than an apology.

Supervisor Krolczyk replied that he appreciated the apology after the fact. He stated that the reason he brought this up was because he felt the whole language was wrong and he wants the whole County Board to look at it and say yes, this is proper verbiage at a meeting. He felt it was wrong and he wants them to say no, it was okay and let's move on.

Supervisor Pederson commented that after the meeting in May it did not occur to her that Supervisor Sorensen was being negative toward any other board supervisor. She did not pick up on that. She did not take notice that this particular situation and the comments that Supervisor Sorensen made simply did not impact her. She did not pickup on that, however, she was not a new board member who felt like they were sitting on a hot seat. Now when she reads this all over, word for word, she says it raises a question in her head but she is having a hard time feeling the intention was to somehow be critical to any of the board members.

Supervisor Fried asked Sorensen why he felt he had to apologize.

Supervisor Sorensen replied that it grieves him deeply when somebody perceives that he offended them. His intention was not to offend at all. It was an emotional apology for him. He feels that he unintentionally said something to offend somebody and they perceive it in a negative way it is his responsibility to right that wrong. His intent was never to offend.

Hintz stated that procedurally if a member of the panel wishes to make a motion that the Code of Conduct was or was not violated and if that motion is made he would like which portion of the Code of Conduct was violated and why.

Supervisor Fried asked Sorensen if he could see where comments that were made may have been perceived in a way that would fit a violation in regards to #4 of the County Code.

Supervisor Sorensen replied that he could. That was part of the reason that he extended that apology to both Ted and Lance. His intent was never, ever to accuse Lance of violating a Realtor Code of Ethics and my comments on religion were not directed at him or any current County Board member. Perception, yes; intention, no.

Hintz said they talked about the differences between forgetting the Code of Ethics and violating the Code of Ethics. In his mind he sees forgetting being similar to violating. He doesn't believe that Sorensen shares that perspective. He asked Sorensen to describe the difference between forgetting the Code of Ethics and violating the Code of Ethics.

June 19, 2014

Supervisor Sorensen remarked that if the Code of Ethics had been thought over perhaps there would have been a different outcome. He continues to say that Lance did not, in his mind, violate the Realtor Code of Ethics. He did not.

Hintz asked what the relevance of the Realtor Code of Ethics has to do with actions of a county official.

Supervisor Sorensen stated he was trying hard to point out that how we treat people are based in part by our life experiences. As we go through life we become part of a variety of different things. Whether it be the Realtors or the Rotary or a lot of different organizations out there as a core value it is what we do and how we treat other people. His getting upset can be perceived that he mistreated Lance. It was not his intention, not ever, not once. We are all a product of our life experiences, professional memberships, etc. It is how we treat one another. He tries to apply the Realtor Code of Ethics in advertising and treating other people. He tries to take that not only in his professional life but his personal life. He also tries hard to follow the Rotarian Code.

COMMITTEE DELIBERATION

Supervisor Pederson commented that she was re-reading section 4 “County Board Supervisor shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other county board supervisors, boards”. She cannot convince herself that Supervisor Sorensen was making some sort of verbal attack, personal charges, abusive conduct, that that was the intent. She can see where Lance was uncomfortable and misconstrued what was being said but she is going to make a motion that Supervisor Sorensen did not violate the Conduct of County Board Supervisors.

Motion by Pederson, second by Fried that Supervisor Sorensen did not violate the Conduct of County Board Supervisors. Roll call vote all ayes; motion carried.

Supervisor Fried stated that you talk about intent and perception and there are those like Mr. Krolczyk and himself that perceived that there was a Code of Conduct violated. He is not equipped nor should he be putting Sorensen under fire as a trial. Just bringing it out and what Supervisor Sorensen has been through should bring some satisfaction to those who feel he did violate it. He doesn't want to see anyone go through that. He is happy to second the motion because Sorensen has clearly said that was not his intent. We need to move forward in a working relationship where we are going to have faith in each other and move forward in a positive way so he will take him at his word. He also that he can understand how there was some perception of that and he would hope that he would respect the reason that some people brought forth the complaint. He stated he would support the motion only on the grounds of what everyone has been through. He thinks it was clear that everyone put their cards on the table, what they felt, what they thought and hopefully it will be something that will make everyone stronger as we move forward.

Chairman Hintz asked Sorensen if he had this to do over again would he choose different words and what would they be.

Supervisor Sorensen replied that these last 3 weeks have not been pleasant for him. He was not sure what words he would change except to drop the comment about Christianity and the realtor part. His intent was never to offend.

Brian Desmond asked to hear the motion again. He wanted to make sure that the motion covered both rules listed. He stated that was Pederson's intent.

June 19, 2014

NEXT STEPS INCLUDING REPORTING TO COUNTY BOARD

Chairman Hintz advised he would draft a report to the County Board the results of the meeting and a brief explanation of what happened. It is subject to review by the full County Board.

Supervisor Sorensen again expressed that to all concerned that he has offended in any way, his apologies.

Supervisor Krolczyk accepted Sorensen's apology and looks forward to continuing on with the board. He wants them to all be aware of what they are saying and how it affects everyone else on the board and how the audience perceives what is said. They don't hear the whole sentence, or they take it another way and that's what everyone has to think about while they are talking. He appreciated Jack's apology at the last meeting but he would have preferred it the day after the May 20th meeting.

ADJOURNMENT

Motion by Fried, second by Pederson to adjourn. All ayes; motion carried.

Meeting adjourned at 2:36 p.m.

Dave Hintz, Chairman

Linda Herrmann, Recording Secretary