

**Oneida County Board of Supervisors
January 7, 2015-Special Meeting - 9:30 a.m.
Evidentiary Hearing – Veteran Service Officer
Oneida County Courthouse
County Board Meeting Room - 2nd Floor**

CALL TO ORDER:

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas, followed by the Pledge of Allegiance.

MEMBERS PRESENT: Supervisors: Ted Cushing, Bill Freudenberg, Billy Fried, David Hintz, Scott Holewinski, Jim Intrepidi, Mitchell Ives, Robb Jensen, Tom Kelly, Lance Krolczyk, Bob Metropulos, Bob Mott, Greg Oettinger, Sonny Paszak, Carol Pederson, Tom Rudolph, Jack Sorensen, Michael Timmons, Alan VanRaalte, Alex Young and Lisa Zunker.

OF MEMBERS PRESENT: - 21

SUPERVISORS EXCUSED: - 0

STUDENT REPRESENTATIVES PRESENT: - 0

OTHERS PRESENT: Mary Bartelt, County Clerk; Melodie Gauthier, Chief Deputy Clerk; Brian Desmond, Corporation Counsel; Tammy Walters, Veteran's Service Officer; Lisa Charbarneau, Human Services Director; Karen L. Grossbier, Grossbier and Associates, Inc. (Court Reporter); Attorney Lori Lubinsky; Attorney Brian Bennett; Lu Ann Brunette, Facilities Director, Building & Grounds; Bruce Stefonek, Assistant Facilities Director; Buildings and Grounds and Dani Benzinger, Veteran's Deputy Service Officer.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS

- Sign Attendance Form at the Podium
- Please Use Microphones When Speaking

Evidentiary Hearing of the Veteran Service Officer

9:30 a.m. - County Board Evidentiary Hearing called to order by Chairman Hintz. Chairman Hintz and Corporation Counsel, Brian Desmond, reviewed the rules for the evidentiary hearing.

Supervisor Metropulos asked if public comment was allowed. Brian Desmond, Corporation Counsel stated "no" it could not be subject to cross-examination and would not illuminate Tammy Walters' guilt or innocence. This is why it was not put on the agenda.

Supervisor Sorensen stated he found it objectionable that the public could not be heard.

Verified Charges Against Veterans Service Officer, Tammy Walters, per Lisa Charbarneau, Human Services Director.

1. Ms. Walters engaged in unauthorized use of property, including but not limited to, vehicles, telephones, copy machines, or mail service or computer hardware, software, modems, networks, electronic communication systems or the unauthorized copying of software or records for personal use: specifically, allowing a volunteer to use her proximity card to gain entrance into the Courthouse and Veteran Service Office.

2. Ms. Walters threatened, intimidated, interfered with or used abusive or profane language toward others including ethnic slurs: specifically, speaking loudly to Buildings & Grounds Staff in a public location using profanity.
3. Ms. Walters engaged in dishonesty or made false or malicious statements concerning other employees, supervisors or the County: specifically, lying to Human Resources Director when asked about attending a meeting in which her office was closed on July 18, 2014.
4. Ms. Walters engaged in dishonesty or made false or malicious statements concerning other employees, supervisors or the County: specifically, lying to her committee of jurisdiction by stating that she attended a meeting on July 18, 2014, when she did not, in fact, attend the meeting.
5. Ms. Walters was insubordinate, disobedient, failed or refused to follow the written or oral instruction of supervisor authority or to carry out work assignments: specifically, was told during investigatory interview on October 7, 2014, not to discuss matters with Ms. Walter's staff, Commission members or other witnesses until completion of the investigation, and Ms. Walters left LRES Office and went to her office and told her assistant everything that happened at the investigatory meeting.
6. Ms. Walters disclosed confidential information and records to unauthorized personnel: specifically, spoke with assistant about confidential information related to an investigation when specifically told not to.
7. Ms. Walters intentionally falsified records or gave false information to other government agencies or private organizations or to employee responsible for record keeping: specifically, lied to Human Resources Director when asked if she attended a meeting on July 18, 2014.
8. Ms. Walters inappropriately used an alternate work schedule and compensatory time: specifically, used a work schedule to build compensatory time that was not approved by Committee of Jurisdiction, and used such banked time to be paid for the day she did not attend meeting on July 18, 2014.

These eight charges were brought forth by: Lisa Charbarneau, Human Services Director and notarized by Ann Marie Zuiker on December 11, 2014.

MOTION/SECOND: Sorensen/Rudolph to dismiss the charges against Tammy Walters, Veteran's Service Officer.

ROLL CALL VOTE: 8 Ayes-Ives, Kelly, Sorensen, Intrepidi, Rudolph, Metropulos, Oettinger and VanRaalte. 13 Nays – Krolczyk, Holewinski, Pederson, Fried, Jensen, Young, Freudenberg, Paszak, Mott, Timmons, Cushing, Zunker and Hintz.

MOTION: fails

It would take 2/3 vote (14 members out of 21 County Board Supervisors) to eliminate Tammy Walters from her position as Veteran's Service Officer.

Court Reporter started transcribing (9:48 a.m.)(Karen L. Grossbier from Grossbier & Associates, Inc. – Court Reporters). Attorney Lori Lubinsky moved to sequester witnesses.

Lori Lubinsky, Attorney for the Plaintiff-(Lisa Charbarneau- Oneida County), questioned Lisa Charbarneau regarding the stated eight verified charges against Veteran's Officer, Tammy Walters. Also questioned was Bruce Stefonek, Buildings & Grounds, Lu Ann Brunette, Buildings & Grounds Director; Dani Benzinger, Deputy Veteran's Service Officer and Tammy Walters, Veteran's Service Officer. Attorney Brian Bennett, Attorney for the defendant cross-examined the witnesses.

Recess 10:55 am. Resume 11:05 am.

County Board Supervisors had two written questions that both lawyers agreed could be asked of Lisa Charbarneau, Human Resource Director, "Do County employees have access to their voice messages while out of the office", in which she answered yes and the second question asked "is there an organizational chart for chain of command", in which she answered no.

Lunch Break- (45 minutes) Recess 12:45 pm – Reconvene 1:30 pm.

Attorney Brian Bennett, Attorney for Veteran's Officer, Tammy Walters, questioned Tammy Walters regarding the stated eight verified charges. Also called for the defendant were Matthew Berth, Michael Biszak, Vilas Co. Veteran's Officer; Kevin Johnson, Bayfield Co. Veteran's Officer and Diane Morey.

During the questioning of these witnesses a motion for a 10 minute recess was brought up. **MOTION/SECOND: Metropulos/Mott** to listen to all the witnesses instead of taking a break at this time.

ROLL CALL VOTE: 18 Ayes – Zunker, Rudolph, Cushing, VanRaalte, Pederson, Ives, Krolczyk, Kelly, Freudenberg, Jensen, Timmons, Young, Oettinger, Mott, Sorensen, Intrepidi, Metropulos, and Hintz. 3 Nays – Fried, Holewinski and Paszak.

MOTION: passes.

Attorney Bennett proceeded with the witnesses, Benjamin Tatrow, and Mark Espeseth, Scott Eshelman and William Conn.

Recess – 3:15 pm. Reconvene 3:25 pm.

LET THE RECORD REFLECT, motions made by Attorney Brian Bennett and Lori Lubinsky to have exhibits admitted into the record was accepted throughout the hearing, except exhibit E (letters of support) - per Chairman David Hintz.

During the hearing County Board Supervisor were allowed to ask questions, only in writing, after both Attorney's agreed whether the questions could be asked to the witness.

MOTION/SECOND: Metropulos/Sorensen to deliberate in open session instead of going into closed session.

ROLL CALL VOTE: 21 Ayes, 0 Nays

MOTION: passes

MOTION/SECOND: Cushing/Rudolph to go through each charge and vote "yes" or "no". Amend this motion to add (with discussion).

ROLL CALL VOTE: 21 Ayes, 0 Nays.

MOTION: passes

MOTION/SECOND: Young/VanRaalte to not terminate Tammy Walters on Charge #2.

ROLL CALL VOTE: 21 Ayes, 0 Nays

MOTION: passes

DELIBERATION – OPEN SESSION – CHARGES – (2/3 vote needed)

1. Allowing a volunteer to use her proximity card to gain entrance into the Courthouse and Veteran's Service Office.

ROLL CALL VOTE: 12 Ayes – Timmons, Krolczyk, Cushing, Holewinski, Freudenberg, Jensen, Zunker, Pederson, Paszak, Mott, Fried and Hintz. **9 Nays** – Oettinger, Ives, Young, Metropulos, Kelly, Intrepidi, Sorensen, Rudolph and VanRaalte. **Passes – (not 2/3 vote).**

2. Speaking loudly to Building & Grounds Staff in a public location using profanity.

ROLL CALL VOTE: 14 Ayes – Mott, Pederson, Young, Fried, Intrepidi, Cushing, Paszak, Krolczyk, Timmons, Jensen, Zunker, Holewinski, Freudenberg and Hintz. **7 Nays** – Ives, Rudolph, Metropulos, VanRaalte, Oettinger, Kelly and Sorensen. **Passes - (2/3 vote – substantiated).**

3. Lying to Human Resources Director when asked about attending a meeting in which her office was closed on July 18, 2014.

ROLL CALL VOTE: 3 Ayes – Freudenberg, Pederson and Fried. **18 Nays** – Metropulos Intrepidi, Kelly, Rudolph, Young, Zunker, Paszak, Ives, Mott, Oettinger, Timmons, Cushing, Krolczyk, Holewinski, VanRaalte, Sorensen, Jensen and Hintz. **Failed (Not 2/3 vote - Not substantiated).**

4. Lying to her Committee of Jurisdiction by stating that she attended a meeting on July 18, 2014, when she did not, in fact, attend the meeting.

ROLL CALL VOTE: 5 Ayes- Fried, Paszak, Freudenberg, Cushing and Hintz. **16 Nays** – VanRaalte, Young, Intrepidi, Kelly, Rudolph, Metropulos, Zunker, Krolczyk, Pederson, Timmons, Mott, Ives, Holewinski, Jensen, Sorensen, Oettinger - **Failed (Not 2/3 vote - Not substantiated).**

5. Was told during investigatory interview on October 7, 2014, not to discuss matters with Ms. Walter's staff, Commission members or other witnesses until completion of the investigation, and Ms. Walters left LRES Office and went to her office and told her assistant everything that happened at the investigatory meeting.

ROLL CALL VOTE: 9 Ayes – Paszak, Cushing, Holewinski, Jensen, Fried, Pederson, Krolczyk, Freudenberg and Hintz. **12 Nays** – Kelly, Timmons, Oettinger, Mott, Rudolph, Metropulos, Zunker, Young, VanRaalte, Sorensen, Intrepidi, Ives. **Failed (Not 2/3 Vote - Not substantiated).**

6. Spoke with assistant about confidential information related to an investigation when specifically told not to.

ROLL CALL VOTE: 9 Ayes- Freudenberg, Cushing, Pederson, Jensen, Paszak, Krolczyk, Holewinski, Fried and Hintz. **12 Nays** – Mott, Ives, Zunker, Rudolph, Metropulos, Intrepidi, Kelly, Oettinger, Sorensen, Timmons, VanRaalte, and Young. **Failed (Not 2/3 Vote - Not substantiated).**

7. Lied to Human Resources Director when asked if she attended a meeting on July 18, 2014.

ROLL CALL VOTE: 6 Ayes- Freudenberg, Cushing, Paszak, Pederson, Fried and Hintz. **15 Nays** – Sorensen, Intrepidi, Zunker, Timmons, VanRaalte, Holewinski, Rudolph, Mott, Jensen, Krolczyk, Metropulos, Kelly, Young, Ives and Oettinger. **Failed (Not 2/3 Vote - Not substantiated).**

8. Used a work schedule to build compensatory time that was not approved by Committee of Jurisdiction, and used such banked time to be paid for the day she did not attend meeting on July 18, 2014.

ROLL CALL VOTE: 1 Aye - Mott. **20 Nays** – Timmons, Krolczyk, Oettinger, Ives, Young, Cushing, Metropulos, Holewinski, Kelly, Intrepidi, Freudenberg, Jensen, Zunker, Pederson,

Paszak, Sorensen, Rudolph, Fried, VanRaalte and Hintz. Failed (**Not 2/3 Vote - Not substantiated**).

FINDINGS – Out of the eight charges, #2 was substantiated and the County Board Supervisors voted not to dismiss Tammy Walters, Veteran’s Service Officer.

MOTION/SECOND: **Young/VanRaalte** not to terminate Tammy Walters from her position of Veterans Service Officer.

ROLL CALL VOTE: **21 Ayes, 0 Nays. MOTION**: passes.

MOTION/SECOND: **Cushing/Sorensen** to have the Veteran’s Service Commission investigate both charges #1 and #2 and come to a disciplinary action for Tammy Walters and bring back to the County Board for final decision.

ROLL CALL VOTE: **10 Ayes** – Ives, Kelly, Sorensen, Pederson, Rudolph, Metropulos, Young, Timmons, Cushing and VanRaalte. **11 Nays** - Krolczyk, Holewinski, Fried, Intrepidi, Jensen, Freudenberg, Paszak, Mott, Oettinger, Zunker and Hintz. **MOTION**: fails.

MOTION/SECOND: **Holewinski/Jensen** to have the Administration Committee come up with a recommendation for disciplinary action for Tammy Walters then send to County Board for final recommendation.

ROLL CALL VOTE: 21 Ayes. 0 Nays

MOTION: passes

MOTION/SECOND: **Rudolph/Cushing** to adjourn the Evidentiary Hearing at 7:58 p.m. All “aye” on voice vote, motion passes.