



AGENDA OF THE ETHICS BOARD

TUESDAY, DECEMBER 14, 2021, 5:00 PM

Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Instructions.

1. This item contains documents which provide call in information and instructions for the Zoom meeting.

B. Roll Call.

1. William Vande Castle, Chair; Aaron Weinschenk, Vice Chair; Alder Bill Galvin; Cheryl Renier-Wigg; Said Hassan; Janet Hathaway

C. Approval of the Agenda.

1. Approval of the Agenda for the December 14, 2021 Ethics Board meeting.

D. Approval of Minutes.

1. Approval of the minutes from the January 6, 2021 Ethics Board Meeting.

E. Regular Business.

1. Discussion with possible deliberation and action on the Ethics Complaint filed by Kimber Rollin against Mayor Eric Genrich under the City of Green Bay Code of Conduct for Elected Officials.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

2. Discussion with possible deliberation and action on the Ethics Complaint filed by Brenda Staudenmaier under the City of Green Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating

concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

3. Discussion with possible deliberation and action on the Ethics Complaint filed by Benjamin Khademi under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

4. Discussion with possible deliberation and action on the Ethics Complaint filed by Keith Decker under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

5. Discussion with possible deliberation and action on the Ethics Complaint filed by Lacey Kuehl under the City of Gren Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

F. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Ethics Board meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

Virtual Meeting Instructions



Ethics Board 12-14-2021

Zoom Meeting Information

Join Zoom Meeting

<https://us06web.zoom.us/j/84901092265?pwd=NGJ4NDRXV0VnV0hXSklwQkFqcDIDZz09>

Meeting ID: 849 0109 2265

Passcode: 640465

One tap mobile

+19292056099,,84901092265#,,,,*640465# US (New York)

+13017158592,,84901092265#,,,,*640465# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 849 0109 2265

Passcode: 640465

Find your local number: <https://us06web.zoom.us/j/84901092265?pwd=NGJ4NDRXV0VnV0hXSklwQkFqcDIDZz09>

Public Comments

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting.

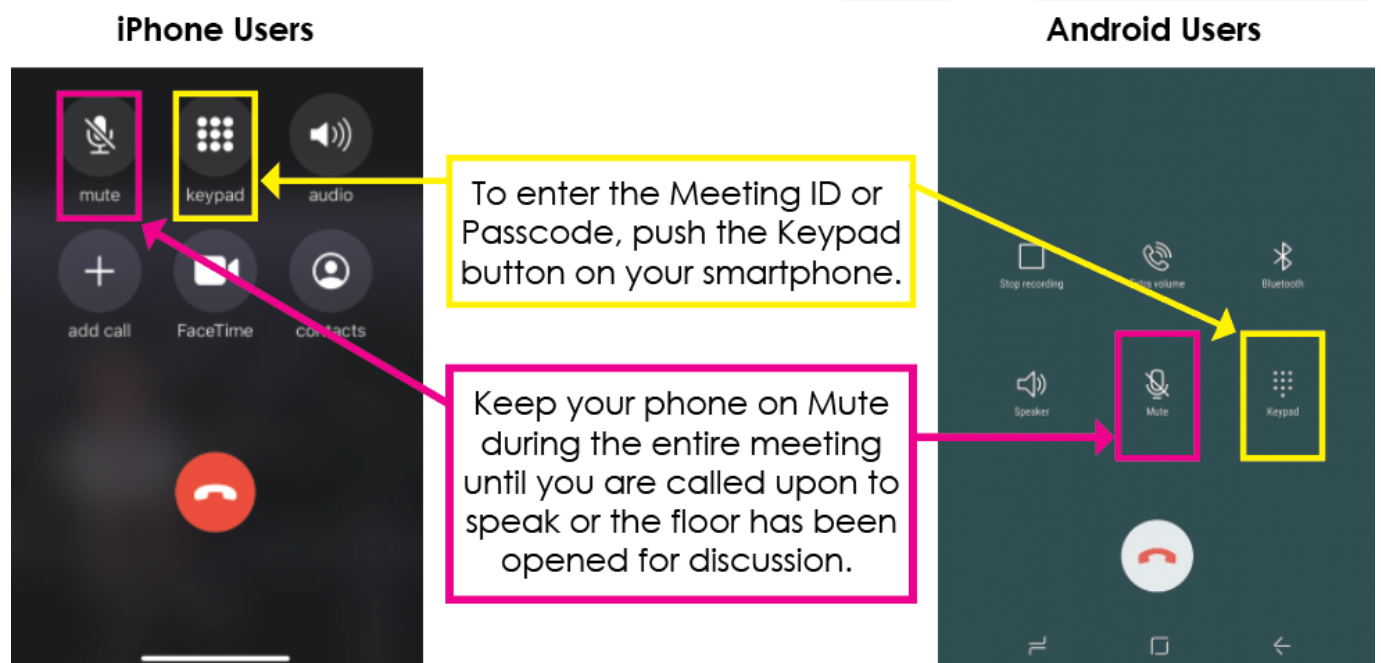
Additional Information

1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
3. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
4. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
5. Using Zoom with a tablet or computer
 - a. Tablet - Download the app either with the Apple Store or the Play Store
 - b. Computer - You may download the app or click on the link to open Zoom in your web browser.
6. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You'll receive another email confirming that you're registered for the meeting.
 - b. If you're using a phone, your registration will still be tied to an email.
7. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you'd need to use a computer or tablet) to let the host know you'd like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you'd need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
8. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You may also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you may be asked to verify your email.

9. Zoom etiquette
 - a. Muting yourselves when you're not talking will prevent your background noise from interfering with others' ability to listen to and participate in the meeting.
 - b. If you're using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
10. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching a Common Council meeting live on YouTube will see a gray screen with the City logo during closed session.
11. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number above.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button





Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

December 14, 2021

PREPARED BY

AGENDA ITEM # E.1

Discussion with possible deliberation and action on the Ethics Complaint filed by Kimber Rollin against Mayor Eric Genrich under the City of Green Bay Code of Conduct for Elected Officials.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

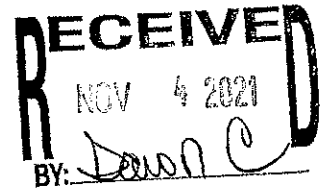
ATTACHMENTS

1. Complaint - Rollin v Genrich
2. Lenz letter w jurisdictional arguments

Code of Conduct Complaint: Mayor Eric Genrich
Submitted: November 4, 2021

Name of Complainant:
Kimber Rollin

Address:
115 E. Walnut Street
Apt 613
Green Bay, WI 54301



Subject of Complaint:
Mayor Eric Genrich

Nature of the Alleged Violations:
Mayor Genrich has violated the City of Green Bay, Wisconsin Code of Conduct for Elected Officials.

Request for Extension of Time:
Because of the numerous emails, testimony from poll workers and documents involved, I am requesting two hours to present the evidence I have gathered for this complaint, as well as additional time for rebuttal.

The City of Green Bay Code of Conduct Section 1 states the following:

“It is the policy of the City of Green Bay to uphold, promote and demand the highest standards of ethics from its elected officials. Accordingly, members of the Common Council and Mayor shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their City position or authority improperly or for personal gain.”

Statement of facts and time period during which violations occurred:

On June 15, 2020, Mayor Genrich applied for a Safe Voting Grant from the Center for Tech and Civic Life (CTCL). On July 24, 2020, CTCL awarded a grant to support the work of the City of Green Bay. According to Former City Attorney Vanessa Chavez’s April 20, 2021 Memorandum regarding the 2020 Elections, “CTCL connected the City with NVAHI (National Vote at Home Institute)” and Michael Spitzer-Rubenstein their State Lead was to “assist with election tasks the City chose to assign.”

The National Vote at Home Institute was presented as a “technical assistance partner” that could “support outreach around absentee voting,” provide and oversee voting machines, consult on methods to cure absentee ballots and even take the duty of curing absentee ballots.

On Election Day, November 3, 2020, Mayor Genrich was present at the Central Count for parts of the day. Central Count was located at the KI Convention Center, Grand Ballroom, 333 Main Street, Green Bay, WI 54301.

While at Central Count Mayor Genrich allowed Michael Spritzer Rubenstein to run the Central Count. Michael Spritzer Rubenstein's address was 681 Venderbilt Ave., #2R, New York, New York. Michael Spritzer Rubenstein was not a resident of the State of Wisconsin. The Hyatt Regency Central Count Booking #28149747 states that Michael Spritzer Rubenstein was the onsite contact person for the City of Green Bay. It is also noted that the Hyatt was to "Deliver keys to Michael Spritzer Rubenstein". Mayor Eric Genrich was present at the Central Count on November 3, 2020 and November 4, 2020. On November 3, 2020, Michael Spritzer Rubenstein was removed from the Central Count. On November 4, 2020, Mayor Genrich allowed Michael Spritzer Rubenstein to return to the Central Count and resume his position running Central Count. Michael Spritzer Rubenstein seemed to be the Central Count organizer – he called for meetings, answered poll workers questions, sat at a computer or the front desk and looked at vote totals on voting machines. Mayor Genrich was present at Central Count and was observed at numerous times talking with Mr. Spritzer Rubenstein. Mayor Genrich was also observed texting or looking things up on his phone a lot. Mr. Spritzer Rubenstein was observed ordering Acting Clerk Jaime Fuge around and interrupted Acting Clerk Fuge when she was working with poll workers.

Mayor Genrich failed to maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out his public duties for the election. He allowed a man from New York to run the Central Count in Green Bay Wisconsin. Mayor Genrich failed to comply with the election laws by allowing a non-resident to act as a poll worker, clerk and the head of Green Bay Central Count. This is in violation of the requirements of Wisconsin State Statutes Chapter 7 and Wisconsin State Statues 5.86, 5.87, 946.12 among others. Mayor Genrich used his position and authority to allow the City Clerks position to be taken over by Michael Spritzer Rubenstein. Mayor Genrich allowed a non-resident to run the central count for the City of Green Bay. Mayor Genrich's actions have put the legitimacy of the Central Count of the City of Green Bay into question. The City of Green Bay has been ridiculed and questioned in the media regarding the handling of the election. Mayor Genrich has failed to answer questions regarding the election. Mayor Genrich has allowed our city and our election process to be questioned, debated and ridiculed. Michael Spritzer Rubenstein should never have been allowed to run Green Bay Central Count.

I am at this time reserving the right to amend this complaint and add to it. Additional documents from open records requests will be submitted.

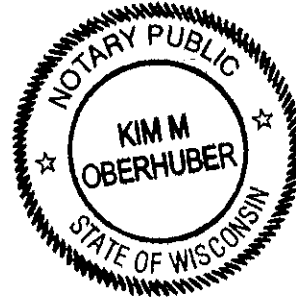
I swear that the information contained in the complaint is true and correct, or that I, Kimber Rollin, have good reason to believe and do believe that the facts alleged are true and correct and that they constitute a violation of the Code.

Kimber Rollin
November 4, 2021
Kimber Rollin

Date: *November 4, 2021*

Subscribed and sworn to before me
This *4th* day of November 2021.

Kim M Oberhuber
Notary Public, State of Wisconsin
My Commission Expires: *Aug 24, 2025*



December 9, 2021

City of Green Bay Ethics Board
c/o Attorney Michael May
Boardman & Clark LLP
1 South Pinckney Street, Suite 410
PO Box 927
Madison, WI 53701-0927

Re: Rollin Code of Conduct Complaint

To the City of Green Bay Ethics Board,

On behalf of Mayor Genrich, thank you for giving our client an opportunity to address the jurisdictional defects in Kimber Rollin's Ethics Complaint (the "Complaint"), dated November 4, 2021.

The 2020 General Election was conducted to the highest standards governing elections in Wisconsin. Mayor Genrich is proud of the city staff and election officials who worked to ensure that citizens in Green Bay were able to exercise their right to vote. Mayor Genrich, city departments, and staff have continued to be open and transparent, in accordance with Wisconsin law, about how the 2020 General Election was administered. Every court that has reviewed the matter has affirmed that Wisconsin administered the 2020 General Election in accordance with state and federal law.¹ Most recently, the Wisconsin Elections Commission issued its decision in *Carlstedt, et al. v. Wolfe*, in which Mayor Genrich was also named as a respondent, finding no probable cause that anyone violated any law or committed any abuse of discretion related to grant funding the City received so it could run a safe and inclusive election. Mayor Genrich absolutely denies that, at any time, he failed to live up to the "highest standard of ethics" as described in the City of Green Bay Code of Conduct (the "Code"). The Complaint is based on blatant, disproved falsehoods and an incorrect understanding of the law.

The Complaint also presents a number of jurisdictional issues which require dismissal: (1) The Complaint is untimely; (2) The Complaint fails to follow the procedures set forth in the Code; (3) The Complaint is comprised of allegations that fall outside the Code and which have already been conclusively and repeatedly litigated.

¹ See, e.g., *Trump v. Wis. Elections Comm'n*, 506 F. Supp. 3d 620 (E.D. Wis.), *aff'd*, 983 F.3d 919 (7th Cir. 2020), *cert. denied*, 141 S.Ct. 1516 (U.S. 2021); *Feehan v. Wis. Elections Comm'n*, 506 F. Supp. 3d 596 (E.D. Wis. 2020), *petitions for extraordinary relief denied*, No. 20-859 (U.S. Mar. 1, 2021), *vacated on remand after appeal dismissed as moot*, No. 20-cv-1771-PP, ECF No. 95 (E.D. Wis. Mar. 16, 2021); *Wis. Voters Alliance v. Pence*, 514 F. Supp. 3d 117 (D.D.C. 2021); *Trump v. Biden*, 2020 WI 91, 394 Wis. 2d 629; *Wis. Voters Alliance v. Wis. Elections Comm'n*, No. 2020AP1930-OA (Wis. Dec. 4, 2020); *Trump v. Evers*, No. 2020AP1971-OA (Wis. Dec. 3, 2020).

First, the Complaint is not timely. The Code provides, “A complaint under the Code must be filed no later than one year from the date of discovery of the alleged violation.” City of Green Bay Code of Conduct, § 8.B. This is analogous to a statute of limitations in civil or criminal law. In Wisconsin, failure to file a complaint within the applicable statute of limitations deprives the body of jurisdiction over the matter. *Hester v. Williams*, 117 Wis. 2d 634, 641, 345 N.W.2d 426, 429 (1984) (Court loses subject matter expiration after the expiration of a civil statute of limitations); *State v. Muentner*, 138 Wis. 2d 374, 384, 406 N.W.2d 415, 420 (1987) (Court loses personal jurisdiction over a defendant after the expiration of the statute of limitations). Rollin’s November 4, 2021 Complaint contains no factual allegations regarding activity which occurred in the year prior to Rollin submitting it to the clerk. The first paragraph of the Complaint is devoted to allegations of activities that occurred in June and July of 2021. The second and third paragraphs all pertain to allegations of activities on the date of the 2020 General Election – November 3, 2020 – at Central Count in Green Bay. That was one year and one day prior to Rollin’s submitting the Complaint.

The Complaint contains two references to November 4: (1) That Mayor Genrich was present at Central Count and (2) that Mayor Genrich “allowed Michael Spitzer Rubinstein to return to Central Count and resume his position running Central Count.” (Complaint, p. 2). To be clear, this is wildly inaccurate. A member of the City Clerk’s staff was Chief Inspector at Central Count. Regardless, Central Count was completed at 4:00 am on November 4, 2020. The ballots were returned to City Hall at approximately 4:40 am. Mr. Spitzer Rubinstein actually left Central Count, where had been observing, several hours earlier, around 1:00 am. The Complaint does not contain a time stamp, but Green Bay City Hall generally does not open to the public until 8:00 am². Even assuming that Rollin submitted the Complaint immediately at 8:00, that was more than a year after any of the alleged violations occurred.

Rollin also cannot claim that she did not discover the alleged violations until later. Again, under the analogous court decisions analyzing statutes of limitations in Wisconsin, a person can only rely on this rule if they exercised “reasonable diligence.” *Jacobs v. Nor-Lake, Inc.*, 217 Wis. 2d 625, 634, 579 N.W.2d 254 (Ct. App. 1998). The Code encourages anyone who wishes to file a complaint to do so as soon as they obtain relevant information. That did not happen here, to put it mildly. The allegations in the Complaint center on activities which occurred in public and were the subject of contemporaneous media reports³.

² City Hall opens at 7:00 am on election days.

³ Mary Spicuzza, *Wisconsin’s Five Largest Cities Awarded \$6.3 Million In Effort To Make Elections Safer Amid Coronavirus Pandemic*, Milwaukee Journal Sentinel, July 6, 2020, available https://www.jsonline.com/story/news/politics/2020/07/06/wisconsins-five-largest-cities-awarded-6-3-million-effort-make-elections-safer-amid-coronavirus-pand/5382546002/?utm_campaign=snd-autopilot (last visited December 9, 2021); Katrina Nickell, *Green Bay Receives \$1 Million Grant For Elections*, Fox11 News, July 6, 2020, available at <https://fox11online.com/news/election/green-bay-receives-1-million-grant-for-elections?src=link> (last visited December 9, 2021).

The CTCL grants were unanimously approved at a July 21, 2020 public meeting of the City Council. They were also the subject of pre-election litigation in federal court. *Wis. Voters Alliance v. City of Racine*, No. 20-C-1487 (E.D. Wis. October 14, 2020).

As required by law, Central Count was open for public observation until it completed its work. Wis. Stat. § 7.41. There were, in fact, many observers present. The entire process was also live-streamed on Youtube⁴. This was perhaps the most-watched election in history.

Because the allegations are untimely, this Board lacks jurisdiction over the Complaint must dismiss the Complaint without further proceeding.

Second, the Complaint does not meet the basic requirements set forth in the Code. The Code requires that:

Attached to the complaint the person making the complaint shall provide all documents or other materials in the complainant's possession that are relevant to the allegation, a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and a list of witnesses, what they may know, and information to contact those witnesses.

City of Green Bay Code of Conduct, § 8.B. The Complaint does none of these things. It includes no effort to attach, describe, or identify any document beyond the City Attorney's April 21, 2021 Memorandum. That memorandum does not support but contravenes the allegations contained the Complaint. The Complaint does not contain any contact information or identifying information for potential witnesses, though Rollin requested two hours to present evidence and additional time for rebuttal. It does not identify or attach the "numerous emails, testimony from poll workers and documents" that Rollin apparently gathered. To the extent that Rollin sought to base the Complaint on information and belief, she was obliged to identify her sources. City of Green Bay Code of Conduct, § 8.B. She did not.

The Complaint is deficient on its face and does not follow the rules set forth in the Code for a complainant who wishes to proceed to an evidentiary hearing. It should be dismissed.

Third, the Complaint does not describe a violation of a "requirement, prohibition, or guideline" contained in the Code. City of Green Bay Code of Conduct, § 8.A. Rather, it is a clear attempt to relitigate baseless allegations that the 2020 General Election was unlawful. The Complaint references only one section of the Code – Section I – which generally describes the City's commitment to the Code and

⁴ Casey Nelson, *Green Bay to Live Steam Ballot Counting Process*, wncy.com, October 29, 2020, available at <https://wncy.com/2020/10/29/green-bay-to-live-stream-ballot-counting-process/> (last visited December 9, 2021).

preserving ethical behavior among elected officials. The Complaint does not describe any specific requirement, prohibition, or guideline, other than a general allegation that Mayor Genrich failed to act ethically. (Complaint, p. 2). The Code contains many actual prohibitions and provisions, such as a rule prohibiting Council members from soliciting political support from City staff. City of Green Bay Code of Conduct, § 3.D. The Complaint, on the other hand, is much more specific about other laws that Rollin believes may have been violated: Wisconsin State Statutes Chapter 7 and sections 5.86, 5.87, and 946.12, “among others.”

Chapter 5 and 7 of the statutes are, under Wisconsin law, enforced in the first instance by the Wisconsin Elections Commission. Wis. Stat. § 5.05. Section 946.12 is a criminal statute, enforceable by a district attorney or the Attorney General. None of the laws fall within the ambit of the City Code of Conduct. The Wisconsin Elections Commission, which is the proper entity to hear such a complaint, just issued its decision in *Carlstedt, et al. v. Wolfe*, Case No. EL 21-24, finding that there was no probable cause to find that anyone, including Mayor Genrich, violated the law or committed an abuse of discretion related to the CTCL grants. The Commission decision (which is enclosed for the Board’s convenience) is just the latest decision in the long run of pre- and post-election litigation over Wisconsin’s November 2020 election, including the cases cited in note 1, above. These issues have been heard and decided in other arenas. This Board is not the proper forum for rewarmed allegations already rejected by state courts, federal courts, and the Wisconsin Elections Commission.

Because the Complaint seeks to adjudicate issues outside the Code, and because its allegations related to those issues have been exhaustively litigated and repeatedly found baseless, it should be dismissed.

On behalf of Mayor Genrich, we look forward to appearing before the Board on December 14. If we can provide any additional information to the Board before that time, please contact me at dlenz@lawforward.org or at 608-556-9120.

Thank you

Electronically signed by Daniel S. Lenz
Daniel S. Lenz
Staff Counsel
Law Forward, Inc.

CC: Kimber Rollin
Stafford Rosenbaum LLP



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

December 14, 2021

PREPARED BY

AGENDA ITEM # E.2

Discussion with possible deliberation and action on the Ethics Complaint filed by Brenda Staudenmaier under the City of Green Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

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BACKGROUND

RECOMMENDATION

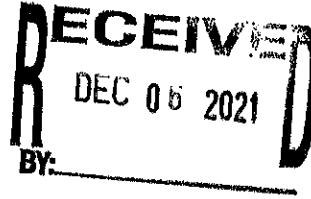
FISCAL IMPACT

ATTACHMENTS

- I. Staudenmaier Ethics Complaint

1278 Doty St
Green Bay, WI 54301

Celestine Jeffreys
City Clerk
City of Green Bay
100 North Jefferson St.
Green Bay, WI 54301



Subject: Ethics Complaint

Dear City Clerk Jeffreys:

I am writing to submit an ethics complaint. On December 1, 2020, the Green Bay City Council members Barbara Dorff, Bill Galvin, Randy Scannell, Craig Stevens, Jesse Brunette, Lynn Gerlach, and Mayor Eric Genrich violated: Section 4 Elected Official Conduct Towards the Public in Public Meetings. A. Be welcoming to Speakers and Treat them with Care and Respect, B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers of the *City of Green Bay Code of Conduct for Elected Officials* by not opening the floor to public comment on the fluoride issue.

This is the first time in history, that I am aware of, that Green Bay City Council did not open the floor to an issue. Numerous citizens showed up to voice their concerns but were silenced by 6 council members and the mayor. District 8 Councilperson Chris Wery motioned to open the floor and District 2 Councilperson Veronica Corpus-Dax seconded the motion. Mayor Genrich then interrupted the opening of the floor. I know of at least three Green Bay citizens who did not speak at the committee level meetings and showed up to speak at the December 1 meeting: Elliot Christenson (920-227-3248), Guy Zima (920-659-9503), and David Bartikofsky (920-737-5843). These citizens would have requested the Green Bay Water Utility stop adding neurotoxic fluoride chemicals to the public drinking water supply based on the most comprehensive and recent science finding fluoride is harmful at the levels of 0.7mg/L. Former resident Wendy Coriell (715-587-8551) wanted to speak as well because her 2-month-old grandson living in Green Bay could potentially be cognitively impacted by exposure to chemicals like fluoride. Her daughter also has unexplained seizures. Wendy did not make any previous statements at the committee level fluoride meetings and was there to speak at the City Council meeting Dec 1, 2020.

The full meeting is archived on the City of Green Bay YouTube page beginning around 50:45. <https://youtu.be/k46jx2nnfBI?t=3045>

I request that the chair of the Ethics Committee, William Vande Castle to recuse himself from this issue due to him representing the Green Bay Water Utility and according to attorney Michael Connett, his previous "unprofessional, brazenly disrespectful, and legally baseless email," and demand letter to have me remove a video from my YouTube page of a Green Bay Water Utility Employee telling me that he does not drink the Green Bay City Water because he knows how bad fluoride is for us. The video can be found here:

https://www.youtube.com/watch?v=6usQA_4qsVs. William Vande Castle sent numerous copies of his demand letter asking me to remove this captured audio statement from the internet. These demands are legally baseless and likely an infringement on my First Amendment rights.

I also would like Ethics Board member Bill Galvin to recuse himself because he is one of the six Council members listed in the complaint.

I am a current plaintiff in a federal lawsuit 17-2162 - *Food & Water Watch, Inc. et al v. Environmental Protection Agency et al* over the neurotoxicity of fluoride chemicals added to the public drinking water at the levels Green Bay is currently adding. The best, most up-to-date robust science associates fluoride, at the same levels received in the Green Bay water, to lower IQ and increased ADHD rates when babies are exposed during pregnancy and infancy. Many leading scientists are concluding that fluoride is just as toxic to the brain as lead. These inconvenient truths should not be covered up and silenced by the Green Bay City Council members.

According to the *City of Green Bay Code of Conduct for Elected Officials*, the public should feel welcomed and encouraged to take part in the democratic process of city government. Fair and equitable allocation of public hearing time to individual speakers should be given but was not given by Mayor Genrich at this meeting.

Integrity was not demonstrated by Lynn Gerlach during this meeting. Here are four representative examples of misleading statements made by her during the Council meeting <https://youtu.be/k46jx2nmfBI?t=4499> pointed out by Rick North (781-431-6419), former Executive Vice President of the Oregon American Cancer Society. This statement, with Alder Gerlach's quotes in bold, was sent by email to Gerlach, the full Council, City Clerk and Mayor on December 17, 2020, by Rick North:

1. Referring to toxicologist Steven Gilbert, PhD, director of the Institute of Neurotoxicology & Neurological Disorders, Gerlach said **"It's just a website of Dr. Steven Gilbert who's marketing the books he's written. One paperback cost \$46."**

Although Dr. Gilbert has written several book chapters and numerous papers, he's only written one book, "A Small Dose of Toxicology," now in its third printing and available in five languages. He doesn't charge \$46 – he makes it available for free online. (<https://www.asmalldoseoftoxicology.org/>) The screenshot is attached. Apparently, Gerlach looked up what Amazon sold the hard copy for (\$46.95) and chose not to disclose that in the council meeting.

2. Referring to Christine Till, PhD, a principal author of a major 2019 Canadian IQ study finding ingestion of fluoridated water by pregnant women lowered the IQs of their children, **"Researchers from six countries have written her university, which is not in the U.S., to complain that they cannot even replicate her study because she will not offer up a complete data set. They asked, and I will quote them, whether ideology is**

being misrepresented as science, affecting public health, and harming the reputation of York University.”

The data are not hers to give – they belong to the Canadian government. As she and her co-authors explain in their response to this criticism, **“The policies that govern access to the MIREC Biobank and procedures to access it are sent to anyone who requests the data.”** (<https://www.nature.com/articles/s41390-020-0973-8>) That should give you a pretty good idea of the legitimacy of this criticism. You might want to re-check whose statements are guided by ideology, not science.

As for harming the reputation of York U. (Toronto), precisely the opposite is true. York is very proud of Dr. Till and awarded her its **President’s Emerging Research Leadership (PERLA) Award for 2019 for her work on fluoride’s neurotoxicity.** (<https://yfile.news.yorku.ca/2019/04/21/york-universitys-research-leaders-celebrated-on-april-15-at-special-event/>)

3. Referring to the Environmental Working Group, **“It says on their website, ‘We drive consumer choice and civic action.’ That ain’t science.”**

What you left out is the rest of their mission statement: **“To empower people to live healthier lives in a healthier environment. With breakthrough research and education, we drive consumer choice and civic action.”**

You also left out that EWG has no fewer than 14 scientific experts on their staff, including five with doctoral degrees, on subjects including chemistry, molecular biology, marine biomedicine, zoology, environmental psychology and environmental science. You also left out that in 2020 alone, EWG scientists had eight different peer-reviewed studies published on topics including *asbestos contamination in talc-based cosmetics, nitrate pollution in drinking water and population-wide exposure to per- and polyfluoroalkyl substances from drinking water in the U.S. (italics mine).*

4. Referring to the Center for Health, Environment and Justice, you dismissed them by saying **“Their stated mission statement in their website is ‘To train and support local activists across the country and build initiatives that win on issues.’ Folks, that ain’t science.”**

Here’s CHEJ’s full statement, without your editing: **“The Center for Health, Environment and Justice has been on the front line in the fight for environmental health for 40 years. We train and support local activists across the country and build local, state and national initiatives that win on issues from Superfund to climate change.”**

CHEJ was founded by Lois Gibbs, who led the fight in Niagara Falls, NY, in the famous Love Canal struggle in the late 1970’s. She challenged government and corporate policies that led to the redress of pollution poisoning hundreds of residents of her neighborhood. It was so bad that 56% of the children in the Love Canal neighborhood were born with a

birth defect, including three ears, a double row of teeth, and mental retardation. Her groundbreaking work led to the EPA Superfund program, which cleans up similar toxic waste sites. Everything she and CHEJ have done to help similarly afflicted communities has been based on scientific studies done by their staff and other scientists on toxic substances – including fluoride.

CHEJ's science department is led by Harvard-trained toxicologist Stephen Lester, who has served on numerous scientific advisory and peer review committees including at the Natural Resource Council of the National Academy of Sciences, the National institutes of Environmental Health Sciences, and the Congressional Office of Technology Assessment.

This is the organization you dismissed in ten seconds.

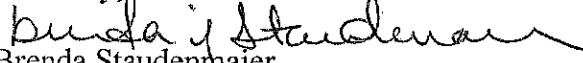
This is what happens when you deny input from the public. This is neither science nor democracy.

The meeting minutes can be found here:

<https://greenbaywi.civicclerk.com/Web/Player.aspx?id=6905&key=-1&mod=-1&mk=-1&nov=0>

The information contained in the complaint is true and correct and constitute a violation of the Code Section 4 Elected Official Conduct Towards the Public.

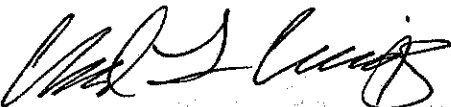
Sincerely,

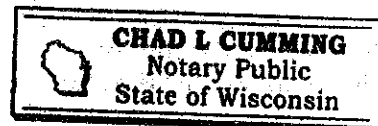

Brenda Staudenmaier
1278 Doty St.
Green Bay, WI 54301
920-634-8657
608-338-6634

Enclosures

Attorney William Vande Castle
Attorney Michael Connett
Alderman Brunette Facebook

Subscribed and sworn before me on this 1st day of December, 2021
in Dane County, Wisconsin.


Chad L. Cumming



My commission expires: 10/10/25



Brenda Staudenmaier <thelovelybrenda@gmail.com>

Re: GB Water Utility You Tube Video

23 messages

Michael Connett <mconnett@waterskraus.com>

Sun, Jan 3, 2021 at 9:25 PM

To: "William J. Vande Castle" <wvscgb@netnet.net>

Cc: Brenda Staudenmaier <thelovelybrenda@gmail.com>, "AndreaHa@greenbaywi.gov" <AndreaHa@greenbaywi.gov>, "NancyQu@greenbaywi.gov" <NancyQu@greenbaywi.gov>

Mr. Vande Castle,

I am an attorney and writing in regards to an email that you sent last week to Ms. Staudenmaier. I must say, I was rather stunned to see that such an unprofessional, brazenly disrespectful, and legally baseless email was sent by an attorney representing a ***public*** agency. While I do not yet represent Ms. Staudenmaier, I would be prepared to make the necessary arrangements to assist in her representation if the Green Bay Water Utility were foolish enough to pursue this matter.

In your email, you state that it was "potentially unlawful" for Ms. Staudenmaier to post a recording of her conversation with a public employee. As you should well know, however, Wisconsin is a one-party consent state, and thus there was nothing unlawful about Ms. Staudenmaier posting the recording because she was a party to the conversation. Wis. Stat. § 968.31(2)(c) ("It is not unlawful . . . [f]or a person not acting under color of law to intercept a wire, electronic or oral communication, where the person is a party to the communication")

Not only does Wisconsin's statute expressly permit parties to record conversations to which they are a party, but the U.S. Constitution protects the right of citizens to make recordings of public officials. See American Civil Liberties Union of Illinois v. Alvarez (7th Cir. 2012) 679 F.3d 583, 595 ("The act of making an audio or audiovisual recording is necessarily included within the First Amendment's guarantee of speech and press rights as a corollary of the right to disseminate the resulting recording.").

Despite these statutory and constitutional protections for what Ms. Staudenmaier did, you "demand" that Ms. Staudenmaier remove her audio recording of a government employee from the internet. This demand is not only legally baseless, but likely an infringement on Ms. Staudenmaier's First Amendment rights.

Equally troubling in your email are a series of factual assertions that appear to violate your ethical obligations under Wisconsin's rules of professional conduct. As you know, Wisconsin's rules of professional conduct prohibit attorneys from "mak[ing] a false statement of a material fact or law to a 3rd person." (SCR 20:4.1). Further, the rules make clear that it is "misconduct" for an attorney to "engage in conduct involving dishonesty . . . or misrepresentation."

In apparent violation of your ethical obligations of honesty, you state that the recording Ms. Staudenmaier posted to YouTube is "wholly fictitious" and "patently dishonest." There is nothing "fictitious" or "dishonest," however, about this recording, including the excerpts that Ms. Staudenmaier posted. The recording simply presents the views of an employee who works at the Green Bay Water Utility, including his personal concerns about fluoride. While you and/or Ms. Quirk may disagree with this employee's views, that does not make the recording of these views "fictitious" or "dishonest." To the extent that you are implying Ms. Staudenmaier has edited the excerpts in a manner that misrepresents what the employee stated during the call, this is, again, false. While Ms. Staudenmaier has not yet posted the whole recording, there is nothing in the rest of the recording that contradicts the statements that are presented in the excerpt.

Finally, I understand that Ms. Quirk, the director of the Green Bay Water Utility, is an advocate of water fluoridation and, as such, disagrees with the concerns expressed by the employee, as well as by Ms. Staudenmaier. Ms. Quirk is obviously entitled to her views, but, thankfully, under our constitutional form of government, private citizens such as Ms. Staudenmaier retain the right to disagree. Unfortunately, the entirety of your email to Ms. Staudenmaier indicates a troubling obliviousness to this principle. See Alvarez, 679 F.3d at 597 ("[T]here is practically universal agreement that a major purpose of the First Amendment 'was to protect the free discussion of governmental affairs' . . . This agreement reflects our profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.")

Sincerely,

Michael Connett

waterskrauspaul

Michael Connett | Partner

222 N Pacific Coast Highway, Suite 1900 | El Segundo, CA 90245

Toll Free 800-226-9880 | Phone 310-414-8146

Fax 310-414-8156

mconnett@waterskraus.com | www.waterskraus.com.

----- Forwarded message -----

From: **William J. Vande Castle** <wvscgb@netnet.net>

Date: Wed, Dec 30, 2020, 4:05 PM

Subject: GB Water Utility You Tube Video

To: Brenda Staudenmaier <thelovelybrenda@gmail.com>

Cc: Andrea Hay <AndreaHa@greenbaywi.gov>, Nancy Quirk <NancyQu@greenbaywi.gov>

VANDE CASTLE, S. C.
ATTORNEYS AT LAW

303 S. Jefferson Street

Green Bay, WI 54301

(920) 435-3599

December 30, 2020

Ms. Brenda Staudenmaier

420 Cantwell Ct.

Madison, WI 53703

VIA EMAIL TRANSMISSION

AND PERSONAL SERVICE



Brenda Staudenmaier <thelovelybrenda@gmail.com>

GB Water Utility You Tube Video

48 messages

William J. Vande Castle <wvscgb@netnet.net>

Wed, Dec 30, 2020 at 5:04 PM

Reply-To: wvscgb@netnet.net

To: Brenda Staudenmaier <thelovelybrenda@gmail.com>

Cc: Andrea Hay <AndreaHa@greenbaywi.gov>, Nancy Quirk <NancyQu@greenbaywi.gov>

VANDE CASTLE, S. C.
ATTORNEYS AT LAW

303 S. Jefferson Street

Green Bay, WI 54301

(920) 435-3599

December 30, 2020

Ms. Brenda Staudenmaier

VIA EMAIL TRANSMISSION

420 Cantwell Ct.

AND PERSONAL SERVICE

Madison, WI 53703

Re: "GB Water Utility Fluoride Comment" YouTube Video

Dear Ms. Staudenmaier:

As you know from prior correspondence, our firm represents the Green Bay Water Utility. We have been made aware of your December 29, 2020 YouTube Video posting entitled "GB Water Utility Fluoride Comment" (https://www.youtube.com/watch?fbclid=IwAR0Ee5wY_zELyLsbY3FqtdbkJNwLxWNvTahkGZYg3hC60m7XnHUeOLAVsQw&v=6usQA_4qsVs&feature=youtu.be&ab_channel=NBCNews).

The Video contains recorded statements apparently from Utility employee, David Glodowski, from customer service, who was speaking with you over the phone in an attempt to reschedule an appointment you requested for a pipe

flushing for which you failed to show. This highly edited conversation, taken wholly out of context, attempts to portray Mr. Glodowski as stating that the public should not trust or drink the water from the Utility.

This unauthorized and misleadingly edited, potentially illegal, recording and misappropriated use of Mr. Glodowski's conversation with you is patently dishonest and utterly fraudulent. As a wholly fictitious, cut and edit of a conversation with a Utility employee, that is replete with misinformation, this despicable attempt on your part to discredit the Green Bay Water Utility and disparage its product is unacceptable and in violation of its rights.

These pathetic efforts to disparage the Utility by use of a doctored video because you disagree with its fluoridation program must stop. Accordingly, on behalf of the Utility, on pain of litigation, we hereby demand that you immediately delete and remove this video from YouTube. You are further directed to cease and desist all such other and further attempts to publish and disseminate misinformation about the Utility's product and seek to sow division, confusion and needless concern in the public.

We look forward to receipt of your written assurance of compliance with this demand within the next two (2) days from the date of this letter.

This communication and warning is for settlement purposes only, and is without limitation to the rights or remedies of our client.

Sincerely,

VANDE CASTLE, S.C.

William J. Vande Castle

WJVC/kp

cc: Ms. Nancy Quirk

--
VANDE CASTLE, S.C.
303 S. Jefferson street
P.O. Box 993
Green Bay, WI 54305
920-435-3599

This email and any attachments contain information which is confidential and privileged. This information is intended for the sole use of the referenced addressee. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this email or any attachment is strictly prohibited. If you have received this email in error, please notify us immediately by returning it to the sender and delete all copies from your system.



Alderman Jesse Brunette- Green Bay City Council President

December 2, 2020 · 🌐



Serving in public office means taking tough votes on important issues. Last night the Common Council voted on water fluoridation after several months of hours long committee meetings and over 2,000 pages of documents provided by the public. Although I stand by my final vote on that issue, it was the vote prior to that decision that I regret.

As with all important topics, I believe the public has every right to be heard during open government meetings when decisions are made which affect their lives. Transparency and openness are values I expect to be exhibited consistently in local government. In other words, I hold myself to a high ethical standard and will forever believe this government belongs to "We the People." All the people.

The Common Council voted to not "open the floor" for public comment. I recommended this position and voted accordingly. I felt that after hours upon hours of public testimony at the committee level, as well as the few thousands of pages of documents both sides of the issue provided, all sides of the argument were presented well.

What I failed to fully consider is that there were people who had not yet spoken on the issue waiting in the Zoom "waiting room" to be heard.

If you were one of those people, I do apologize for not voting to open the floor to hear your opinions. It is something I don't believe I have ever done while in public office, nor is it something I will do again.

I know in the grand scheme of things this may be a blip on the radar and not noticed by many. Some of you may be asking why I would even bring it up. Well, simply put, it has been on my conscience since last night, and because this government belongs to you, you have every right to speak during meetings. People in public office have a duty to explain themselves when they don't live up to the values they hold.



Wendy Coriell, Jayne Rising and 37 others

58 Comments 1 Share



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

December 14, 2021

PREPARED BY

AGENDA ITEM # E.3

Discussion with possible deliberation and action on the Ethics Complaint filed by Benjamin Khademi under the City of Green Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

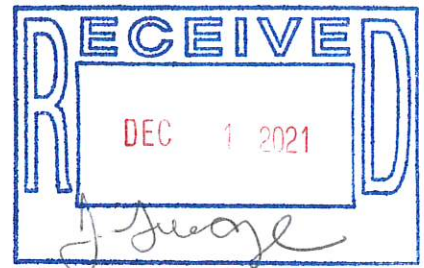
BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Khademi Ethics Complaint



Dear Green Bay City Clerk,

I, Benjamin Khademi (920-247-7748 benjamink982@gmail.com), believe that Alderpersons Barbara Dorff (district 1), Lynn Gerlach (district 3), Bill Galvin (district 4), Craig Stevens (district 5), Randy Scannell (district 7), Jesse Brunette (district 12), and Mayor Eric Genrich violated Section 4 Elected Official Conduct Towards the Public of the City of Green Bay Code of Conduct for Elected Officials in Public Meetings by not opening the floor to the topic of fluoride at the December 1, 2020, City Council meeting, after my Alderwoman Veronica Corpus-Dax seconded the motion to open the floor. Residents showed up to speak at this meeting and were not welcomed into the democratic process. There were signs of partiality by not opening the floor before voting to continue to add toxic fluoride chemicals to the water. Every effort was not made to be fair and impartial in listening to public testimony.

I believe that at previous Protection & Policy Committee meetings, Mark Steuer, District 10 (920-494-4494) stated that citizens would have the opportunity to make a statement on fluoride at the Council Meeting. One example of Mark Steuer's words are from the Protection & Policy Committee meetings 11-19-20:

83:41 ...but I just want to make sure that everybody knows that it's going to be going to the full council on December 1st, and it most likely will be pulled, so that people can discuss and make their statements.

I would like to submit GB residents, Elliot Christenson (920-227-3248), Guy Zima (920-659-9503), and David Bartikofsky (920-737-5843) as witnesses to the violation of Section 4 Elected Official Conduct Towards the Public of the City of Green Bay Code of Conduct for Elected Officials in Public Meetings. Brenda Staudenmaier (608-338-6634) is a witness as well.

Violation

SECTION 4: Elected Official Conduct Towards the Public In Public Meetings

- A. Be welcoming to Speakers and Treat them with Care and Respect
- B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

Please file my previous email that was sent on November 11, 2020, to the council regarding the fluoride topic.

Email sent November 11, 2020:

I live and vote here and urge you to end fluoridation.

With a simple Google search you will find that the former director of both the National Institute of Environmental Health Sciences and the National Toxicology Program of the National Institutes of Health has joined in the growing chorus of objective experts publicly raising the alarm about fluoridation's impact on the developing brain.

Toxicologist and microbiologist, Linda Birnbaum, PhD, co-authored an op-ed appearing

in the Environmental Health News. The op-ed entitled, "It is time to protect kids' developing brains from fluoride," highlights the mounting evidence that fluoride is impairing brain development, and compares the response from the public health community to its delayed response to the obvious harm caused by lead.

The authors call for the US "to rethink this exposure for pregnant women and children," and state that "Given the weight of evidence that fluoride is toxic to the developing brain, it is time for health organizations and regulatory bodies to review their recommendations and regulations to ensure they protect pregnant women and their children...

...We can act now by recommending that pregnant women and infants reduce their fluoride intake."

THIS IS A MUST READ FOR ALL
ALDERMEN:

Please use this knowledge to stand strong and confidently in end fluoridation. Thank you.

Sincerely,
Benjamin Khademi
361 E Le Capitaine Cir.
Green bay, WI 54302

Information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Code.

Sincerely,

Ben Khademi

Benjamin Khademi.



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

December 14, 2021

PREPARED BY

AGENDA ITEM # E.4

Discussion with possible deliberation and action on the Ethics Complaint filed by Keith Decker under the City of Green Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Decker Ethics Complaint

November 30th, 2021

From:

Keith Decker
2821 Bristol Mountain Trl.
Green Bay, WI 54313
keithjdecker@gmail.com
(920) 639-9955



To:

City Clerk Celestine Jeffreys and any other relevant party
City of Green Bay
100 North Jefferson St.
Green Bay, WI 54301

Ethics Complaint

I would like to join Brenda Staudenmaier in filing a complaint against certain city council members in their handling of the water fluoridation issue last year.

The complaint is against:

Mayor Eric Genrich
Aldersperson Barbara Dorff (district 1)
Aldersperson Lynn Gerlach (district 3)
Aldersperson Bill Galvin (district 4)
Aldersperson Craig Stevens (district 5)
Aldersperson Randy Scannell (district 7)
Aldersperson Jesse Brunette (district 12)

In violation of:

SECTION 4: Elected Official Conduct Towards the Public In Public Meetings
A. Be welcoming to Speakers and Treat them with Care and Respect
B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

We had an authentic grassroots effort motivated by sincere concern for public health and our rights being violated. We put a lot of time, money, and effort into it. Some of us have spent many years on the subject. We were fortunate enough to have world renowned experts in attendance, ready to share their wealth of knowledge.

Those who attended preliminary committee meetings were very limited in what they were allowed to present, and come time for the first full council meeting, all were denied from speaking, experts and laypeople, everyone. You would think that on an issue of fluoride toxicity it would be prudent to engage in discourse and thoroughly question the world class fluoride toxicologists and authors of studies we had there. Or to hear from the citizens being affected by the actions of their government.

To put it plainly, the council seemed instead content to be fed propaganda from the dental industry and some very mistaken institutions who have no interest in taking an honest look at admitting their serious failures. So again government fails us, on multiple levels.

In my view, the council was derelict of duty, given that they are precisely who is charged with the legal responsibility to directly deal with this issue, as it was the council of years prior who implemented the failed policy of fluoridation to begin with.

A lot has changed over the years regarding the scientific evidence involved; especially in recent years. Yet these studies showing severe harm being done to people was met with callous disregard.

For what it's worth, I could add, I personally spent quite a bit of time, energy, and money in an effort to round up interest from local citizens as well. I made and paid for video advertisements, and I walked all around the city for many days putting up hundreds of flyers. I designed a website at greenbaywater.org with a thorough presentation of the argument, with many links to further information. I even provided books to the council. Like Brenda, I've cared about this topic for years. Though for her it has become a life passion, because it is so clearly a wrong in need of righting.

To be honest, the government has failed us so badly, it has taken the fight out of me. As in, why bother banging our heads against the wall, when it's a broken system? It should be absurdly obvious that it is intolerably immoral to intentionally drug the populace against their will and deprive them of basic unadulterated sustenance. But not so obvious to those responsible, and they make it impossible for change to take place when absent meaningful communication and real consideration.

Hopefully, in the future there will be more reasonable council members who will revisit this and do the right thing. For now, here's your complaint, while vulnerable groups continue to be harmed by bad government policy.

Affidavit: "information contained in the complaint is true and correct, or the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Code."

Signed,



Keith Decker

attest Celestine Jeffrey, Clerk
Celestine Jeffrey



Report to the
Ethics Board
of the City of Green Bay

MEETING DATE

December 14, 2021

PREPARED BY

AGENDA ITEM # E.5

Discussion with possible deliberation and action on the Ethics Complaint filed by Lacey Kuehl under the City of Green Bay Code of Conduct for Elected Officials against Mayor Eric Genrich and Alders Brunette, Scannell, Stevens, Galvin, Gerlach, and Dorff.

The Committee may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Kuehl Ethics Complaint

815 Gross Ct.
Green Bay, WI 54304

Celestine Jeffreys
City Clerk
City of Green Bay
100 North Jefferson St.
Green Bay, WI 54301

RECEIVED
NOV 30 2021
BY: crj

Complaint against:

Mayor Eric Genrich
Aldersperson Barbara Dorff (district 1)
Aldersperson Lynn Gerlach (district 3)
Aldersperson Bill Galvin (district 4)
Aldersperson Craig Stevens (district 5)
Aldersperson Randy Scannell (district 7)
Aldersperson Jesse Brunette (district 12)

Violation:

SECTION 4: Elected Official Conduct Towards the Public in Public Meetings
A. Be welcoming to Speakers and Treat them with Care and Respect
B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

Dear City Clerk Jeffreys:

I am writing to file a formal complaint on Mayor Genrich and Councilpersons Gerlach, Dorff, Scannell, Brunette, Galvin, and Stevens because I believe they have violated guidelines set out in Section 4 Elected Official Conduct Towards the Public of the *City of Green Bay Code of Conduct for Elected Officials*. At the December 1, 2020, City Council meeting, the floor was not open to citizens like me, to exercise our democratic input before a council vote on a topic that is harmful to my thyroid health and causes an extra financial burden on myself and family.

I am a registered nurse for 18 years living in Green Bay, who was raised on our city water supply. For the past 23 years, I have been on daily medication for hypothyroidism. It is recommended that I avoid fluoride. I am disproportionately harmed by fluoride chemicals while also being financially burdened. I spoke at the Green Bay Common Council Protection & Policy Committee meetings in 2020 on the fluoride agenda item. I wanted to make a statement at the December 1, 2020 meeting before the council vote. I have never seen an issue not opened to public comment at a Council meeting before and believe that a formal complaint should be made.

Here are some of my previous statements which some of the council members and mayor may have dismissed:

- “several lines of information indicate an effect of fluoride exposure on thyroid function.” p.234
- “it is difficult to predict exactly what effects on thyroid function are likely at what concentration of fluoride exposure and under what circumstances.” p.234-5
- “Fluoride exposure in humans is associated with elevated TSH concentrations, increased goiter prevalence, and altered T4 and T3 concentrations; similar effects on T4 and T3 are reported in experimental animals...” p.262
- “In humans, effects on thyroid function were associated with fluoride exposures of 0.05-0.13 mg/kg/day when iodine intake was adequate and 0.01-0.03 mg/kg/day when iodine intake was inadequate.” p.262-3
- “The recent decline in iodine intake in the United States (CDC 2002d; Larsen et al. 2002) could contribute to increased toxicity of fluoride for some individuals.” p.263
- “Intake of nutrients such as calcium and iodine often is not reported in studies of fluoride effects. The effects of fluoride on thyroid function, for instance, might depend on whether iodine intake is low, adequate, or high, or whether dietary selenium is adequate.” p.265

Are fluoride levels in drinking water associated with hypothyroidism prevalence in England? A large observational study of GP practice data and fluoride levels in drinking water (2015)

<https://pubmed.ncbi.nlm.nih.gov/25714098/>

- “Findings: We found that higher levels of fluoride in drinking water provide a useful contribution for predicting prevalence of hypothyroidism. We found that practices located in the West Midlands (a wholly fluoridated area) are nearly twice as likely to report high hypothyroidism prevalence in comparison to Greater Manchester (non-fluoridated area).”
- “Interpretation: In many areas of the world, hypothyroidism is a major health concern and in addition to other factors-such as iodine deficiency-fluoride exposure should be considered as a contributing factor. The findings of the study raise particular concerns about the validity of community fluoridation as a safe public health measure.”

Effect of fluoride on endocrine tissues and their secretory functions – review (2020)

<https://www.sciencedirect.com/science/article/abs/pii/S0045653520317604>

- Fluoride induce e.g. oxidative stress, apoptosis and inflammation in endocrine tissues.
- Fluoride causes changes in the level of hormones released from endocrine tissues.
- Fluoride causes changes in the morphology of endocrine tissues.

Thyroid function, intelligence, and low-moderate fluoride exposure among Chinese school-age children (2020)

<https://www.sciencedirect.com/science/article/pii/S0160412019301370>

- Low-moderate fluoride was related to alterations in childhood thyroid function.
- Fluoride exposure was associated with a decrease in children's intelligence.
- TT3, FT3 were positively related to the odds of developing high normal intelligence.
- TSH may modify the association of fluoride with children's intelligence.

It seemed that the science of fluoride was too burdensome for the Mayor and City Council to open the floor and hear about on December 1, 2020. I am just one of the many residents in Green Bay who is harmed from their neglect to listen to the hard facts and public requests to eliminate this unnecessary and harmful chemical from being added to our drinking water. As you should know, the US Environmental Protection Agency is currently in Federal Court regarding the topic of fluoride's harm to the developing brain. The Center for Disease Control recently had a listening session on the Benchmark Dose Analysis where leading scientists from around the world have calculated levels as low as 0.2mg/L having an adverse impact on neurodevelopment. The level of 0.2mg/L is much lower than the 0.7mg/L Green Bay Water Utility targets. Green Bay Mayor and Council should be using the precautionary principal and immediately halt the fluoride program based on the evidence of harm.

I Lacey Kuehl have good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Code Section 4 Elected Official Conduct Towards the Public.

Thank you for your time and consideration.

Regards,

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