



DATE: October 28, 2008
TO: Village Board
Don Peterson, Administrator
FROM: Clerk Neal
RE: **GREEN / KENSGAARD ETHICS COMPLAINTS**

The following documents, related to the series of ethics complaints filed by Keith Green and/or Gordon Kenggaard, are attached.

- ♦ September 2, 2008 letter to Keith Green, from McFarland Ethics Board Chair Bonnie Wendorff, in response to his August 23, 2008 ethics complaint (1 page)
- ♦ September 2, 2008 letter to Gordon Kenggaard, from McFarland Ethics Board Chair Bonnie Wendorff, in response to his August 23, 2008 ethics complaint (1 page)
- ♦ *Village of McFarland Ethics Complaint Form*, the required form for the filing of ethics complaints. These forms were included with the September 2 letters sent by Chair Wendorff (3 pages)
- ♦ State of Wisconsin Assistant Attorney General Paul L. Barnett's response to the August 23, 2008 ethics complaints filed by Keith Green and Gordon Kenggaard (2 pages)
- ♦ Complaint three-1 from Gordon Kenggaard (3 pages)
- ♦ Complaint three-2 from Gordon Kenggaard (3 pages)
- ♦ Complaint three-3 from Gordon Kenggaard (4 pages)
- ♦ Complaint three-4 from Gordon Kenggaard (4 pages)

If you have any questions, comments, or desire additional information please feel free to contact me.

5915 Milwaukee St. • P.O. Box 110 • McFarland, WI 53558-0110 • FAX: (608) 838-3619

Administration 838-3153	Community Development 838-3154	EMS 838-3152	Fire 838-3278	Outreach 838-7117	Police 838-3151
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September 2, 2008

Keith Green
6615 Meredith Way
McFarland, Wisconsin 53558

Dear Mr. Green,

I am in receipt of your August 23, 2008 letter regarding your ethics complaint that there has been selective targeting, harassment, and propagation of falsehoods against the Friends of McFarland Playgrounds, its Director and/or members by members of the Village Board, public officials, and/or public employees of McFarland. In order to proceed with an investigation, we will need as much detailed factual information as possible about the specific incidents upon which you have relied in alleging such violations. I have enclosed the "Village of McFarland Ethics Complaint Form" which outlines the type of information, facts, and documents that the Ethics Board or an independent group, should one be appointed, will need in order to conduct a thorough and complete investigation of your allegations. I have also included Title 2, Chapter 5 of the Village of McFarland Code of Ordinances "Ethics Code and Employment" so you can cite the specific provisions, by reference to section number, that you allege have been violated.

I await your response and will initiate an investigation immediately upon receipt.

Sincerely,

Bonnie Wendorff
Chair, McFarland Ethics Board

cc: Ethics Board

Attachments: "Village of McFarland Ethics Complaint Form"
Title 2, Chapter 5 of the Village of McFarland Code of Ordinances -
"Ethics Code and Employment"

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September 2, 2008

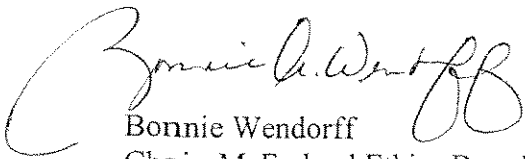
Gordon Kenggaard
5805 Curtis Street
McFarland, Wisconsin 53558

Dear Mr. Kenggaard,

I am in receipt of your August 23, 2008 letter regarding your ethics complaint that practices of the Village Board of McFarland, public officials, and/or public employees have targeted and propagated falsehoods against you. In order to proceed with an investigation, we will need as much detailed factual information as possible about the specific incidents upon which you have relied in alleging such violations. I have enclosed the "Village of McFarland Ethics Complaint Form" which outlines the type of information, facts, and documents that the Ethics Board or an independent group, should one be appointed, will need in order to conduct a thorough and complete investigation of your allegations. I have also included Title 2, Chapter 5 of the Village of McFarland Code of Ordinances "Ethics Code and Employment" so you can cite the specific provisions, by reference to section number, that you allege have been violated.

I await your response and will initiate an investigation immediately upon receipt.

Sincerely,



Bonnie Wendorff
Chair, McFarland Ethics Board

cc: Ethics Board

Attachments: "Village of McFarland Ethics Complaint Form"
Title 2, Chapter 5 of the Village of McFarland Code of Ordinances -
"Ethics Code and Employment"

5915 Milwaukee St. • P.O. Box 110 • McFarland, WI 53558-0110 • FAX: (608) 838-3619

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VILLAGE OF MCFARLAND
ETHICS COMPLAINT FORM

TO: Village of McFarland Ethics Board
c/o Village Clerk
P.O. Box 110
5915 Milwaukee Street
McFarland, WI 53558-0110

INSTRUCTIONS:

1. This form must be completed in its entirety. Incomplete complaint forms may not be processed.
2. Upon completion, this form must be filed with the Village Clerk in a sealed envelope addressed to the Village of McFarland Ethics Board and marked "Confidential".
3. If any space is insufficient for a complete response, attach additional pages as necessary.
4. This form is for filing complaints against Village of McFarland Officials and Employees for violations of Title 2, Chapter 5 of the McFarland Municipal Code only. Complaints against other individuals or complaints relating to any other matters other than those covered by Title 2, Chapter 5 of the McFarland Municipal Code will be disregarded if submitted on this form.

COMPLAINT

- A. Identify the Village of McFarland official or employee alleged to have violated any provision of Title 2, Chapter 5 of the McFarland Municipal Code:

Name: _____

Position/Title: _____

D. Attach or identify any documents or other evidence that supports your allegations:

E. List the names, addresses, and telephone numbers of any witnesses or persons having knowledge of facts supporting your allegations.

I certify and swear, under oath, that the facts set forth in this statement are true and correct to the best of my knowledge, information and belief.

(Signature)

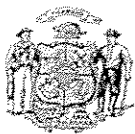
(Date)

(Print Name)

(Telephone Number)

(Street Address)

(City, State, Zip Code)



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Paul L. Barnett
Assistant Attorney General
barnettpl@doj.state.wi.us
608/266-5366
FAX 608/267-2778

September 26, 2008

Mr. Keith Green
6615 Meredith Way
McFarland, WI 53558

Mr. Gordon Kenggaard
5805 Curtis Street
McFarland, WI 53558

Re: *Village of McFarland Ethics Complaint Referral*

Dear Messrs. Green and Kenggaard:

You both submitted identical referrals to Attorney General J.B. Van Hollen. The referrals included a copy of an ethics complaint that you each submitted to the McFarland Village Board at its August 25, 2008, meeting. McFarland village government includes an ethics board. You express concern that the village ethics board will not conduct a fair and impartial investigation into the allegations set forth in your ethics complaint. Accordingly, you request the Attorney General's assistance "so a fair and balanced Ethic Board can review these complaints[.]" We must respectfully decline your request.

In Wisconsin, the Attorney General's authority is limited to what the legislature has authorized him to do as expressed in state statutes. If the statutes do not provide authority for the Attorney General to act in a particular situation, then he is not authorized to do so. Here, no statute authorizes the Attorney General to supervise, in any way, the work of local government ethics boards. The Attorney General also lacks statutory authority to direct or require that a citizen's ethics complaint that is submitted to a local government ethics board be reassigned or otherwise filed with some other ethics board.

One of the concerns you express about the McFarland ethics board's impartiality is that some of its members are among those named in the complaint. Typically, where a member of a governing body with jurisdiction over a matter is him- or herself personally involved in connection with the matter, that member will recuse themselves from participating. Having said that, however, no statute authorizes the Attorney General to compel a local government ethics board member to disqualify him- or herself, even if that seems like the appropriate step to take.

Mr. Keith Green
Mr. Gordon Kenggaard
September 26, 2008
Page 2

We also acknowledge Mr. Kenggaard's subsequent email dated September 23, 2008, to Attorney General Van Hollen and Deputy Attorney General Ray Taffora in which Mr. Kenggaard reports problems he is currently having in obtaining a copy of "packets" provided to village board members. We assume these packets include materials, such as agendas, committee meeting minutes and other documents provided to board members in advance of a board meeting. Under the public records law, these packets are presumed available upon a public records request unless the custodian sets forth particular reasons why they are not. *See* section 19.31 of the Wisconsin statutes (public records law "shall be construed in every instance with a presumption of complete public access"). But a continuing request, such as "all packets from now on," is not recognized under the public records law, which contemplates a right of access to records existing at the time of the request. 73 Op. Att'y Gen. 37, 44 (1984). While a public records request may be made orally or in writing, a public records request cannot be enforced in court unless it is in writing. Section 19.35(1)(h) of the Wisconsin statutes.

Unless there is a specific reason under the public records law for withholding one or more documents within a particular packet, the custodian is duty-bound under the law to make them available to a public records requestor, section 19.35(1) of the Wisconsin statutes, and to do so "as soon as practicable and without delay[.]" Section 19.35(4)(a) of the Wisconsin statutes. The Department of Justice has established a policy that favors complying with a request within ten business days if that is reasonably possible.

In case Mr. Kenggaard's recent experience in not receiving copies of the packets that he used to regularly receive is the product of someone's misunderstanding, we have taken the liberty of providing a copy of this letter to the village clerk.

Although you may be disappointed with our determination, we trust that you appreciate that the Attorney General is not permitted to act in matters where he lacks the authority to do so.

Thank you for your inquiry.

Sincerely,


Paul L. Barnett
Assistant Attorney General
State Bar #1008145

PLB:mld

c: Deb Neal, Village of McFarland Clerk

Deb Neal

From: gikensg@aol.com
Sent: Monday, October 27, 2008 2:00 PM
To: Deb Neal
Cc: Linda Cherubini
Subject: Public Appearance
Attachments: Complaint three-1.doc

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

October 27, 2008

Ms. Deb Neal
Clerk/Deputy Treasurer
Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

RE: Attached Ethics Complaint

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

October 27, 2008

Village of McFarland
5915 Milwaukee Ave.
McFarland, WI 53558

RE: Ethics Complaint

Bonnie Wendorff, Chairperson of the Ethics Committee of the Village of McFarland in continued selective targeting, ongoing and continued harassment of the disabled and persistent propagation of a cover-up of the truth concerning the Friends of McFarland Playgrounds, have violated the Ethics Ordinance of the Village of McFarland.

The specific complaint is as follows:

1. That the Chairperson of the Ethics Committee of the Village of McFarland, willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did, with full knowledge, direct the Ethics Board of McFarland to violate Section 2-5-7 (a)(1) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment"
2. That the Chairperson of the Ethics Committee of the Village of McFarland, willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did, with full knowledge, direct the Ethics Board of McFarland to violate Section 2-5-7 (a)(2) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment".
3. The Chairperson of the Ethics Committee of the Village of McFarland did willfully and with intent to harm, use the position and official actions and attempted to secure special considerations, treatment, advantages and preferences for citizens that were not available to every other citizen.

With the continued and ongoing ethics complaints against the very people who are charged with investigation, the increasing magnitude and severity of the above listed complaints, I formally request that Chairperson of the Ethics Committee of the Village of McFarland recommend that an independent group be secured so that an open, unbiased, competent, and above all truthful investigation can be conducted without regard to special interests or secret agendas of the McFarland Village Board or the McFarland Ethics Board.

As Village President Harried stated he "welcomed any investigation", I will furthermore, call upon the Chairperson of the Ethics Committee of the Village of McFarland to publicly, and immediately recommend in writing that the Village Trustees of McFarland fully endorse and send a letter to the Dane County District Attorney requesting an independent investigation into all ethics complaints.\

A copy of this complaint will be forwarded to the Dane County District Attorney.

Gordon Kensingaard
5805 Curtis Street
McFarland, WI 53558

Deb Neal

From: glkensg@aol.com
Sent: Monday, October 27, 2008 2:01 PM
To: Deb Neal
Cc: Linda Cherubini
Subject: Public Appearance
Attachments: Complaint three-2.doc

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensinggaard
5805 Curtis Street
McFarland, WI 53558

10/27/2008

October 27, 2008

Ms. Deb Neal
Clerk/Deputy Treasurer
Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

RE: Attached Ethics Complaint

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensingaard
5805 Curtis Street
McFarland, WI 53558

October 27, 2008

Village of McFarland
5915 Milwaukee Ave.
McFarland, WI 53558

RE: Ethics Complaint

The Village Attorney of the Village of McFarland in continued selective targeting, ongoing and continued harassment of the disabled and persistent propagation of a cover-up of the truth concerning the Friends of McFarland Playgrounds, has violated the Ethics Ordinance of the Village of McFarland.

Village Attorney: Larry Beckler:

The specific complaint is as follows:

1. That The Village Attorney of the Village of McFarland, willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did, with full knowledge, direct the Village Board of McFarland to violate Section 2-5-7 (a)(1) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment"
2. That the Village Attorney of the Village of McFarland, willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did, with full knowledge, direct the Village Board of McFarland to violate Section 2-5-7 (a)(2) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment".

With the continued and ongoing ethics complaints, the increasing magnitude and severity of the above listed complaints and the mistrust of the Village Board, public officials, and/or public employees, I formally request that Village Attorney of the Village of McFarland recommend that an independent group be secured so that an open, unbiased, competent, and above all truthful investigation can be conducted without regard to special interests or secret agendas of the McFarland Village Board or the McFarland Ethics Board.

As Village President Harried stated he "welcomed any investigation", I will furthermore, call upon the Village Attorney of the Village of McFarland to publicly and immediately recommend in writing, that the Village Trustees of McFarland fully endorse and send a letter to the Dane County District Attorney requesting an independent investigation into all ethics complaints.

A copy of this compliant will be sent to the Office of Lawyer Regulation and to the Dane County District Attorney.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

Deb Neal

From: gikensg@aol.com
Sent: Monday, October 27, 2008 2:02 PM
To: Deb Neal
Cc: Linda Cherubini
Subject: Public Appearance
Attachments: Complaint three-3.doc

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

October 27, 2008

Ms. Deb Neal
Clerk/Deputy Treasurer
Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

RE: Attached Ethics Complaint

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kenggaard
5805 Curtis Street
McFarland, WI 53558

October 27, 2008

Village of McFarland
5915 Milwaukee Ave.
McFarland, WI 53558

RE: Ethics Complaint

The Ethics Board of the Village Board of McFarland in its continued selective targeting, ongoing and continued harassment of the disabled and persistent propagation of a cover-up of the truth concerning the Friends of McFarland Playgrounds, have violated the Ethics Ordinance of the Village of McFarland.

Village Ethics Board: Bonnie Wendorff, Chairperson, JoAnn Minter, Trustee,
Patrick Ferman, Peter Gehrke, Greg Leck, John Obst, Sheila Plotkin

The specific complaint is as follows:

1. That members of the Ethics Board of the Village of McFarland, did willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did, with full knowledge violate Section 2-5-7 (a)(1) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment".
2. That members of the Ethics Board of the Village of McFarland, did willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did, with full knowledge violate Section 2-5-7 (a)(2) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment".
3. The these public officials of the Ethics Committee of the Village of McFarland, did willfully and with intent to harm, use their position and official actions and attempted to secure special considerations, treatment, advantages and preferences for citizens that were not available to every other citizen.
4. Through this action, public officials, and/or public employees of the Village of McFarland have engaged in the abuse of power and gross negligence in its harassment in an attempt to discriminate against and damage the reputation of Gordon Kensaard and others.

With the continued and ongoing ethics complaint investigations, the increasing magnitude and severity of the above listed complaints and the mistrust of the Village Board, public officials, and/or public employees, I formally request that an independent group be secured so that an open, unbiased, competent, and above all truthful investigation can be conducted without regard to special interests or secret agendas of the McFarland Village Board or the McFarland Ethics Board.

As Village President Harried stated he “welcomed any investigation”, I will furthermore, call upon the Ethics Board of the Village Board of McFarland to publicly, and immediately recommend in writing that the Village Trustees of McFarland fully endorse and send a letter to the Dane County District Attorney requesting an independent investigation into all ethics complaints.

A copy of this complaint will be forwarded to the Dane County District Attorney.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

Deb Neal

From: gikensg@aol.com
Sent: Monday, October 27, 2008 2:02 PM
To: Deb Neal
Cc: Linda Cherubini
Subject: Public Appearance
Attachments: Complaint three-4.doc

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

10/27/2008

October 27, 2008

Ms. Deb Neal
Clerk/Deputy Treasurer
Village of McFarland
5915 Milwaukee Street
McFarland, WI 53558

RE: Attached Ethics Complaint

I would like the attached read into the minutes of the Village Board Meeting of October 27, 2008 during the agenda item "Public Appearances".

Thank you.

Gordon Kensgaard
5805 Curtis Street
McFarland, WI 53558

October 27, 2008

Village of McFarland
5915 Milwaukee Ave.
McFarland, WI 53558

RE: Ethics Complaint

The Village Board of McFarland, public officials and/or public employees in its continued selective targeting, ongoing and continued harassment of the disabled and persistent propagation of a cover-up of the truth concerning the Friends of McFarland Playgrounds, have violated the Ethics Ordinance of the Village of McFarland.

Village Board: Trustee Kate Barrett, Trustee Dave Crane, Trustee Sally Hansen, President Mike Harried, Trustee Joann Minter, Trustee Sharon Payne, Trustee Kevin Wernet.

Public Employees: Don Peterson

The specific complaint is as follows:

1. That members of the Village Board of McFarland, public officials and/or public employees, did willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did direct the Village of McFarland Ethics Committee to investigate the complaints against the Village Board of McFarland, public officials and/or public employees in full knowledge that this violated Section 2-5-7 (a)(1) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment".
2. That members of the Village Board of McFarland, public officials and/or public employees, did willfully and with intent to harm selected members of the Friends of McFarland Playgrounds, did direct the Village of McFarland Ethics Committee to investigate the complaints against the Village Board of McFarland, public officials and/or public employees in full knowledge that this violated Section 2-5-7 (a)(2) (Conflict of Interest) of Title 2, Chapter 5 of the Village of McFarland Code of Ordinances, "Ethics Code and Employment".
3. The public officials of the Village of McFarland, and/or public employees did willfully and with intent to harm, use their position and official actions and attempted to secure special considerations, treatment, advantages and preferences for citizens that were not available to every other citizen.
4. Through this action, public officials, and/or public employees of the Village of McFarland have engaged in the abuse of power and gross negligence in its harassment in an attempt to discriminate against and damage the reputation of Gordon Kensgaard and others.

With the continued and ongoing ethics complaint investigations, the increasing magnitude and severity of the above listed complaints and the mistrust of the Village Board, public officials, and/or public employees, I formally request that an independent group be secured so that an open, unbiased, competent, and above all truthful investigation can be conducted without regard to special interests or secret agendas of the McFarland Village Board or the McFarland Ethics Board.

As Village President Harried stated he “welcomed any investigation”, I will furthermore, call upon the Village Board of McFarland to publicly, and by roll call vote, immediately endorse and send a letter to the Dane County District Attorney requesting an independent investigation into all ethics complaints.

A copy of this complaint will be forwarded to the Dane County District Attorney.

Gordon Kenggaard
5805 Curtis Street
McFarland, WI 53558