



MANITOWOC COUNTY
ETHICS BOARD
CONTINUED HEARING MINUTES

September 16, 2020

Via Zoom conferencing

Roll Call: Katherine Reynolds, Tom Musial, Jay Muchin

Others in Attendance: Peter Conrad

Continued Hearing on Ethics Complaint filed by Manitowoc County Board Supervisor Donald Zimmer against Manitowoc County Board Chairman James Brey:

Pursuant to Wis. Stat. § 19.85(1)(a), the Committee convened in closed session for the purpose of deliberating on the ethics complaint filed by Supervisor Zimmer against Chairman Brey, which was the subject of a quasi-judicial hearing before the Ethics Board on September 14, 2020.

Motion by Musial, seconded by Muchin to go into closed session and include attorney Conrad in the closed session. Roll call vote – Reynolds - aye, Musial - aye, Muchin – aye. Motion carried.

Reconvene into Open Session: The Board reconvened into open session for discussion and action on the ethics complaint filed by Manitowoc County Board Supervisor Donald Zimmer against Manitowoc County Board Chairman James Brey.

Motion by Musial, seconded by Muchin to go back into open session. Roll call vote – Reynolds - aye, Musial - aye, Muchin – aye. Motion carried.

Motion by Musial, seconded by Muchin to find the following, and therefore dismiss the Complaint against Mr. Brey. All aye. Motion carried.:

1. Mr. Brey did not harass, intimidate, or retaliate against Mr. Zimmer by calling an Executive Committee meeting;
2. Mr. Zimmer was not acting in his personal capacity when giving his public input at the July 20, 2020 City of Manitowoc Common Council meeting.
3. Mr. Zimmer was not engaging in political activity at the Common Council meeting;
4. It is not clear as to whether Mr. Zimmer brought his Complaint against Chair Brey for the purpose of harassment, but clear, convincing, and satisfactory evidence does not exist to make such a finding.

The Ethics Board requested attorney Conrad to prepare written findings of fact, conclusions of law, and an order consistent with its findings.

Adjournment: Motion by Musial, seconded by Muchin to adjourn. All aye. Motion carried.