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City attorney rejects request for investigation - cites need for notarization

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City attorney rejects request for investigation - cites need for notarization

See my thoughts in red....

West Bend News, 04/21/2009 (Linked back in title, but link is not working properly. Working on that issue.)

A call for an ethics investigation into the mayor's and an alderman's handling of a citizens group's protest of allegedly sexually-explicit books at the library needs to be notarized before it can be considered a formal complaint, West Bend City Attorney Mary Schanning ruled Monday.

"What they submitted to us does not qualify as a complaint," Schanning said.

Missing is a sworn statement outlining the allegations, the city attorney said.

Of course. No posted policy. No direction for an average citizen complaint. Dang! We did it wrong AGAIN!

"Basically, it means a notary (public)" is needed to witness the document, she explained.

Probably because it is so unbelievable that anyone would ever file a complaint, we just have to be sure it's really real.

Friday, Jim and Ginny Maziarka, addressing themselves as advocates for the citizen group they formed West Bend Citizens for Safe Libraries, addressed an e-mail to the five members of the city's Ethics Committee asking for the probe:

"We hereby submit a formal complaint concerning Alderman Nick Dobberstein and Mayor Kristine Deiss to the City of West Bend Code of Ethics Committee for investigation and action."

The e-mail was sent to the city clerk's office intended for Ethics Committee members William Alderson, Ric Leitheiser, Lawrence Hoffman, Barbara Landis, and Lonny Borns.

Monday, both Deiss and Dobberstein said they had no comment about the Maziarkas' complaint.

That's okay. We have plenty of verbage in our open records request.

Schanning said she sent the town of West Bend couple a letter explaining the procedure to file a formal ethics complaint.

How kind. Now we will get that in a day or so and be fully informed as to how to file a "real" complaint.

The Maziarkas, who also called for the removal of Dobberstein from the city's Library Board, claim the District 4 alderman abused his authority because he forwarded to friends e-mailed information from a city resident about a Web site promoting a petition counter to one the Maziarkas are circulating.

(Ooops! Tiny mistake there. Forwarded to "friends"? Um, we learned he forwarded to constituents, some of whom were scratching their heads as to why he would have sent that to THEM as the only emails they have ever received in the past from Alderman Dobberstein were those that pertained to District 4 news. Interesting, indeed!)

They also call it inappropriate that a later email from Dobberstein mentioning the Maziarkas' petition referred to a blog site that had commentary critical of the Maziarkas' efforts to restrict some books at the library.

(The link that Dobberstein sent out was actually a long personal attack. It was not a link to information from the first constituent who sent him the email with her petition, which would have been the appropriate link to send, if any at all. No, this was clearly inflammatory and vicious material directed towards us in a personal manner. Think he was trying to send a message? WE do.)

The Daily News ran a more detailed article on that Maziarkas complaint in Saturday's paper.

In their call for an ethics complaint, the Maziarkas write, "Alderman Dobberstein's choice to petition against the WBCFSL while acting as library board member, and representative of the taxpayers, is completely malapropos. We feel this is a hindrance to any decision the library will be making concerning our group's requests for policy creation, an inappropriate misuse of his aldermanic position, and shameful behavior of a library board member, whom we had hoped would remain fair and impartial, acting as an advocate on behalf of ALL citizens."

The couple also are angry at the mayor's decision not to remove Dobberstein from the Library Board or force him to abstain from voting as a Library Board member.

(We wouldn't say angry. We would, more appropriately, say appalled.)

Deiss has said Dobberstein and any other member of the Library Board has a right to express an opinion.

Of course they do! We agree! In fact, to a large degree this has allowed the community to openly see that Alderman Dobberstein has no issues with sexually explicit material targeted to an audience of kids, and offered in his very own public library. VERY REVEALING! Expressing this opinion, however, using his aldermanic position of authority, as a voting library board member, without ever communicating with us and investigating the issue is what we do not agree with. It is an act of manipulation and influence.

Citing the city's Code of Ethics, the Maziarkas claim both Deiss and Dobberstein violated that code.

If the Maziarkas resubmit a notarized complaint, Schanning said, it will be brought to the Ethics Committee.

Yes, yes, we know. Do it over. Make the citizen jump through hoops. Watch and laugh. Enjoy the show. We have bigger fish to fry and this is a small distraction; therefore, we will not pursue the additional paperwork and time necessary to complete this complaint. We think 'nuff has been said.

It will then be up to that committee to decide if it wants to proceed to determine if any action is warranted, she said.