



Report to Village Board

Agenda Item: "von Briesen Report"

Meeting Date: March 24, 2025

Referring Body: Village Board Items for Next Agenda

Committee Contact:

Staff Contact:

Report Prepared by: Ken Charneski

AGENDA ITEM: "von Briesen Report"

OBJECTIVE(S): To determine how \$65,000 of taxpayer money got spent on a project after the Village Board voted to not engage in it.

HISTORY/BACKGROUND: On January 31st 2024 the Village Board held a special meeting with a single agenda item which was "**Discussion & Action: Selection of independent Counsel in Reference to Employee Complaint.**"

The approved Minutes of that meeting state the following:

*Motion by Dumais/Coyle **not to select independent counsel and direct Administrator Ludi to work with personnel on a bonafide complaint, if any, and apply the employee handbook if appropriate.** Motion carried by roll call vote 7:0.*

The process that the Board directed ("apply the employee handbook") refers the matter of complaints to Village Policy HR-002, Problem Resolution, which directs the Village Administrator to try to resolve the problem after consulting with all parties involved (Step 2), and to document these discussions.

HR-002 (attached) then refers any **unresolved** issues to the process directed in **HR-009** (attached).

In Part III Step 2 of **HR-009**, it defines the elements required for a bona fide written complaint, and provides for a meeting with the grievant, and a written response from the administrator; all to be concluded within 15 days of receiving the written complaint. Step 3 provides for an appeal by the grievant upon written request within 10 days, for a hearing before a **Hearing Officer**.

Upon such request for appeal, the administrator shall turn over the grievance and **all grievance responses**, along with a copy of HR-009, to the **Hearing Officer**.

The Hearing Officer is directed to conduct an open hearing **within 20 days**, recorded by a court reporter, and include witness **testimony taken under oath** all very much like a regular court of law. This seems like a fair and reasonable way to get to the facts of the issue.

Part VI of HR-009 provides for a selection of 3 qualified candidates for the position of **Hearing Officer**, with the grievant and respondent allowed to each strike one candidate, leaving the remaining person to be the designated Hearing Officer. Again, this seems fair.

HR-009 requires a straightforward, public hearing and an honest third party review based on verified facts, and conducted as the policy dictates. This is a **fair and cost- efficient procedure** to settle complaint matters. It is a process that the Board approved, and it is what the administrator was directed to follow.

The January 31 Village Board motion was specifically **"NOT to select independent counsel"** for any kind of investigation, and to "apply the employee handbook if appropriate".

Yet, it appears that Mr. Ludi (Village Administrator at the time) did the **exact opposite of what the Board Directed** when he went ahead and signed a contract with von Briesen & Roper law firm, allegedly to conduct some kind of "investigation".

We do not know what they were hired to do, because the contract (attached) is extremely vague stating that they will *"consult with and assist the Village of Kronenwetter with personnel issues and concerns"*.

Any public information inquiries regarding who the "client" of this contract is, have been refused based on "attorney-client privilege", even though the confidentiality was lost before the contract was even made, and certainly lost now, since Chris Voll had the "report" posted on the Village website. For the purpose of this agenda item, we have to assume that the Village Board is the Client.

Unauthorized Contract and Expenditure

Village Policy FIN-004 Purchasing Policy (attached) directs that:
*"all **Professional contracted legal, architectural, engineering, auditing, financial advising, ambulance, informational technology and garbage services, except in the case of emergency purchases, shall be reviewed for recommendation to the Village Board by the appropriate committee**". So then:*

- Where are the RFP's as required?
- Where is the committee recommendation for this contract?
- Where is the Board approval of this contract?
- Where is anything that would reflect an honest, responsible, open government process?

In other words, it appears that someone within the Village defied Village Board instructions when they arranged for \$65,000 of taxpayer funds to be spent solely for political purposes and for the benefit of the former village clerk. and it seems to have been all done without knowledge or approval of any committee or Village Board.

Some quick facts about the background of the "report":

- In spite of the purchasing safeguards described above, and in spite of the Village Board instruction to NOT hire an outside attorney, Village attorney Lee Turonie has invoiced for reviewing and preparing the contract with von Briesen. Although, Mr. Turonie told the Village Board on February 10, 2025 that "he had nothing to do with it".
- Mr. Turonie appears to have had a clear financial conflict of interest in facilitating this contract between the Village and von Briesen. He also knew that the Village Board voted against hiring an outside law firm to investigate a "complaint".
- Mr. Turonie's lawyer attempted to submit this "von Briesen Report" as evidence at a Marathon County Court hearing on March 19, 2025, and the judge in that case immediately recognized it as "hearsay of other hearsay" or something very close to that, indicating its dubious value.
- The judge also questioned the authenticity of the document, observing that it does not state its authority, nor is it signed by the investigator.

- All such investigative reports start with a statement about who authorized the investigation, and what exactly they were investigating. (example attached). This report has no such header.
- The contract was made between Administrator Leonard Ludi and von Briesen attorney Robert Simandl. The investigator was Anne Barry-Hanneman.
- Charneski informed Ms. Hanneman that this investigation was unauthorized (see attachment), but she proceeded with it anyway.
- Both Simandle and Hanneman are no longer with von Briesen & Roper.
- There is currently no record of any complaint being filed against Trustee Charneski for anything at any time.
- The alleged "complaint, if any, that von Briesen supposedly was to investigate has never been revealed to anyone.
- Hanneman cites no law, rule, or even cultural norm that Charneski might have violated.
- If there was a real complaint of any legitimacy, it would not be concealed from the accused, and it would not take this kind of expense and effort to try to find some wrongdoing in order to justify it.
- The report's conclusions, and even the descriptions of circumstances appear to be highly subjective and **based on partial truth at best**. (see www.kencharneski.com)
- Hanneman repeatedly use the word "harassment" in her report, but she did so while ignoring the definition of the word from page 8 of the Village Employee Handbook:
*"Harassment includes unwelcome conduct (verbal or physical), actions, words, jokes, or comments **based on an individual's protected status such as gender, sexual orientation, color, race, ethnicity, age, religion, disability, marital status, or any other legally protected characteristic**. We will not tolerate harassing conduct that affects job benefits, interferes unreasonably with an employee's work performance, or creates an intimidating, hostile, or offensive work environment."*
- The definition above **is the only basis** for which an outside investigator can be hired.
- Even then, the purchasing process of FIN-004 must be carried out, **but was not**, which seems to qualify as a \$65,000 misappropriation of public funds.
- Nothing like the above definition appears in Hanneman's highly critical summary, yet her whole summary is based on alleged "harassment" based merely on subjective opinion unrelated to the definition.
- The report is based solely on perceptions, opinions, and unverified statements from anonymous people.

An article from **Psychology Today** describes "**What is Canceling?**"

<https://www.psychologytoday.com/us/blog/the-science-behind-behavior/202007/what-is-cancel-culture>

It describes **perceived** violations based on strong negative emotions resulting in **efforts to harm or shame the perceived violator**.

The approach that Hanneman uses in her report seems to fit that description perfectly, and with her own emotional or personal biases obscuring any pretense to objectivity.

The lack of value of the report is a side issue at this point. The problem that I see here that needs to be addressed is the clandestine nature of how this contract was approved,

signed, and paid for with a very minimal paper trail, and the documents that do exist being locked up under the guise of "attorney-client privilege".

The only justification for the secrecy around this expenditure appears to be for the protection of the perpetrators involved with this unauthorized \$65,000 expenditure, and those who stood to gain from it.

PROPOSAL: The numerous anomalies of this contract needs to be investigated. The logical place to start is with the documents (currently labeled "attorney-client privilege) associated with the initiation and execution of the von Briesen contract and investigation. It is too much money to just let slip away on secretive village politics.

RECOMMENDED ACTION: That the Village Board as the "client" move to review all emails and other relevant documents currently identified as "confidential" or "attorney client privilege" that are associated with the creation, payment or investigation or other fulfillment of the recent contract with von Briesen & Roper.

FINANCIAL

Financial Consideration/Action: No cost, other than time to gather the documents.

FUNDING SOURCE: N/A

Account Number/Title:	#
Current Adopted Budget:	\$
Spent to Date:	\$
Remaining Budget:	\$
Requested Amount:	\$
Remainder of Budgeted Amount, if approved:	

ATTACHMENTS: Policies Hr-002, HR-009, FIN-004, contract, email to Hanneman, example of an authorized report header.