

**Code of Conduct Complaint: Guy Zima**  
**Submitted: 01-10-2018**

**Name of Complainant:**

Barbara A. Dorff

**Address:**

3375 Pebble Beach Court  
Green Bay WI 54311

**Phone:**

(920) 469-0960

**Subject of the Complaint:**

Alderperson Guy Zima

**Nature of the Alleged Violations:**

Alder Guy Zima has violated sections 1B, 1C, 2A, 2B, 4A and 4C of the City of Green Bay, Wisconsin Code of Conduct for Elected Officials on multiple occasions.

**Request for Extension of Time:**

Rather than submit multiple complaints for each violation, I have compiled all of these violations into this single complaint. Based on that, I am requesting one hour and fifteen minutes to present the evidence I have gathered for this complaint, as well as between five and ten minutes for rebuttal.

## **Relevant Sections of the Code of Conduct**

### **Section 1.B Use Civility and Decorum in Discussions and Debate**

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every Council member has the right to an individual opinion, which should be respected by the other Council members. Council members shall not be hostile, degrading, or defamatory when debating a contentious issue. Council members should assume the other members of the Council have the appropriate motives and interest of the public in mind and should not criticize differing opinions because they believe them to be lacking in judgment or improperly motivated. However, this does not allow Council members to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters.

### **Section 1.C Honor the Role of the Chair in Maintaining Order**

It is the responsibility of the Mayor, as Chair of the Council, to keep the comments of Council members on track during Council meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following commonly recognized parliamentary procedure. Likewise, the same responsibilities vested in the Mayor for Council meetings, are vested in the Committee Chair for Committee meetings.

### **Section 2.A Treat all Staff as Professionals**

Council members should treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Council members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

### **Section 2.B Never Publicly Demean or Personally Attack an Individual Employee**

Council members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be forwarded to the employee's supervisor or the City Attorney through private correspondence or conversation.

**Section 4: Elected Official Conduct towards the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Council members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

**Section 4.A Be welcoming to Speakers and Treat them with Care and Respect**

For many citizens, speaking in front of Council is a new and difficult experience. Under such circumstances, many are nervous. Council members are expected to treat citizens with care and respect during public hearings. Council members should commit full attention to the speakers or any materials relevant to the topic at hand. Comments and non-verbal expressions should be appropriate, respectful, and professional. N 4: Elected Official Conduct toward the Public in Public Meetings Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. The Council members are expected to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. All Council members should convey to the public their respect and appreciation for the public's participation, input, and opinions.

## **Section 4.C Ask for Clarification, but Avoid Debate and Argument with the Public**

Only the Mayor, not other Council members, should interrupt a speaker during a presentation. However, other Council members may ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing. Questions directed by Council members to members of the public testifying should seek to clarify or expand information, not to criticize or debate.

### **Statement of facts and time period during which violations occurred**

1. On multiple occasions, Alderperson Guy Zima violated the City Council Code of Conduct by failing to treat citizens with care and respect during public hearings and by failing to convey to the public his respect and appreciation for the public's participation, input, and opinions by behaving in a disrespectful manner toward an individual participating in a public forum, and by directing questions to members of the public testifying that, rather than seeking clarification or expansion of information, devolved into criticism and debate.

#### **Examples:**

- Criticized a citizen who filed a complaint with the ethics board
- Called a citizen "such an avid fan of the mayor"
- Called a person who is a citizen and a neighborhood association president hysterical and says she has a reputation for that
- Engaged in extensive adversarial questioning of a potential business owner regarding the definition of touching and accuses a citizen of evading questions.
- Challenged a citizen who makes a point by saying "Oh are you going to tell us how we are going to run our meetings now?"
- Made numerous unsubstantiated accusations about a citizen's business
- Called a citizen defiant even though that person was being very forthcoming
- Questioned the character of a citizen who he stated was an opponent of his

- Criticized a citizen at length rather than seeking clarification

2. That on multiple occasions, Alderperson Guy Zima violated the City Council Code of Conduct by demeaning or personally attacking an employee regarding the employee's job performance in public, as well as during interactions with city staff that did not demonstrate the clear, honest communication that respects the abilities, experience, and dignity of each individual as is expected of a member of the City of Green Bay Common Council.

**Examples:**

- Called the city attorney out of order
- Called the city attorney's thinking archaic and is constantly amazed by it
- Stated "I don't think she knows what she is talking about in reference to city attorney
- Referred to city attorney's comments as "poppycock"
- Stated that city attorney's legal opinion defies logic
- Stated to city attorney "It's time to go back to school"
- Falsely claimed misrepresentations from our city attorney's office
- Accused city attorney of lying
- Called a staff member Dr. Yahoo
- Accused a number of staff in general of lying and hiding answers from him.
- *Placed his hands around the throat of an employee*

3. That on multiple occasions, Alderperson Guy Zima violated the City Council Code of Conduct during disagreements about the agenda or the Mayor's actions, as he voiced his objections in an impolite and unreasonable manner, failing to follow commonly recognized parliamentary procedure, and by making hostile, degrading, or defamatory statements and belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters to other elected officials.

**Examples:**

- Accused the chair of making up rules
- Stated "your way or the highway" to the chair

- Telling the chair his answers were 'weasely'
- Saying to the chair "You don't know much about anything, do you?"
- Saying he didn't know what an Alder's problem was
- Saying an Alder had a bit of a fit about an issue
- Telling an alder that he could go home any time he wanted
- Interrupting Alders
- Rather than asking questions in committee gave insulting opinions about the writing of an alder,
- Calling the mayor a name.
- Referring to the mayor's answers as 'weasely'.
- Calling the mayor a liar or stating that the mayor lies on multiple occasions,
- Accusing the mayor of assisting someone because he/she contributed to the mayor's campaign

#### **Time Period:**

The code of conduct states that "a complaint under the Code must be filed no later than one year from the **date of discovery** of the alleged violation". Most of the alleged violations have occurred beginning in February of the 2017 calendar year. One, which became public during the 2017 calendar year, occurred in 2004.

**The Materials to be used in the Filing of this Complaint are as Follows.**

- 1. Audio and Video recordings of the 2017 City Council meetings, which can be found on the City of Green Bay YouTube Channel, held on the following dates:**
  - 2-07-17 (Council)**
  - 2-20-17(Council)**
  - 3-07-17 (Council)**
  - 3-21-17(Council)**
  - 4-5-17(Council)**
  - 5-16-17(Council)**
  - 6-20-17(Council)**
  - 7-18-17 (Council)**
  - 9-19-17 (Council)**
  
- 2. Audio and Video recordings of the 2017 Protection and Welfare committee meetings, which can be found on the City of Green Bay YouTube Channel, held on the following dates:**
  - 7-10-17 (Protection and Welfare)**
  - 8-7-17 (Protection and Welfare)**
  - 9-11-17 Protection and Welfare)**
  
- 3. Documents received as part of an open records request in December 2017 (attached)**

***I swear that the information contained in the complaint is true and correct, or that I, Barbara Dorff, 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.***

 1/10/2018  
Barbara A. Dorff Date

**OPEN RECORDS**

**RECEIVED DECEMBER, 2017**





Municipal Court

Jerry H. Hanson  
Municipal Judge

## MEMO

To: Human Resources  
From: Jerry Hanson  
Dated: June 18, 2008  
Re: [REDACTED] incident with Guy Zima - December, 2004

This memo is prepared based on a recent request from Melanie Falk of Human Resources to memorialize the above referenced incident.

In December, 2004, [REDACTED] and [REDACTED] came into my office to inform me of an incident that had occurred with Guy Zima. The allegation from [REDACTED] was that Guy came into the 6<sup>th</sup> floor conference room at City Hall walking like Frankenstein with his arms out and made a comment that he was going to kill [REDACTED] for giving out a citation to a little old lady in his district. [REDACTED] and [REDACTED] were present at the time of the incident but [REDACTED] was not there. The allegation was that Guy then walked over to [REDACTED] put his hands around [REDACTED] neck and choked [REDACTED] enough to cause [REDACTED] glasses to fall off whereupon any choking ceased and [REDACTED] glasses were picked up off of the floor.

[REDACTED] and [REDACTED] were all obviously concerned. [REDACTED] did not want to work in Guy's district anymore because of the threat. I asked what they wanted me to do. One of the possibilities was make a complaint with the police department. By the end of that meeting we all agreed it would be best if [REDACTED] did not work in Guy's district anymore and I would follow up by talking with [REDACTED] and Guy.

In my investigation I spoke with [REDACTED] & Guy separately. [REDACTED] indicated he thought the incident was somewhat in jest but Zima probably grabbed [REDACTED] too hard which caused [REDACTED] glasses to fall. Zima indicated he did put his hands around [REDACTED] neck which caused [REDACTED] glasses to fall, but he denied choking [REDACTED]. By the end of the conversation with Guy, I told Guy he needed to apologize to [REDACTED]. I told Guy to apologize to [REDACTED] but he would not do so. I indicated to Guy that [REDACTED] would not be working in his district and that he should not retaliate in any way against [REDACTED] or [REDACTED].

I then spoke again with [REDACTED] (I don't recall speaking to [REDACTED] but I knew [REDACTED] or [REDACTED] would inform [REDACTED] and told them what happened. I'm not sure when it happened but I did find out from [REDACTED] that Guy did apologize to [REDACTED]. [REDACTED] indicated it would work to keep [REDACTED] out of Guy's district.

A.

**Melanie Falk**

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**From:** [REDACTED]  
**Sent:** Wednesday, March 11, 2009 7:48 AM  
**To:** Melanie Falk  
**Cc:** cwey1@new.rr.com; dpiton@gmail.com; cjeffreys@new.rr.com; [REDACTED]  
**Subject:** Zima harassment complaint

Melanie,

I disagreed with the response from Fred Geisler regarding my sexual harassment complaint against Zima. The response also included a warning to Zima to not speak negatively about me to my co-workers. I had a co-worker come forward and speak to you about what Zima had said to him about [REDACTED] and I. I have yet to receive a response from HR regarding this matter and since Fred is gone I can't discuss his response with him. My complaint is now on at least the 5<sup>th</sup> HR director and it has been more than 4 years. I feel the hunt at P&W is further retaliation for making a complaint. Perhaps it would be best to bring this out into a public forum.

Sincerely,

[REDACTED]  
City of Green Bay  
Public Nuisance Inspector  
920.448.3311, fax 920.448.3117  
[jeanwo@ci.green-bay.wi.us](mailto:jeanwo@ci.green-bay.wi.us)

3/11/09 -  
[REDACTED]

**CITY OF GREEN BAY HUMAN RESOURCES DEPARTMENT  
MEMO**

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**TO:** [REDACTED]  
Inspection Division

**DATE:** October 21, 2008

**FROM:** Fred Geissler  
Human Resources Director

**RE:** Response to Harassment Complaint

On October 14, 2008, I met with you and your supervisor, [REDACTED], to review with you the results of Human Resources' harassment investigation, as a result of your complaint alleging harassment by Alderman Guy Zima. Human Resources did not identify any conduct toward you that rises to the level of harassment. However, I reviewed with Mr. Zima the importance of treating City employees with dignity and respect and that making disparaging remarks about employees to others is inappropriate and unprofessional.

As I informed you, the investigation has been completed, and after meeting with Mr. Zima I outlined for him several directives. You were also informed that I was sending him a letter with this information. Those directives to Mr. Zima are as follows:

1. Mr. Zima is not to have any contact with yourself or [REDACTED]
2. All business with the Inspection Department must be conducted through Rob Strong.
3. Mr. Zima is not to make any negative comments to anyone about [REDACTED] or [REDACTED]
4. There can be no retaliation against any City employee as a result of this matter.

As discussed during the meeting on October 14, 2008, if any other issue arises as a result of this matter, you must notify Rob Strong [REDACTED] or contact the Human Resources Department immediately. No further action will be taken by the Human Resources Department regarding this matter.

**Cc:** Personnel File

C.



Human Resources Department

October 14, 2008

Alderman Guy Zima  
1121 12<sup>th</sup> Street  
Green Bay, WI 54304

Re: Harassment Complaint of [REDACTED] against Guy Zima

Dear Alderman Zima:

Recently, we met and I reviewed with you the allegations made by [REDACTED] along with concerns expressed by [REDACTED] for matters occurring on January 24, 2008 and June 5, 2008.

The January 24, 2008 incident involved a phone call from you to [REDACTED] in which [REDACTED] alleges you said:

- "Some people don't like you being in place."
- "We all know that you got this job because you have the ear of the mayor."
- "I want to meet with you so I can help you so you can keep your job."
- "Some people are mad about the change (reorganization). They think you are too aggressive."
- "You have a sneaky, bad conniving side to you."

You denied making these statements.

I also reviewed with you additional alleged comments that [REDACTED] stated you made during the phone conversation on January 24, 2008:

[REDACTED] is over the top with her inspections. You also made a comment that you wanted to meet with [REDACTED] to discuss inspection issues and that "a group of us will be watching you." [REDACTED] asked what group that would be. You allegedly responded, "You know what group, you were at the meeting (Council meeting)."

During our meeting, you discussed with me your long standing disagreement with survey-based compliance and the fact that you believe the Inspection Department should enforce compliance on a complaint basis.

D.

On June 5, 2008 you stopped into the Planning Office and this investigation revealed the following:

You came into the Planning office to discuss an inspection issue with [REDACTED]. The initial conversation was fine. Then you began asking questions about the proactive inspection program. You got angry. You made the statement that you would "kill anyone that came to (your) house." You angrily accused [REDACTED] of being sneaky. You said "we should just gut this department." This conversation was overheard by other staff members.

One staff member heard you tell [REDACTED] "If Inspectors are on my property—they'll be sorry." The witness stated that you were yelling. You said that you do not want inspectors in your district. You were overheard telling [REDACTED] that you should "gut this whole department, get everyone out."

Both witnesses said that if anyone spoke to them in that manner, they would have felt belittled. They felt that your conduct was unprofessional.

A witness said the first thing you said when you walked into the office that day was, "Oh, you guys are really working." The staff member elaborated by stating that most times you are not professional when speaking with [REDACTED]. That you appear to be looking for a fight. The staff member felt this last incident had escalated from previous incidents based upon your anger, yelling and tone with [REDACTED].

The witness also commented that when you come into the Planning Office and ask for [REDACTED] and [REDACTED] is not available, you will make the comment, "Where is [REDACTED]. On a date with the Mayor?" "The Mayor is [REDACTED] boyfriend."

As to this June 5, 2008 matter, you stated you did not recall the incident. You said that you sometimes get angry and blow-up, but then it is over and forgotten.

It is of considerable concern that this is not the first time there has been allegations of harassment against you by [REDACTED] and [REDACTED] which was dealt with by Jerry Hansen.

E.

You and I have reviewed the importance of treating all City employees with dignity and respect. You acknowledge that you were trained on the City's harassment policy and you believe in that policy. You further indicated that you would try and be more helpful and friendly.

Your actions have placed the City at risk for liability, and your actions are often interpreted by others to be intimidating, belittling and unprofessional. In order to avoid any further incidents you must abide by the following:

1. Do not have any contact with [REDACTED] or [REDACTED]
2. Conduct any and all business with the Inspection Department through Rob Strong.
3. Do not make any negative comments to anyone about [REDACTED] or [REDACTED]
4. Do not retaliate against any City employee as a result of this matter.

I look forward to your continued cooperation. I hope there will be no further incidents of this nature regarding you which could result in action by the Council.

Sincerely,



Fred Geissler  
Human Resources Director

FKG:

c:

F.

**Alderman Guy Zima  
Timeline of Complaints**

12/8/04

Alderman Zima calls ██████████ discuss a raze order at 535 3<sup>rd</sup> street. Zima became angry during the conversation as ██████████ explained the reasons for the raze. He referred to ██████████ a "Joan of Arc" of inspections. He agreed to meet ██████████ at the site and made the comment, "Make sure you are wearing clothes—I know the kind of ██████████ you are."

12/14/04

A Clerk in the Inspection division, ██████████ reports to ██████████ that Guy stopped in to see ██████████ on this date. ██████████ told Guy that ██████████ was at training for a few days. Guy responded, "Good, ██████████ needs a lot more of it." Guy said that ██████████ has two days left until he kills ██████████. He went on to tell ██████████ that (Inspectors) should not go after old people. He believes ██████████ is on ██████████ "high horse and trying to save the City."

12/16/04

██████████ w/Allison Swanson to discuss the incidents mentioned above and behavior directed toward ██████████ on 12/14/04. On 12/14, Guy put his hands around ██████████ throat and pinned ██████████ against the wall after an RDA meeting. Guy told ██████████ that ██████████ is going to get it." Allison said the (2) issues are the sexual comments and death threats. Allison stated that Jerry Hanson would meet with Guy

12/22/04

██████████ met w/Jerry Hanson and told ██████████ that he received a call from Channel 2, they heard about the Guy Zima incident. As a result, Jerry has already talked to Zima (no date given). Jerry asked ██████████ why ██████████ thought Guy was making the comments. ██████████ responded that ██████████ thought this was intimidation and because of ██████████ gender. ██████████ told Jerry ██████████ was not aware of any behavior like this exhibited by Zima toward ██████████ Inspectors.

Jerry's notes state that he addressed the broken glasses issue; and the death threat (that he will "kill" ██████████ because ██████████ cited an old lady in his district).

██████████ According to Jerry Hanson, he investigated, and reviewed the concerns w/Zima. Told him behavior was inappropriate. Can't happen again; no retaliation. ██████████ is pulled from Zima's district to minimize the amount of contact with Zima. No date provided by Jerry with respect to his conversation with Zima. (see his attached memo).

3/3/05

██████████ received phone call from Alderman who said he had information, but would deny this if he were ever asked. The Alderman told ██████████ that Alderman VandenHeuval would be making a motion on the council floor to have ██████████ fired. According to the Alderman, VandenHeuval believes that ██████████ is not qualified for the position; that it was handed to ██████████ and ██████████ has mistreated people in the field. ██████████ stated that ██████████ feels like this is retaliation regarding ██████████ complaint against Zima (sexual comments and

G.

death threat). [REDACTED] believes that Zima is somehow behind this issue—but cannot be proven.

3/4/05

[REDACTED] reviews this phone call with [REDACTED]. [REDACTED] also received information that VandenHeuval wanted to see them fired. All (3) meet with Jerry Hanson to discuss their concerns.

3/7/05

[REDACTED] receives a confidential letter from Jerry Hanson stating that an outside investigator would be looking into [REDACTED] complaints against Alderman VandenHeuval (not against Zima). See attached letter.

3/8/05

Letter of Direction provided to outside investigator outlining [REDACTED] complaints. (see attached)

5/05

Interviews of all Inspection staff are conducted by outside investigator and HR Manager.

6/05

See attached. Document not dated, submitted by outside investigator recommending additional interviews to determine if there were any violations.

6/28/05

[REDACTED] Jerry Hanson and HR Manager provide investigation update to Personnel Committee. This was done in closed session, no executive session minutes taken. Report out was that HR would prepare a reorganization study for the committee's review. No information regarding final outcome of investigation.

11/05

At Council Budget hearing, according to [REDACTED] Alderman Zima makes motion to eliminate [REDACTED] position from the table of organization. Mayor needs to break the tie. Votes in favor of keeping [REDACTED] position in the budget, but not giving [REDACTED] the wage increase as recommended by HR for the additional duties [REDACTED] assumed.

1/24/08

[REDACTED] receives phone call from Zima. He wants to discuss with [REDACTED] how to run the inspection division. He goes on to say "some people don't like you being in place." "We all know that you got this job because you have the ear of the mayor." "I want to meet with you so I can help you so you can keep your job." "Some people are mad about the change (reorganization). They think you are too aggressive." "You have a sneaky, bad conniving side to you."

During this phone conversation, Zima also made a statement that [REDACTED] is over the top with [REDACTED] inspections. He also made a comment that he wants to meet with [REDACTED] to discuss inspection issues and that "a group of us will be watching you." [REDACTED] asked what group that would be. Zima responded, "You know what group, you were at the meeting (Council meeting).

5/12/08

Fred G. met with [REDACTED] and [REDACTED] Zima and several other alderman were at a meeting with [REDACTED] and [REDACTED] and after the

H.







City Attorney's Office

October 9, 2017

Ald. Guy Zima  
1121 12<sup>th</sup> Ave.  
Green Bay, WI 54304

VIA E-MAIL & U.S. MAIL  
district9@greenbaywi.gov

Re: **Incidents Involving City Staff**

Dear Ald. Zima:

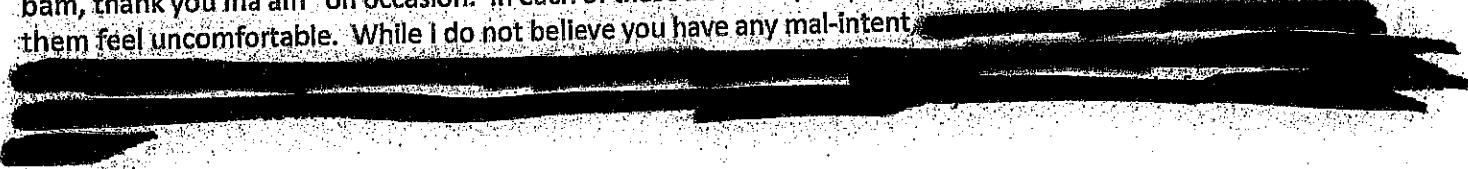
It has come to my attention that there have recently been numerous incidents involving you and City staff which are cause for concern. These complaints include all of the following:

1. You have yelled at or raised your voice to City Clerk department employees in a demeaning or threatening manner on multiple occasions.
2. You have shaken your finger at employees in a demeaning or threatening manner on multiple occasions.
3. You have criticized a Clerk office employee's job performance in public on multiple occasions.
4. You have told staff they are in trouble.
5. You have challenged staff by asking "are we going to fight tonight?"
6. You have approached employees at their vehicles during off-hours and in the dark to discuss items.
7. You have stared at an employee, which made her feel uncomfortable.
8. You have publicly called employees names, called employees liars, and questioned their motives on multiple occasions.
9. You have accused employees of not wanting to do their jobs.
10. You have told employees they are "anti-Zima."
11. You have used disparaging language regarding other employees or other elected officials during your conversations with employees on multiple occasions.
12. You have attempted to direct staff's work product and performance, in contravention of their supervisor's directives.

J.

public spaces. In addition, we are notifying staff that two (2) employees should be present for all meetings with you. Finally, employees are within their right to immediately stop the meeting if they feel threatened or that the conversation is disrespectful. *Please note that if you do not comply with these requirements or your conduct continues to be inappropriate, you will no longer be permitted to meet with employees simply by stopping in and instead will need to set up an appointment for a time when the department head can be present.*

Lastly, I want to caution you regarding your language. As you are aware, Ms. Lynn Boland spoke with you earlier this year regarding sexually inappropriate comments made by you in the presence of employees. Employees have again expressed concern about comments made by you in public meetings, including your comments made during the oval office discussion wherein you refer to women rubbing on men, and your discussion of massage parlors where you state that some massages end well and some do not. Finally, employees have heard you use the suggestive phrase "wham, bam, thank you ma'am" on occasion. In each of these instances, employees have indicated your comments have made them feel uncomfortable. While I do not believe you have any mal-intent,



Thank you for your attention to this matter.

Sincerely,

Vanessa R. Chavez  
City Attorney  
City of Green Bay  
100 North Jefferson Street, Room 200  
Green Bay, WI 54301  
Phone: (920) 448-3080  
Fax: (920) 448-3081  
[vanessach@greenbaywi.gov](mailto:vanessach@greenbaywi.gov)

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K.

Received  
12/12/17  
1:30 pm VKE

Guy Zima  
1121 12<sup>th</sup> Avenue  
Green Bay, Wisconsin 54304

December 11, 2017

Joanne Bungert  
Green Bay City Attorney  
100 N. Jefferson Street, Room 200  
Green Bay, Wisconsin 54301-5026

RE: Notification of rights letter dated December 5, 2017 from  
Assistant City Attorney Joanne Bungert.

Dear Attorney Bungert:

On December 5, 2017, I was officially served with the attached letter. I met with you on December 6, 2017 and requested the records you were releasing. You stated that I had until Tuesday, December 12, 2017 to respond. **The records for release and the request for records were not attached to your Notification.** How could you possibly think that I could respond or augment records that you failed to attach to your notification? After a lengthy discussion with you regarding the records that you are intending to release, you hesitantly but finally provided me (after the fact) with a copy of the records. To avoid confusion I have attached a copy of the records that you have belatedly released to me after the fact of the notification. (See exhibit A). I also requested a copy of the request under the open record's law that you received requesting these records and you indicated that you could not provide that to me and that I would have to file a records request for those documents. You stated that you had numerous records requests pending and that you would not be able to provide me with those records until those other requests were completed. I believe that you should have provided me with the actual request so I could respond in kind.

\* ( First and foremost, the records that you are releasing were never formal complaints processed through the ethics committee. I am an elected official not a city employee. While I realize from your letter that "Employee complaints filed against Ald. Guy Zima in 2008 and 2017" were requested, it should be noted that these complaints were found to be either unfounded or were resolved. The record should be augmented to note that no complaints with the Ethics committee were filed against me. I consider your offices handling of these allegations as harassment against me. **Records show that these allegations are being promoted, pushed and insisted on by Mayor James Schmitt.**

L.

Under Wisconsin Statute Section 19.356(9) I am "augmenting the record to be released" as follows:

A. In response to the Jerry Hanson memo of June 18, 2008, regarding a rehash of a 2004 accusation made by [REDACTED] a new city inspector who had shortly before worked for the Redevelopment Authority as a neighborhood association specialist.

1. The complaint was dismissed by City Attorney Jerry Hanson in 2004 as unfounded.

2. [REDACTED] was making the complaint even though [REDACTED] was not present at the incident in question.

3. [REDACTED] supervisor, and the alleged victim of my actions, called me and told me [REDACTED] had nothing to do with [REDACTED] complaint which alleged that I had choked [REDACTED] which was totally untrue. [REDACTED] also said [REDACTED] would verify to City Attorney Jerry Hanson what happened.

4. At no time did I have a conversation or have contact with [REDACTED] regarding this matter. I did complain about [REDACTED] to [REDACTED] regarding [REDACTED] treatment of an 82 year-old-female constituent from my district and was happy when [REDACTED] transferred [REDACTED] to a different district.

5. It should also be noted that [REDACTED] inspection tactics were also criticized by other aldermen. [REDACTED] was quoted, among other things, that "I love to give citations".

B. It is impossible for me to respond to the memo to Melanie Falk of Wednesday, March 11, 2009, as it refers to a 4 to 5 year old alleged complaint. However, the memo itself seems self explanatory. It shows how frivolous the complaint is in that at least five HR (Human Resource) directors failed to give sufficient weight to act on the alleged complaint.

C. In response to the complaints of January 24, 2008 and June 5, 2008, summarized to me in a letter on October 14, 2008. On information and belief, I believe that the case involved [REDACTED] whom I have great respect for and continue to have a good working relationship. I continue to give support to [REDACTED] efforts on behalf of the citizens of Green Bay especially the Neighborhood Enhancement Program.

That said, we did have on rare occasions disagreements which regrettably resulted in the aforementioned complaint.

The result of the complaint is summarized in then Human Resource Director Fred Geissler's response to the alleged harassment complaint on October 25, 2008 and stated specifically "human resources did not find any conduct toward you

M.

that rises to the level of harassment" and concluded "no further action will be taken by the Human Resource Department regarding this matter". While [REDACTED] and I were not in contact with each other for a period of time at the directive of Fred Geissler, we have positively reconciled and work collaboratively on many city issues. For some time now, we have and have had a cordial, friendly and productive relationship. I harbor absolutely no animus regardless of a few past disagreements.


D. As to the undated "incident" of an informal gathering at the reception desk of the mayors office, I jokingly and perhaps insensitively made some remarks regarding wedding photos shared with me in the vestibule of the mayor's office. I met with Human Resource Director Lynn Boland regarding the unintended incident. I offered a formal and/or personal apology but was told by Director Boland that it was unnecessary.

That said there have been no further repercussions and I continue to interact with all parties involved.

In closing I want to reiterate that records show that these allegations are being promoted, pushed and insisted on by Mayor James Schmitt.

If you have any questions please contact me.

Respectfully,

  
Guy Zima

N.

**Guy Zima Complaint Timeline**  
**City Clerk's Office**  
**September 25, 2017**  
(based upon [REDACTED] documentation)

**August 7, 2017**

- Protection and Welfare Committee meeting
  - Zima states that he would not be approving the minutes from the July 10<sup>th</sup> meeting (Oval Office discussion).
  - He want more detail; minutes not as good as Brown County minutes.
  - At the same meeting, it is reported to the Mayor that Zima "harassed and bullied" a female business owner of Café Madrid who was requesting an amended license.
- Review meeting recordings 8/7 and 7/10

**August 11, 2017**

- Clerk's office employee, [REDACTED] is preparing the minutes from the August 7<sup>th</sup>, P&W meeting. She hears Zima's remarks on the tape regarding the minutes.
  - [REDACTED] is upset, feels she is not doing a good job.
- Zima visits the Clerk's office.
  - Makes the statement that he wants the minutes done verbatim.
  - He is told no by the [REDACTED]
  - Zima is irate, shaking and he tells [REDACTED] that he only wanted a portion of the meeting minutes done verbatim.
  - He is told the office does not have time; they will need to contract out this function if Zima wants more detail.
  - Zima continues to argue, [REDACTED] states that she will bring Diana Ellenbecker into the conversation.
  - Ellenbecker explains that there is a new agenda management system and the minutes will be more condensed.
  - Zima is very upset, irate with Diana.
  - Zima is told that if he requires the detail, more money is needed to contract this out.
  - This exchange occurred at the front counter; 2 employees witnessed the exchange; [REDACTED] asked him several times to come to her office; he was shaking; his voice got louder, he was pointing his finger.
- Zima returns later in the day.
  - [REDACTED] provides him with a copy of the minutes.
  - Zima reviews the minutes and informs [REDACTED] that he asked a question twice, but the minutes reflect that he only asked it once.
  - This was the only change Zima requested; [REDACTED] did not make the change.
  - [REDACTED] sends an e-mail to all of the P&W committee members (including Zima).
  - Ordinance does not state that minutes need to be verbatim.
  - Will take an enormous amount of time.
  - There is a video of the meetings.
  - Zima's comments at the meeting have made [REDACTED] feel bad.
  - New agenda management system to be implemented; will be doing very little minutes; individuals will be able to go directly to the agenda item on the video.

- E-mail from Mayor to Boland, Chavez and Jeffreys
  - Zima treated employees in the Clerk's office poorly.
  - He was on a rage in the Planning office.
  - Mayor requests an investigation into Zima's conduct.

#### August 12, 2017

- Mayor Schmitt requests an investigation into Zima's conduct at the August 7<sup>th</sup> meeting.  
E-mail sent to Boland, Chavez, Jeffreys

#### August 14, 2017

- Boland e-mails ██████ inquiring about the incident in the Clerk's office on August 11<sup>th</sup>.
- ██████ responds with summary of events.

#### August 15, 2017

- At City Council meeting, Zima submits a communication to Personnel Committee to discuss/review how meeting minutes are taken and prepared.

#### August 16, 2017

- 3:15 a.m. following Council meeting
  - Zima approaches ██████ at ██████ car, states that he did not like ██████ e-mail that was sent to all of the P&W committee members.
  - ██████ asks him why he does not like it.
  - Zima responds, "I am too tired tonight". He walks away
- ██████ e-mails HR Director Boland
  - Zima approached ██████ at ██████ car after the council meeting
  - Zima submitted communication
  - ██████ requests advice; how do I respond to Zima if he comes in to discuss the e-mail sent to P&W committee members and if he wants the minutes done verbatim.
  - Boland responds: Advises ██████ to listen to Zima if he comes in. Tell him you will get back to him.
  - If ██████ is uncomfortable with that approach; ask Ellenbecker or Chavez to meet with Zima.

#### September 12, 2017

- Zima is in the Clerk's office. Asks ██████ if they are "going to fight tonight?" (at the Personnel Committee meeting).
  - ██████ asks why.
  - Zima requests minutes on the 9/11 memorial and begins yelling at ██████ "This is why we need paper copies."
- Zima returns to the Clerk's office prior to the Personnel Committee meeting.
  - Stares at ██████ with a smirk.
- During committee meeting; Zima makes statement that ██████ is a liar.
  - He criticizes the work of the City recording secretaries
  - Accuses them of not wanting to do minutes anymore.
  - ██████ explains that Zima wanted a question that he asked twice to be reflected in the minutes
  - Zima is upset at the meeting.

P.



### September 13, 2017

- Zima goes to the Clerk's office.
  - He yells at [REDACTED] stating that he was thrown under the bus at the committee meeting.
  - Points his finger at [REDACTED] and states that the [REDACTED] cannot tell the Council how the minutes should be done.
  - Told [REDACTED] is now part of the Barb Dorff group.
  - His actions were observed by Clerk staff.
  - He announces that they are now anti-Zima.
- ½ hour after Zima left, [REDACTED] approached Teske and was crying so hard [REDACTED] could not speak.
  - Upset because Zima has repeatedly come into the office and yells.
  - He does not like [REDACTED] P&W minutes; [REDACTED] is afraid [REDACTED] will get fired.

### September 23, 2017

- Mayor sends e-mail to Chavez, Boland, Falk and Faulds
  - States that Zima went off again this week in the Clerk's office.
  - Requested an investigation
  - Zima is creating a hostile work environment

### Other concerns:

- [REDACTED] does not want to be alone with Zima.
- He has made inappropriate comments.
  - At counter he made the statement, "Tom's dad is not doing well. He is smart, really smart, but those kids are, eh" (waving his hand).
  - At the September 11<sup>th</sup> P&W meeting, he commented, "Massages...some end well, done do not."
  - "Wham, bam thank you ma'am."
  - He gets so irate that he shakes.

Q.

On Friday [REDACTED], 2017 Human Resources Director Lynn Boland met with Alderman Guy Zima to discuss some inappropriate comments he made to [REDACTED] and [REDACTED].

[REDACTED] He referenced the Kim Kardashian wedding night sex tape and was asking if [REDACTED] had done a similar tape and other comments along that line, both [REDACTED] were very uncomfortable with these comments and felt they were creepy.

[REDACTED] When [REDACTED] found out that I would be addressing these concerns with Ald. Zima [REDACTED] became very concerned he would retaliate against [REDACTED].

In meeting with Ald. Zima he asked if this was about the Kardashian tape. I said yes. He immediately said he really liked the [REDACTED] and felt that his mouth had gotten ahead of his brain and didn't want anyone to feel bad. He wanted to apologize to them. I suggested I would convey that message to them and he didn't need to. I also told him they thought it was creepy, it was inappropriate and he needed to stop those types of discussions around employees - he agreed.

I continued that they were concerned he may retaliate against them. He assured me he had no animosity toward them. He realized that [REDACTED].

[REDACTED] He went on to say that if [REDACTED] didn't know something [REDACTED] said so and he appreciated that but [REDACTED] always got back to them in an appropriate period of time with the answer. He enjoyed working with [REDACTED].

He doesn't want them to feel bad.

He is profoundly sorry and his mouth just got carried away.

They didn't need to worry because he was in no way going to retaliate and he felt bad.

That was the end of the meeting.

R.

Report of Interviews regarding incident involving Ald. Zima  
Vanessa R. Chavez, City Attorney

On [REDACTED] 2017, I met with [REDACTED] [REDACTED] when Ald. Zima arrived in the [REDACTED] looking for documents from staff. Ald. Zima decided to wait while staff was compiling those documents, and stood on the other side of the counter from [REDACTED]. Ald. Zima [REDACTED] asked "who got married?" [REDACTED] responded that [REDACTED] did. He then asked [REDACTED] name, and [REDACTED] told him [REDACTED] full name. He then asked if he could see a picture of "the lucky [REDACTED]" which [REDACTED] did. In response, Ald. Zima stated, "[REDACTED] doesn't look like [REDACTED] a schmuck" and [REDACTED] agreed. Although [REDACTED] had already begun to leave, Ald. Zima continued their conversation. At that time, he asked [REDACTED] "Are you like Kim Kardashian? Did you videotape the wedding night?"

[REDACTED] indicated that [REDACTED] was caught off guard by his comment. [REDACTED] stated it made [REDACTED] uncomfortable and [REDACTED] couldn't believe he was asking about [REDACTED] wedding night. [REDACTED] responded "No, I'm not like Kim Kardashian" and then wanted to play it off as just a reference to their wealth instead, so added "but I wish I had her money." In response, [REDACTED] stated Ald. Zima made a comment to the effect of "Can you believe people have nothing better to do than to watch those dodo birds?" [REDACTED] said despite her efforts to change the subject to discuss Kim Kardashian's wealth rather than the sex tape, she stated it was clear to her that his comments in response were still on the original subject.

[REDACTED] indicated that Ald. Zima then told [REDACTED] could learn something. He said [REDACTED] could just google it and the sex tape pops right up. [REDACTED] indicated that [REDACTED] believed his comment was intended to tell [REDACTED] that what [REDACTED] could learn new was that you can google anything these days. [REDACTED] did not recall [REDACTED] responding to the comment. Instead, [REDACTED] was again surprised by his comment and as a result asked him how he knew that. Ald. Zima responded that he's seen it a couple times.

[REDACTED] said [REDACTED] was surprised that he would tell [REDACTED] that. [REDACTED] said [REDACTED] responded with nervous laughter and immediately left to return to [REDACTED] office. After Ald. Zima left, [REDACTED] stated [REDACTED] came to [REDACTED] office and discussed that he was gross. [REDACTED] said they did not discuss his exact comments, but just how gross it was in general.

A couple minutes later [REDACTED] went to [REDACTED] office and informed [REDACTED] that [REDACTED] had heard the conversation [REDACTED]

I asked [REDACTED] if [REDACTED] and [REDACTED] made any comments which could have triggered the conversation, such as comments related to sex, the wedding night, or Kim Kardashian. She stated that they had not made any such comments. [REDACTED]

[REDACTED] when Ald. Zima arrived. [REDACTED] stated that [REDACTED] felt Ald. Zima's comments were not only inappropriate but also that it cheapened [REDACTED]

[REDACTED] but after Ald. Zima's comments, it felt gross. [REDACTED] also indicated that [REDACTED] and was worried he would retaliate against [REDACTED] or try to embarrass [REDACTED]. [REDACTED] was upset that I was conducting an investigation because [REDACTED] didn't

want him to know the comments bothered [redacted] [redacted] said [redacted] would be hesitant to discuss similar conduct in the future as a result of the investigation because [redacted] was concerned [redacted] would be retaliated against or embarrassed.

I then met with [redacted] separately [redacted] indicated that [redacted] [redacted] when Ald. Zima arrived. While Ald. Zima was waiting in the lobby [redacted] recalls that Ald. Zima wanted to see a picture of [redacted] husband [redacted]

[redacted] said [redacted] doesn't feel comfortable around Ald. Zima in general because he's not friendly, so [redacted] was distracted by his presence. As a result, [redacted] said [redacted] wasn't paying much attention to the conversation because [redacted] felt nervous, and because [redacted] and Ald. Zima were talking. However, [redacted] does recall that the Kardashians were mentioned, though [redacted] could not recall the context. Instead, the extent of [redacted] recollection was that Ald. Zima said something about how he goes on the computer and looks, and that [redacted] made a sound of disgust before walking away.

I then met with [redacted] [redacted] stated that [redacted] [redacted] could hear them talking out there [redacted] [redacted] said he could hear [redacted] initially talking to [redacted] and then [redacted] heard Ald. Zima arrive. [redacted] recalls Ald. Zima asking what [redacted] [redacted] then remembers Ald. Zima making a comment about [redacted] and [redacted] responding with something like "anyone can look good in a tuxedo."

[redacted] then recalls Ald. Zima stating something to the effect of "so are you like one of the Kardashians?" [redacted] stated [redacted] was confused initially because [redacted] thought he was referring to something [redacted] was wearing. [redacted] said [redacted] recalls [redacted] saying no, and then Ald. Zima asking [redacted] something to the effect of "you didn't make a video of the wedding night?" [redacted] recalled [redacted] asking him how [redacted] knew about the Kardashian video, and he said "oh you can google it" and that he had watched it a couple of times. [redacted] also recalls hearing him refer to the Kardashians as dodo birds. After that, [redacted] said [redacted] heard [redacted] leave. [redacted] also believed [redacted] was walking away [redacted]

[redacted] said [redacted] went to [redacted] office 10-15 minutes later at which time they discussed how they were both shocked by Ald. Zima's comments. [redacted] said they talked about how ludicrous it would be if a dad or grandpa said that, and that they couldn't believe it had just happened. [redacted] said after [redacted] returned to [redacted] office [redacted] noticed an e-mail in his inbox from [redacted] with the title "umm." but no content. [redacted] said [redacted] believes [redacted] likely sent it to [redacted] before [redacted] went to [redacted] office and [redacted] just missed it.

Based on the three (3) witness statements confirming that the incident occurred, my recommendation is that HR and Law have a meeting with Ald. Zima to determine if he disputes the allegations and discuss proper interaction with staff.

T