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WEDNESDAY, JAN. 15, 2020

Commission clears supervisor of ethics charges related to CAFO action

By Tony Ends
 CORRESPONDENT

A state commission created under former Gov. Scott Walker has rejected citizen charges that their Town Supervisor Mike Witt violated state conflict of interest law.

Commission staff advised Green County citizen complainants by letter in December 2019 of the state action. It clears Witt of allegations related to his vote over citizen objections in a Town of Sylvester June 2019 meeting.

Town Supervisor Witt's motion and vote at the 2019 meeting concerned town challenge of a DNR waste permit awarded to Pinnacle Dairy in 2018. The town has since largely settled most of its permit issues with the state and dairy, but until now the ethics charges lingered.

Local citizens who pressed the charges, and who are still trying to ensure protections from the new me-

ga-dairy, are just now becoming aware that both ethics and some waste permit charges have been dropped.

Wisconsin Ethics Commission staff advised local complainants of the commission's Dec. 3, 2019, decision in the letter dated Dec. 6, 2019. One of half-a-dozen of the citizens who filed the ethics charges last year subsequently shared the letter with the press.

"After consideration of the investigation report and the evidence obtained during the investigation," wrote ethics specialist Colette C. Creve, in the letter to citizens, "the Commission adopted preliminary findings of fact and conclusions of law and determined that there was not sufficient evidence to establish probable cause to believe that a violation occurred."

Pursuant to state statutes Creve wrote to citizens, "your complaint has now been dismissed."

Wisconsin Ethics Commission came

into being under then controversial 2015 Wisconsin Act 118, which eliminated the Government Accountability Board on June 30, 2016. The act replaced the GAB with two separate commissions, one to oversee state administration of elections and the other to handle ethics.

As regards the 2019 conflict of interest charges in eastern Green County's Town of Sylvester, the commission rejected the citizens' allegations following a staff investigation into case number 2019-ETH-40. That case alleged Town Supervisor Witt violated the code of ethics for local public officials, in discussing, deliberating and voting regarding the town's participation in Wisconsin Department of Natural Resources Case No. 19-0002.

A packed town hall back in June 2019 challenged Witt's voting on the case. Citizens protested that Witt has business dealings with the subject of the town's case before the DNR – the Tuls family of Nebraska, which operates Pinnacle Dairy.

Pinnacle's 5,800-cow dairy, permitted just since 2018, is one of five concentrated animal feeding operations that the Tuls operate in Nebraska and Wisconsin.

Town of Sylvester's sole board sur-

vivor of spring 2019 elections, Dave Schenk, last June leveled conflict of interest charges at newly elected supervisor Witt. Witt does custom farming business with Pinnacle Dairy. Witt also takes manure from Pinnacle for his farmland.

Reached last Friday by phone, Schenk said the tense controversy within the town seems largely to have subsided since late August 2019. At that time, Schenk said, the dairy signed an agreement with the town on remaining DNR permit issues, excepting two that the Wisconsin State Supreme Court is poised to decide in a related CAFO case in Keweenaw County.

Citizens' 2019 charges against Witt to the Ethics Commission followed Witt's motion to back Sylvester away from contesting state DNR's 2018 waste permitting of Pinnacle Dairy.

Both the town and Green County waged a 2-year back-and-forth over state permitting of the massive dairy. At issue was the Nebraska-based Tuls family's wet siting of Pinnacle Dairy on a former wetland in the Town of Sylvester. The DNR at first refused to permit the dairy in the sensitive Sugar River Watershed near Brodhead, Wis.

Town, county and state agency

concerns actually held up Pinnacle's permitting from the time it was first proposed in 2015. In the more recent conflict of interest situation last year, the Town of Sylvester and six citizens were set to go before an administrative law judge at a contested case hearing in early 2020.

Yet new town supervisor Witt, with a new town chair also elected in April 2019, greatly narrowed the town's challenge of the DNR waste permit to Pinnacle Dairy. Some locals feared the conflict of interest charges raised specter of a new expression of CAFO political power and influence over local citizens' interests.

Wis. Stat. Chapter 19.59, notes Wisconsin Towns Association literature, prohibits a public official from using his or her position to "obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated."

In response to questions regarding the Ethics Commission's December ruling, Administrator Daniel A. Carlton, Jr., said Dec. 11, 2019, "I don't have any

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KATHY ROTH PHOTO Brodhead Independent-Register

Juda vs. Argyle

Juda senior, Payton Johnson, goes up for a shot. Payton scored a total of 11 points. Juda senior, Payton Johnson, goes up for a shot. Payton scored a total of 11 points. (More photos on page 4.)

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