

**Coulee Region Joint Municipal Court Committee**

Thursday, January 18, 2018

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1 The meeting of the Coulee Region Joint Municipal Court Committee was called to order at 3:30  
2 p.m. on Thursday, January 18, 2018. It was noted that the meeting had been announced and a  
3 notice posted at City Hall.

4  
5 Roll call was taken with the following members present: Village of Holmen Administrator Scott  
6 Heinig, Town of Shelby Police Officer Sean Horton (alternate), City of Onalaska Representative  
7 Joseph Davis, Village of West Salem Administrator Teresa Schnitzler, Village of West Salem  
8 Chief of Police Charles Ashbeck (alternate), Town of Holland Representative Mike Hoffman

9  
10 Also Present: Municipal Court Supervisor Hildie McIntyre, City of Onalaska Administrator Eric  
11 Rindfleisch, City of Onalaska Financial Services Director/Treasurer Fred Buehler, Municipal  
12 Court Judge John Brinckman, City of Onalaska Alderperson Harvey Bertrand

13  
14 **Item 2 - Approval of minutes from the previous meeting**

15  
16 Motion by Mike, second by Teresa, to approve the minutes from the previous meeting as printed  
17 and on file in the City Clerk's Office.

18  
19 On voice vote, motion carried.

20  
21 **Item 3 – Public Input (Limited to 3 minutes/individual)**

22  
23 Scott called for anyone wishing to provide public input.

24  
25 **Harvey Bertrand, Third District Alderperson**  
26 **3334 Augusta Lane**  
27 **Onalaska**

28  
29 “I must say that I would not be making the following statements were it not for the tenacity of  
30 two of our City Council members. As all of you are probably aware, the commissioning of  
31 Hawkins Ash to do the work leading up to this report was approved by the Onalaska City  
32 Council subsequent to the discovery several months ago of boxes of unprocessed citations,  
33 unopened letters, and a variety of other documents. By the way, the agenda calls this the audit  
34 report. Actually, Hawkins Ash specifically states at the end of their letter that the report did not  
35 represent an audit, but was a report on financial matters. By the way, I am regretful to say that I  
36 was against having this work done. However, since the report came out I have put in a  
37 considerable number of hours into studying the report, attempting to understand the implications  
38 of it, and talking at some length with staff about the report and JMC mismanagement. I have  
39 also looked at, but not through, the 10 to 15 boxes. The supervisor at the time was directly  
40 responsible for misplacing documents, not processing citations on a timely basis, and making the  
41 other errors and inconsistencies mentioned in the report. That supervisor has been replaced. I

Reviewed 1/22/18 by Fred Buehler & Hildie McIntyre

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42 have made the statement on occasion that it would be a waste of great state and local resources to  
43 go back and try to rectify the mishandling of hundreds of cases represented here. I more than  
44 ever stand by that statement based on what I have learned. However, the Municipal Court Judge  
45 is the person responsible for the proper operation of the JMC. The report mentions concerns  
46 about the judge’s oversight, his physical presence, the judge’s not being around to handle  
47 ‘certain things,’ and the lack of organization. The report further states, and I quote, that ‘were  
48 more procedures performed by Hawkins Ash, there were other matters that could have come to  
49 our attention.’ There is no doubt in my mind that if this were a corporation, issues such as this  
50 would have been resolved a long time ago.

51

52 Furthermore, and most importantly, issues at hand are not finances, procedures, and  
53 inconsistencies. It’s the well-being of 50,000 citizens of the six communities he represents;  
54 namely, their safety and enforcing the laws to protect the people. By observing the  
55 mismanagement in handling paperwork, I have no reason to believe what goes on in the  
56 courtroom and in private time that should have been performed in preparing for these cases is  
57 any less flawed. The issue of JMC mismanagement is not going away. This body surely has  
58 choices: status quo, or at least urging the judge to resign. I strongly believe that Judge  
59 Brinckman should step down. Thank you.”

60

61 **John Brinckman, Municipal Court Judge**

62

63 “I’ve had the opportunity to review the report that Hawkins Ash has put together. I, of course,  
64 have been the Municipal Judge here for a number of years – probably close to about 27 years or  
65 so. I reviewed the Common Council meeting from a week ago Tuesday evening, and I would  
66 like to state that, first of all, based on my observation of the Council meeting, there seems to be a  
67 lack of understanding of some of the basic facts. I’ve heard Council members referring to 30  
68 unprocessed boxes. I don’t know where that number came from. Originally, I can say this: After  
69 the former supervisor left, I discovered six boxes. However, to say six boxes, that was not six  
70 boxes of unprocessed [citations]. To my understanding, I don’t believe that there is even one  
71 box of unprocessed [citations] over the last 10 years. We only process about three to four boxes  
72 a year. Thirty boxes would be every single case going back nine years. That is simply not true.  
73 There are facts floating around that I don’t know where they originated from. But when I  
74 originally found six boxes, they were six boxes of unorganized files with multiple years in them  
75 ...”

76

77 Scott told Judge Brinckman he had 30 seconds remaining.

78

79 Judge Brinckman said, “I would also like to state that at some point in time ... I understand your  
80 concerns based upon the facts that are out there. But at some point in time, there are a whole  
81 body of facts that have not been brought out yet. I certainly have not stood up publicly; maybe  
82 this is the first time to attempt to defend. But I’m not going to do that in this short amount of

83 time. I would just ask the opportunity that ... If you're indicating that this is the board's desire  
84 or whatever, at some point in time there has to be a presentation as to what the facts are, because  
85 right now those are not really understood. Thank you very much."

86

87 Scott called three times for anyone else wishing to provide public input and closed that portion of  
88 the meeting.

89

90 **Consideration and possible action on the following items:**

91

92 **Item 4 – Clerk of Court:**

93

94 a. Monthly/Quarterly Scorecard

95

96 The following 2017 fourth quarter data was provided in committee members' packets:

97

- 98 • **Total citations filed:** 599
- 99 • **Citations dismissed:** 84
- 100 • **Trials:** 14
- 101 • **Guilty/No Contest/Default:** 655
- 102 • **Not guilty plea:** 14
- 103 • **Revocations:** 15
- 104 • **NASP:** 2
- 105 • **DPA:** 10
- 106 • **Community service:** 21
- 107 • **Continued:** 23
- 108 • **COWS:** 450
- 109 • **Total:** 1,887

110

111 Hildie told committee members they have an abridged version of the monthly/quarterly  
112 scorecard, and also that she has supporting documentation. Hildie noted there are circled  
113 numbers on the monthly scorecards and said she has supporting documentation for the circled  
114 numbers. Hildie said this is the first time this has been done and that "there's some refining that  
115 needs to be done." Hildie said there are certain things she cannot provide in the scorecard, and  
116 also that staff is tracking certain things differently, citing the example of how many individuals  
117 had accepted community service. Hildie said, "The way that we handle it now is, they come into  
118 court – say, this past Monday – and we dock it three months when the community service is due.  
119 For me to get these numbers, I have to look at dates in the future to get those. What we're doing  
120 now is we're docketing them on the date that they come into court. We have a reminder, so we  
121 follow up with that in the three months. Those numbers will be much more accurate in the next  
122 report." Hildie said a goal is for Tyler Technologies to write a program that will pull together all

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123 the data, noting that “one month literally takes me almost an entire day for all of the  
124 municipalities to put these together.”

125

126 Scott asked Hildie who had requested the data regarding community service.

127

128 Hildie said it is her understanding that City of Onalaska Attorney Sean O’Flaherty had played a  
129 key role in putting together the scorecard. Hildie said, “It’s listed on the forms, so I want to  
130 make sure that I have an answer to how many people accepted community service.”

131

132 Scott asked committee members if they believe this is an important piece of information on  
133 which Hildie should continue to work.

134

135 Hildie noted she had crossed off “Stipulated Plea” and said it does not matter if a plea is  
136 stipulated or if it is a guilty plea. Hildie said staff does not keep track of stipulated pleas, and she  
137 also addressed the number of trial notices provided, stating she would have to examine each  
138 individual file prepared for trial to determine how many notices have been generated versus the  
139 number of trials actually held. Hildie said 10 trials with 10 notices could be scheduled for a  
140 Monday, but only two actually will occur.

141

142 Scott complimented Hildie for her work, but he also expressed concern that providing this data  
143 will be taxing for her.

144

145 Hildie said she and Fred are refining the scorecard.

146

147 Fred said, “I do think it’s important because when we do get the software in place, it might be  
148 painful for just a little bit ...”

149

150 Scott asked, “So it’s correlated to the process of the entries?”

151

152 Hildie said yes.

153

154 Teresa said she does not know the volume of Hildie’s workload.

155

156 Hildie told Teresa she does not come in to work early or on weekends, nor does she work  
157 through her lunch hour. Hildie also said, “I can tell you that the boxes everybody references  
158 downstairs are almost nonexistent because I’ve gotten them put away. And there weren’t 30 of  
159 them down there.”

160

161 Teresa asked Hildie, “They just needed to be filed – is that what you’re telling us?”

162

163 Hildie said, “Filed, destroyed, the retention period has expired. There were old Tupperware

164 magazines, because apparently the clerk before me was a Tupperware distributor. There was an  
165 employee manual from the place she worked at before she came here. [There were] 2009  
166 calendars. There was a lot of stuff. There are 34 boxes downstairs now ready for the Historical  
167 Society to look at before we could shred them. I took Mr. Bertrand down the other day, and he  
168 saw ... Everybody talks about all these boxes, and it makes it sound like these huge boxes. They  
169 are paper boxes that just have files and random stuff in them. I've gone through almost all of  
170 them and gotten everything filed."

171

172 b. Update Regarding State Debt Collection (SDC)

173

174 Hildie said that with the exception of December, the entire year of 2017 has been submitted for  
175 every municipality to SDC. Hildie reported that more than \$17,000 has been submitted for the  
176 Village of West Salem, and \$16,000 has been submitted for the Town of Campbell.

177

178 Fred said cases involving timed payments for individuals who were negligent also were  
179 transferred. Fred reported that 88 files were sent on December 28; 182 were ready on January 6;  
180 there were 470 for January 19; and 125 were sent on December 11.

181

182 Hildie referred to the statistics she had just shared and noted they represent the individuals who  
183 remain on SDC. Hildie also noted that several individuals paid after receiving the letter.

184

185 c. Update Regarding Software Implementation

186

187 Hildie said the TraCS software was updated January 17 and noted it is part of the implementation  
188 of the content manager. This will allow all of the citation to be brought into the Incode program,  
189 and Hildie said she believes they will come over with the TraCS program. Hildie said Fred  
190 called Tyler representatives and requested that the order be placed. Hildie said, "We were  
191 shooting for February. We do have some TraCS problems. What we're starting to do ... Part of  
192 that is based on that audit report. Some of it will say there are 15 [citations] in TraCS, but five of  
193 them don't show in Incode. That's because those citations. ... I got some from West Salem  
194 [Thursday] that were actually a Circuit Court citation. I did it over, and it shows in TraCS but it  
195 does not show in Incode. I got two from Onalaska the other day, and we have a bunch of voided  
196 ones we shouldn't get, so we're still having a little problem with things coming over that  
197 shouldn't be coming over." Hildie said she and Fred have prepared another report regarding how  
198 many citations are coming over, how many are voided, and how many are sent to Circuit Court.  
199 Hildie said she hopes this problem can be eliminated.

200

201 Fred addressed the software implementation, asking City Administrator Rindfleisch in which  
202 piece of the software there is a "roadblock."

203

204 City Administrator Rindfleisch said the second quarter is the earliest possible time the upgraded

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205 software will be in place, noting that the City of Onalaska's servers are in the process of  
206 updating.

207

208 **Item 5 – Finance Department:**

209

210 a. Financials for 2017

211

212 Fred referred to the accounts receivables for each municipality and said they represent  
213 eliminating the year of 2011. The totals listed on the financials dated December 31, 2017 are as  
214 follows:

215

216 • **Onalaska:** \$475,397.76

217 • **Bangor:** \$37,811.20

218 • **Campbell:** \$63,881.95

219 • **Holmen:** \$175,701.51

220 • **Rockland:** \$0

221 • **Shelby:** \$11,936.22

222 • **West Salem:** \$75,663.79

223 • **Total:** \$1,001,142.99

224

225 b. Account Receivables as of 12-31-2017

226

227 Fred referred to the 2017 Year-End Report, which lists accounts receivables by municipality and  
228 applies to citations issued from January 1, 2012 through December 31, 2017. The report  
229 includes the following data:

230

231 **Agency            Percentage collected to date**

232 Bangor            80.47

233 Campbell        70.54

234 Holland         --

235 Holmen          65.32

236 Onalaska        69.56

237 Rockland        --

238 Shelby          86.18

239 West Salem    75.50

240 Total            70.76

241

242 **Report of Juvenile/Minor Fines**

243 **Agency            Percentage collected to date**

244 Bangor           41.67

245 Campbell        48.17

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246	Holland	--
247	Holmen	50.42
248	Onalaska	50.11
249	Rockland	--
250	Shelby	62.35
251	West Salem	74.85
252	Total	52.19

253

**Report after juvenile/minor fines have been removed**

**Agency Percentage collected**

256	Bangor	83.99
257	Campbell	71.53
258	Holland	--
259	Holmen	67.52
260	Onalaska	71.23
261	Rockland	--
262	Shelby	86.53
263	West Salem	75.56
264	Total	72.45

265

266 Motion by Teresa, second by Joseph, to accept the financials.

267

268 On voice vote, motion carried.

269

270 Fred referred to a draft copy of the Joint Municipal Court Cost Allocation for 2017, which  
271 includes the following data:

272

**2017 Not Dismissed Citations**

274	Onalaska	1,832	52.9786%
275	Bangor	140	4.0486%
276	Campbell	359	10.3817%
277	Holmen	664	19.2019%
278	Holland	--	--
279	Rockland	--	--
280	Shelby	71	2.0532%
281	West Salem	392	11.3360%

282

283	<b><u>Municipality</u></b>	<b><u>CND</u></b>	<b><u>Expenditures Court Costs</u></b>	<b><u>Jan. '17</u></b>	<b><u>Dec. '17</u></b>	
284	Onalaska	52.9786%	\$82,685.74	(\$35,015.12)	(\$5,266.53)	(\$8,186.07)
285	Bangor	4.0486%	\$6,318.77	(\$3,063.00)	(\$183.94)	(\$688.52)
286	Campbell	10.3817%	\$16,203.16	(\$5,852.58)	(\$973.96)	(\$1,088.45)

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287	Holmen	19.2019%	\$29,969.07	(\$11,910.46)	(\$1,746.89)	(\$1,448.71)
288	Holland	0.0000%	\$0.00	\$0.00	\$0.00	\$0.00
289	Rockland	0.0000%	\$0.00	\$0.00	\$0.00	\$0.00
290	Shelby	2.0532%	\$3,204.52	(\$2,102.94)	(\$820.00)	(\$175.00)
291	West Salem	11.3360%	\$17,692.58	(\$9,938.40)	(\$1,475.76)	(\$1,647.65)
292	Totals		\$156,073.86	(\$67,882.50)	(\$10,467.08)	(\$13,234.40)

293

294 **Underpayment/Overpayment (by municipality)**

- 295 • **Onalaska:** \$10,387.02 overpayment
- 296 • **Bangor:** \$2,383.31 underpayment
- 297 • **Campbell:** \$8,288.17 underpayment
- 298 • **Holmen:** \$14,833.01 underpayment
- 299 • **Shelby:** \$106.58 underpayment
- 300 • **West Salem:** \$4,629.35 underpayment

301

302 Fred said he had subtracted \$8,000 because the City of Onalaska is covering the costs for the  
303 audit (agreed upon procedure), and he also subtracted \$1,000 for the fees being paid by the Town  
304 of Holland and the Village of Rockland (\$500 apiece). The \$156,073.86 is distributed based on  
305 the Cases Not Dismissed.

306

307 c. Update regarding State Debt Collection

308

309 Fred asked if fines are activated in SDC when juveniles become adults.

310

311 Judge Brinckman said not if it was based on when they were juveniles, noting truancies cannot  
312 be converted once someone turns 18 or 21 years old. Judge Brinckman said he will give  
313 individuals who accumulate significant amounts in truancy citations as juveniles the opportunity  
314 to work it off, oftentimes on a 2-to-1 dollar basis, plus community service because the court  
315 cannot take legal steps against them.

316

317 d. Joint Municipal Court Cases Not Dismissed

318

319 Fred noted the JMC cases not dismissed for the years 2013 through 2017 have been included in  
320 committee members' packets.

321

322 **Item 6 – Update from the City of Onalaska regarding the audit report completed by**  
323 **Hawkins Ash CPAs for the City of Onalaska’s portion of the Joint Municipal Court**

324

325 City Administrator Rindfleisch said Onalaska City Attorney Sean O’Flaherty suggested  
326 proceeding with an agreed-upon procedure. The Common Council, per recommendation by the  
327 Finance and Personnel Committee, decided it would like to pursue the same agreed-upon

328 procedures, utilizing funding from the City of Onalaska. Cases reviewed were only City of  
329 Onalaska cases.

330

331 Scott told City Administrator Rindfleisch he believes it would be appropriate for him to give a  
332 brief summary of the findings.

333

334 City Administrator Rindfleisch said the following three procedures and questions that were  
335 presented:

336

337 **1. Understand the process for preparing and submission of the monthly Municipal**  
338 **Court Monthly Financial report to the State of Wisconsin and the information that goes**  
339 **into that report.**

340

341 City Administrator Rindfleisch said Hildie began a new process in October 2017 to ensure that  
342 funds are being recorded appropriately. Daily reconciliations are being done in the Finance  
343 office to ensure proper reporting on the monthly financial report. City Administrator Rindfleisch  
344 said Monica Hauser of Hawkins Ash CPAs stated that Hawkins Ash CPAs was unable to  
345 duplicate the monthly report, which caused some concern. City Administrator Rindfleisch said,  
346 “We could get, using the system, each of the three months pulled [November 2015, May 2016,  
347 February 2017] to balance. But what we couldn’t necessarily do was find the same starting  
348 balance. The difference was always the same, but what numbers were used to start that report  
349 was not something we could generate using the current system because we don’t know what  
350 happened in the past. I can verify the months we tested balanced every time.” City  
351 Administrator Rindfleisch said adjustments were made in SDC, but every adjustment up or down  
352 “seemed to more or less balance.”

353

354 Hildie said the former clerk was adding the 15 percent of the \$35. It should not have been added  
355 because it is added on by SDC.

356

357 **2. Determine if the information that goes into the Municipal Court Monthly**  
358 **Financial Report to the state can be altered, or if it is completely generated from the**  
359 **computer system. Determine the extent of altering that can be done to compile the**  
360 **Municipal Court Monthly Financial Report to the state.**

361

362 City Administrator Rindfleisch said Hawkins Ash CPAs was asked to determine if it was  
363 possible to manipulate the system to cover any funds missed or paid but not entered into the  
364 system. Two months tested (November 2015 and February 2017) tied out without any  
365 discrepancies. City Administrator Rindfleisch said, “The concern was, it was not a full audit of  
366 every case issued. If there was an indication that monies were missing, it would be each and  
367 every month. It was found it was not the issue at hand, and it does not seem that the money was  
368 purposely \_\_\_\_\_.”

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**3. Sample one month for each year of 2015 through 2017 and compare the following reports with the goal of making a preliminary assessment of whether reports reconcile due to manipulation in the software, Incode, in order to force a balance due to timing or to obscure fraud or other irregularities.**

City Administrator Rindfleisch said this is a summary of the first two issues and stated, “It really ties into the fact that the systems are saying something, and we’re not sure if the files are saying the same thing because of the disorganization.”

Judge Brinckman addressed page 3 of the report, which addressed judge oversight being a concern, and told committee members he is willing to answer questions.

**Item 7 – Next meeting date – April 19, 2018**

Scott noted that the committee will meet again on Thursday, April 19 and said it also will be the committee’s reorganizational meeting.

**Adjournment**

Motion by Joseph, second by Teresa, to adjourn at 4:11 p.m.

On voice vote, motion carried.

Recorded by:

Kirk Bey