



2001 ASSEMBLY BILL 333

April 18, 2001 – Introduced by Representative ALBERS, cosponsored by Senator SHIBILSKI, by request of Claims Board. Referred to Joint committee on Finance.

1 **AN ACT relating to:** expenditure of \$10,097.23 from moneys appropriated to the
2 department of administration in payment of a claim against the state made by
3 Jodi Dabson Bollendorf.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of \$10,097.23 from moneys appropriated to the department of administration (DOA) for the 1999–2001 fiscal biennium to pay the salaries and fringe benefits of district attorneys and state employees in the offices of district attorneys and certain other related costs in payment of a claim against DOA made by Jodi Dabson Bollendorf. The claimant is employed by the state as an assistant district attorney in Rock County. In January 1999, the claimant received notice from the Board of Attorneys Professional Responsibility (BAPR) that an ethics grievance had been filed against her relating to alleged false statements that she made to the circuit court at a sentencing hearing. The claimant retained private legal counsel to represent her during an investigation of the complaint conducted by BAPR. In November 1999, the administrator of BAPR found no violation by the claimant of the rules of professional responsibility and dismissed the complaint. The claimant claimed reimbursement for \$10,097.23 in attorney fees which she incurred in the matter.

Under s. 895.46 (1), stats., the state must either provide representation or pay attorney fees for a state employee who is a defendant in an action or proceeding arising with respect to a matter within the scope of employment, if the employee gives timely notice to his or her department head. Under s. 165.25 (6) (a), stats., the

ASSEMBLY BILL 333

attorney general may appear for any state employee in a matter brought before an administrative agency at the request of the employee's department head. In the instant case, the claimant did not notify DOA and DOA did not request representation by the attorney general. However, the claims board recommended payment of this claim on July 13, 2000, based upon equitable principles. See 1999 *Senate Journal*, pp. 704-705.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1. Claim against the state.** There is directed to be expended from
2 the appropriation under section 20.475 (1) (d) of the statutes, as affected by the acts
3 of 1999 and 2001, \$10,097.23 in payment of a claim against the state made by Jodi
4 Dabson Bollendorf, Janesville, Wisconsin, as reimbursement for attorney fees
5 incurred in defending herself in the investigation of an ethics grievance filed against
6 her with the Board of Attorneys Professional Responsibility in 1999. Acceptance of
7 this payment releases this state and its officers, employees, and agents from any
8 further liability resulting from expenses incurred by the claimant in defending
9 herself in this investigation.

10

(END)