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☞ Details: Audit requests, 2005

(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Joint

(Assembly, Senate or Joint)

### Committee on Audit...

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



## WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

June 14, 2005

Rep. Suzanne Jeskewitz  
Co-Chair, Joint Committee on Audit  
Room 314 North, State Capitol  
Madison WI 53708

Sen. Carol Roessler  
Co-Chair, Joint Committee on Audit  
Room 8 South, State Capitol  
Madison WI 53707

Dear Rep. Jeskewitz and Sen. Roessler,

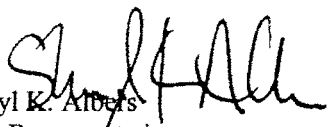
Please find along with this letter copies of materials delivered to me by Dr. Robert Waters, a physician in my area who specializes in alternative treatments. Dr. Waters was put through a years-long ordeal with the Department of Regulation and Licensing in which he was zealously pursued by an investigator with the department. It was later discovered that the investigator was acting with near-complete autonomy. The Medical Examining Board (MEB), once it approved the investigation, had little to no oversight of the investigation. No supervisor sought to ensure professional conduct or wise use of resources, or to ensure the credibility of expert witnesses. Dr. Waters and others who practiced chelation therapy were put through years of stress and tens of thousands of dollars in legal expenses to defend themselves and their practices.

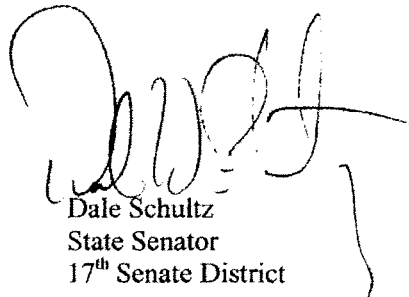
We strongly believe that an audit of the Department of Regulation and Licensing's enforcement mechanism is in order. Since the administrative operations of various professional boards were consolidated under one agency, it seems that it is increasingly unclear as to whom the department's investigators are answering to, what power structure exists, and whether there are more instances of taxpayer dollars being wasted on fruitless investigations.

We are not against regulation – rather, we strongly support the state's role in *responsibly* investigating concerns authorized by professional boards and carefully supervised by the department. As it stands, we are not confident that the department has an operating structure in this area that is optimal to its mission. Accordingly, we ask that you consider authorizing a limited audit of the internal structure of the department's investigation authority and the manner in which resources are spent on enforcement activities.

Please feel free to contact our offices with any questions you might have. Thank you for your careful consideration of this request.

Sincerely,

  
Sheryl K. Albers  
State Representative  
50<sup>th</sup> Assembly District

  
Dale Schultz  
State Senator  
17<sup>th</sup> Senate District

cc: Janice Mueller, Legislative Audit Bureau



# SCOTT SUDER

State Representative • 69th Assembly District

*State Capitol Office:*  
Room 21 North  
P.O. Box 8953  
Madison, WI 53708-8953  
(608) 267-0280 • Fax: (608) 282-3669

*69th Assembly District:*  
Telephone/fax: (715) 223-6964  
Call toll-free: (888) 534-0069  
Rep.Suder@legis.state.wi.us  
[www.legis.state.wi.us/assembly/asm69/news](http://www.legis.state.wi.us/assembly/asm69/news)

June 21, 2005

The Honorable Susan Jeskewitz, State Representative  
Co-Chair Joint Legislative Audit Committee  
Room 314 North, State Capitol  
Madison, WI 53708

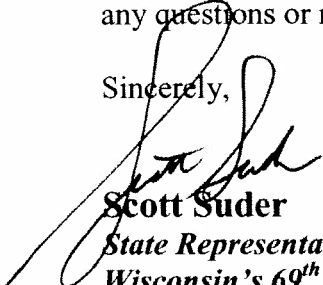
Dear Representative Jeskewitz:

I am writing this letter on behalf of several concerned constituents to respectfully request that the Joint Legislative Audit Committee, under your leadership as co-chair, consider performing a comprehensive audit of the Department of Regulation and Licensing for cause. Recently I have been contacted by several people I represent regarding the Department's decision in a case relating to their chiropractor, Dr. Harold J. Dykema.

For your information I am including several letters I have received that should provide you with more information regarding their request. Should I receive additional information regarding the situation, I will certainly pass it along to you.

Thank you in advance for considering my request and I remain hopeful that with your assistance the Department of Regulation and Licensing will consider the full impact their decisions have on Wisconsin's citizens. Please feel free to contact me should you have any questions or need any additional information. Your assistance is truly appreciated!

Sincerely,

  
**Scott Suder**  
State Representative  
Wisconsin's 69<sup>th</sup> Assembly District

Attachments

**Assembly Committee Assignments:**

Criminal Justice, Chairman • Rural Development, Vice Chairman • Corrections and the Courts  
Transportation • Agriculture • Law Revision • Rural Economic Development Board

Dear Scott Suder:

June 20, 2005

I am writing to you for request, concerning Dr. Harold J. Dykema D.C.

We are not satisfied as to how the DRL has handled and ruled his case and not allowed for him to return to practice at his office in Eau Claire, Wi. Will you please ask the "Joint Legislative Audit Committee" for a formal audit of the Wisconsin Department of Regulation and Licensing, for cause.

Because of the DRL restrictive policies we are being denied first-rate care because Dr. Harold J. Dykema is not allowed to return to practice.

In the past years I and others of our family and our group have received excellent care and observation, with very good results. We greatly miss him.

Will you please have his license reinstated on June 23, '05  
We will be praying to God for guidance as you take each step as you take council on this case.

Thank You in Advance -

I remain  
Miriam M. Yoder



June 21, 2005

**RE: Dr. Harold Dykema**

Representative Scott Suder  
Room 21 North  
State Capitol  
P.O. Box 8953  
Madison 53708

Dear Representative Suder:

I am a constituent who believes in using an alternative health practitioner such as a chiropractor. It is my understanding that certain health care practitioners, such as my chiropractor, **Dr. Harold Dykema** has been under assault from the Wisconsin Department of Regulation & Licensing (DRL) for using cutting edge methods.

**My Story:**

**In 1980, I was in a truck accident. I tipped the truck onto its side in a steep ditch. I spent a week in the Stanley Hospital and was sent home with pain pills and a neck collar. My head was jammed into my shoulders. I had constant back pain and my arms hurt to move them. I needed someone to help me in and out of a chair. My medical doctor told me to learn to live with the pain and to keep taking my pain pills. I would take the pain pills and they would put me to sleep and I would wake up when they were wearing off. This was a large problem for me because I had three small children at the time to care for and my husband had to work so we would have an income to pay for the medical bills.**

**A friend saw the pain I was in and told me about Dr. Dykema. I was in so much pain I would have done anything to get relief. I made my first appointment and felt some relief for the first time. I went three times a week for two weeks and I could take my neck collar was off and I had stopped the pain pills. I could sleep in my bed again. After that I had appointments, once a week for two months with no returning head, neck or back pain related to the accident. I am a new person after all the treatments; it is so nice not to be in pain anymore, thanks to Dr. Dykema.**

**If not for Dr. Dykema and his staff, I would be in a nursing home today.**

This problem goes beyond what is happening to **Dr. Dykema**. It has been brought to my attention that the prosecutors for the DRL are not properly supervised and several cutting edge practitioners are being targeted.

**I request that you ask the "Joint Legislative Audit Committee" for a formal audit of the Wisconsin Department of Regulation & Licensing (DRL), for cause.**

Because of DRL restrictive policies, I am being denied first-rate care from **Harold J. Dykema, D.C.**

**I WANT MY CHIROPRACTOR BACK!**

**Dr. Dykema will appear before the Chiropractic Board on June 23, 2005 for one last attempt to regain his license.**

Respectfully,

Lorraine Westaby  
W16639 CR F 54768  
Stanley, WI 54768

cc:  
Governor Doyle  
Celcia Jackson: Secretary  
James W. Weber, D.C.: Chairman  
Senator David A. Zien



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

June 23, 2005

Representative Scott Suder  
21 North, P.O. Box 8952  
Madison, WI 53708

Dear Representative Suder:

We received the requests that you recently submitted to the Joint Audit Committee. This letter serves as confirmation of those requests.

Each request submitted receives serious consideration. As conscientious legislators, we all welcome new ways to do things less expensively or more efficiently. We, as co-chairs of the committee, aim to meet once a month to discuss all requests. Shortly after the meeting, one of us will follow-up with you directly to let you know the status of your request.

Thank you again for your request and we will be in touch soon.

Sincerely,

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee

**Matthews, Pam**

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**From:** Handrick, Diane  
**Sent:** Monday, June 20, 2005 8:38 AM  
**To:** Matthews, Pam  
**Subject:** FW: Please Help Us Save Our Chiropractor, Harold Dykema, Request "Joint Legislative Audit Committee"

????

*Diane Handrick*

*Office of Rep. Sue Jeskewitz  
608-266-3796  
1-888-529-0024 toll free in Wisconsin only*

*314N, State Capitol  
Madison WI 53708*

---

**From:** Syncha [mailto:syncha@centurytel.net]  
**Sent:** Sunday, June 19, 2005 8:42 AM  
**To:** Undisclosed-Recipient;;  
**Subject:** Please Help Us Save Our Chiropractor, Harold Dykema, Request "Joint Legislative Audit Committee"

# CUTTING EDGE CRUSADERS



"CONSUMERS FOR  
INNOVATIVE HEALTHCARE"

We are requesting that you ask the "Joint Legislative Audit Committee" for a formal audit of the Wisconsin Department of Regulation & Licensing (DRL), for cause.

Because of DRL restrictive policies, Harold J. Dykema, D.C. is being unfairly prosecuted by practicing innovative health care.

06/20/2005



\*\*\*\*\*

Last year 300 of Dr. Dykema's patients met to show their support. Many patients shared their personal healing stories while under Dr. Dykema's care.

The DRL's states Dr. Dykema's techniques are "quackery," "illegal," "unsafe or ineffective," he is accused of "purposefully deceiving and duping his patients." For DRL statement of these charges see:

<http://drl.wi.gov/dept/decisions/docs/0103001.htm>.

Can 300 individuals be "dupe and deceived?"

\*\*\*\*\*

On June 23 at 8:30 am, the Cutting Edge Crusaders will met before the Chiropractic Board to demand/suggest policy changes that reflect the trend of innovative chiropractic care in the US. We are also challenging the board's vindictive prosecution of Dr. Dykema.

----- Original Message -----

**From:** Tim Bolen

**To:** [sandra.rowe@drl.state.wi.is](mailto:sandra.rowe@drl.state.wi.is)

**Sent:** Thursday, June 16, 2005 9:04 AM

**Subject:** yesterday's conversation...

Sandra Rowe  
Deputy Director  
Wisconsin DRL

Re: Our telephone conversation of yesterday

Dear Sandra:

In reference to our telephone conversation of yesterday, I believe you when you say that "*Wisconsin DRL does not have a bias against innovation in health care*" – now. Or, at least, I believe that YOU believe it to be true.

But the fact is that, for years, several of your key employees, including investigators and prosecutors, did, and do, have that bias, and acted on it in the performance of their work. We still have the vestiges of that situation in existence in four cases, all from that earlier period, that I know of. All others have been closed.

Two of those cases are coming up, or have been up, for determination, right now. The Dykema, and the Vander Hayden cases. The Wisconsin Health Freedom Movement is alive and well, and gearing up for a run at the legislature for passage of several "*Health Freedom*" bills. By my estimates, they will field about 1,800 activists statewide – all from "*patient support groups*" from earlier campaigns.

When I run a campaign, and I'm only acting as an advisor so far, I advise the teams to find the best arguments to use, as to why the bills need to be passed. DRL's performance, as established by Thexton and Polewski, is reason enough – but there is a whole lot more – for instance, the fact that the health insurance industry gets to use DRL management as their personal negotiating tool for claims they don't want to pay. Or, ...

My suggestion to the health freedom group is that they use the existence of the Dykema and Vander Heyden cases, as examples of why there is *really* "no change at DRL" over the innovation issue – and play hard to the media, which as you know, is very friendly to our side. Both of these are "*Polewski*" cases. Polewski, you may

06/20/2005

remember, is on record as a card carrying NCAHF (quackbuster) member – and brags about it...

The tactic I'm recommending is simple – have all 1,800 activists, and anybody else they can round up, write letters, and make phone calls, to their own legislators asking for that legislator to, themselves, ask the Joint Legislative Audit Committee to commence a formal investigation of the DRL, for cause. A very good file has been assembled for that committee. It will play well in the media.

This should not be happening. I was under the impression that significant changes were in effect at DRL – at least they were on the surface. But, the fact is, that Polewski's hateful personal bias against innovation in health care is all over both of these cases – and he is still controlling those cases.

Harold Dykema and Rick Vander Heyden are both first-rate practitioners who DO NOT deserve to be raked over the coals by your in-house zealot.

The department needs to take a hands-on approach to these cases, and get resolution, now, according to the guidelines you CLAIM you have. There should be simple agreement – not argument.

Let's make this problem go away. Sandra, I know you are busy, but please take the time to fix this issue. Otherwise, we are both going to even busier.

Tim Bolen





WISCONSIN STATE LEGISLATURE

**Joint Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

June 23, 2005

Representative Sheryl Albers  
15 North, P.O. Box 8952  
HAND DELIVERED

Senator Dale Schultz  
211 South, P.O. Box 7882  
HAND DELIVERED

Dear Representative Albers and Senator Schultz:

We received the requests that you recently submitted to the Joint Audit Committee. This letter serves as confirmation of those requests.

Each request submitted receives serious consideration. As conscientious legislators, we all welcome new ways to do things less expensively or more efficiently. We, as co-chairs of the committee, aim to meet once a month to discuss all requests. Shortly after the meeting, one of us will follow-up with you directly to let you know the status of your request.

Thank you again for your request and we will be in touch soon.

Sincerely,

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee



WISCONSIN STATE LEGISLATURE

**Joint Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

June 23, 2005

Representative Scott Suder  
21 North, P.O. Box 8952  
Madison, WI 53708

Dear Representative Suder:

We received the requests that you recently submitted to the Joint Audit Committee. This letter serves as confirmation of those requests.

Each request submitted receives serious consideration. As conscientious legislators, we all welcome new ways to do things less expensively or more efficiently. We, as co-chairs of the committee, aim to meet once a month to discuss all requests. Shortly after the meeting, one of us will follow-up with you directly to let you know the status of your request.

Thank you again for your request and we will be in touch soon.

Sincerely,

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee





**Joe Leibham**

STATE SENATOR

July 5, 2005

Senator Carol Roessler, Co-Chair  
Joint Committee on Audit  
Room 8 South, State Capitol  
Madison, WI 53708

Representative Suzanne Jeskewitz, Co-Chair  
Joint Committee on Audit  
Room 314 North, State Capitol  
Madison, WI 53708

Dear Senator Roessler and Representative Jeskewitz,

On behalf of the sportsmen and women of Wisconsin, I am writing to request approval from the Legislative Joint Audit Committee for an audit of the Department of Natural Resources' (DNR) Fish & Wildlife Account.

Every year, thousands of sportsmen and women across Wisconsin pay millions of dollars to obtain hunting and fishing licenses. When a hunting or fishing license is purchased there is an understanding that the fees paid will be used to protect our state's fish and wildlife for future generations of sportsmen and women and all outdoor enthusiasts.

Wisconsin's sporting community has now been asked in two successive biennia to make a greater investment in the stewardship of our natural resources. This has generated a great deal of question and debate across our state. Many constituents who hunt, fish and enjoy Wisconsin's outdoors are interested in better understanding how the dollars that they invest on hunting and fishing licenses fees are being used by the DNR.

In light of the questions and interest raised, I would like to request that the Joint Legislative Audit Committee approve an audit of the DNR Fish & Wildlife Account. The audit could focus on the following:

- A review of DNR accounting procedures used in regard to the receipt and allocation of hunting and fishing license fees;
- A review of the funds raised from the sale of hunting and fishing licenses and the extent in which the Department appropriates these funds to fish and wildlife programs;
- A review of how the funds received from the sale of hunting and fishing license fees are used for other expenditures.

- An examination of how Wisconsin fares against neighboring states in expending percentage of funding for fish & wildlife activities versus administrative costs.

I appreciate your consideration of this request. Please contact me if you have any questions. This audit will provide valuable information to the legislature for future budget considerations and answers to the important questions asked by the sportsmen and women of our state.

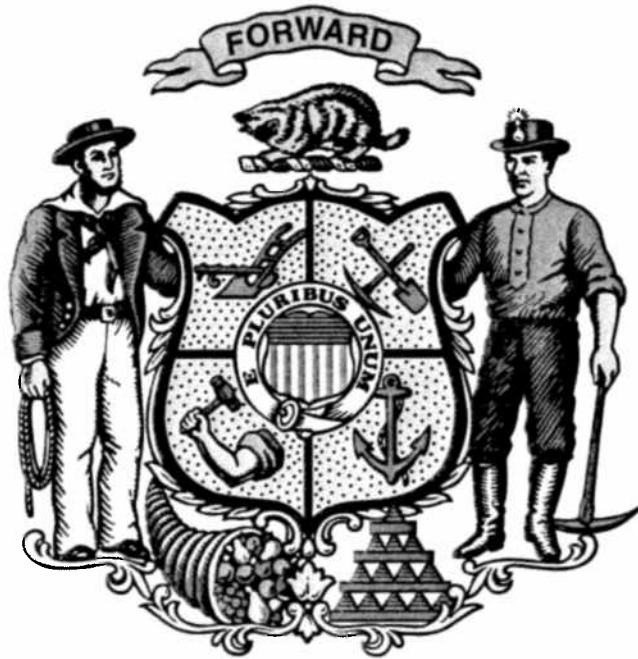
Sincerely,

A handwritten signature in black ink that reads "Joe Leibham". The signature is written in a cursive style with a large, sweeping initial "J".

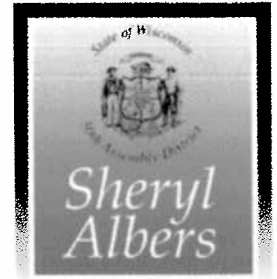
**Joe Leibham**

*State Senator  
9th District*





JUL 12 2005



July 11, 2005

Rep. Suzanne Jeskewitz  
Co-Chair, Joint Audit Committee  
Room 314 North, State Capitol  
Madison WI 53708

Sen. Carol Roessler  
Co-Chair, Joint Audit Committee  
Room 8 South, State Capitol  
Madison WI 53707

Dear Rep. Jeskewitz and Sen. Roessler,

I would like to request the Legislative Audit Bureau to examine current practices of the Department of Revenue regarding the sales and use taxes for contractors in Wisconsin.

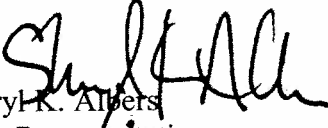
Over the past several years, contractors have been frustrated about the distinction between "personal" and "real" property. For example, when a sink is located in a bathroom, it is considered "personal" property. When it is located elsewhere in the house, it may be classified as "real" property, which is taxed differently. The process is extraordinarily confusing for contractors, whether they are electricians, plumbers, etc., especially when they are engaged in field work. Contractors would like to see clarity brought to the process.

Two possibilities have been suggested to me as causes of the problem. The first is over the statutory language. The Legislature in many instances grants tax exemptions on various properties, and while that is helpful to business owners, it does make the process more confusing. Another suggestion is that DOR rules are responsible for the confusion. Because real and personal property is taxed differently, and in different circumstances the same product can be classified as real or personal, perhaps the complexity of DOR rules is the cause of the confusion.

I would like to request that the Audit Bureau determine if existing confusion within the contracting industry is due primarily to statutory language, or to DOR rules, and whether penalties and assessments levied subsequent to an audit are an indication that clarification is essential if confusion is to be eliminated. Exemptions created by the Legislature make the process confusing, and confusion also exists given the complexity underlying real and personal property tax distinctions, not easily discerned.

Please feel free to contact my office with any questions you might have. Thank you for your consideration of this request.

Sincerely,

  
Sheryl K. Albers  
State Representative  
50<sup>th</sup> Assembly District

cc: Janice Mueller, Legislative Audit Bureau





# WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

July 19, 2005

Rep. Suzanne Jeskewitz, Co-Chair  
Joint Committee on Audit  
Room 314 North  
State Capitol

Sen. Carol Roessler, Co-Chair  
Joint Committee on Audit  
Room 8 South  
State Capitol

Dear Co-Chairs Jeskewitz and Roessler:

We are writing today to request a UW System-wide audit of administrators who have taken back-up positions, as well as administrators who are granted extended paid leaves after they have resigned.

Our offices have been inundated with calls from campuses around the state alleging this is a common practice where there are administrators collecting six figure salaries who have underperformed and are still drawing their high salaries, even though they have no presence, no office or duties on campus.

We are potentially talking about tens of millions of dollars of wasted tax dollars. A Milwaukee Journal-Sentinel story that ran this past weekend detailed the cases of four administrators at UW-Milwaukee whose salaries totaled more than \$600,000 who were granted one-year leaves – that's just one campus.

We need to look to Minnesota where they are able to remain competitive without providing these "golden parachutes" to administrators who don't perform up to expectations.

We hope you will agree that a system-wide audit of these practices is certainly justified.

Sincerely,

Rob Kreibich  
State Representative  
93<sup>rd</sup> Assembly District

Samantha Kerkman  
State Representative  
66<sup>th</sup> Assembly District

Enclosures: 2



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER  
ATTORNEY GENERAL

114 East, State Capitol  
P.O. Box 7857  
Madison, WI 53707-7857

Daniel P. Bach  
Deputy Attorney General

July 19, 2005

The Honorable Rob Kreibich  
State Representative  
107 West, State Capitol  
Madison, WI 53702

The Honorable Samantha Kerkman  
State Representative  
109 West, State Capitol  
Madison, WI 53702

The Honorable Scott Suder  
State Representative  
21 North, State Capitol  
Madison, WI 53702

The Honorable Glenn Grothman  
State Senator  
20 South, State Capitol  
Madison, WI 53702

The Honorable Terry Moulton  
State Representative  
5 North, State Capitol  
Madison, WI 53702

The Honorable Andy Lamb  
State Representative  
9 West, State Capitol  
Madison, WI 53702

The Honorable Stephen Nass  
State Representative  
12 West, State Capitol  
Madison, WI 53702

The Honorable Frank Lasee  
State Representative  
105 West, State Capitol  
Madison, WI 53702

The Honorable Robin Vos  
State Representative  
304 North, State Capitol  
Madison, WI 53702

The Honorable Mary Williams  
State Representative  
18 West, State Capitol  
Madison, WI 53702

The Honorable Scott Gunderson  
State Representative  
Room 7 West, State Capitol  
Madison, WI 53702

Dear Representatives:


Thank you for your letter dated July 8, 2005, in which you request that I "commence a truly independent investigation" of potential pervasive abuse of leave time and appointments within the University system as evidenced by recent allegations and newspaper reports. I share your concerns and appreciate your confidence in my ability to conduct an independent investigation. As you know, the Attorney General's authority to act in most instances is limited

The Honorable Rob Kreibich  
The Honorable Samantha Kerkman  
The Honorable Scott Suder  
The Honorable Glenn Grothman  
The Honorable Terry Moulton  
The Honorable Andy Lamb  
The Honorable Stephen Nass  
The Honorable Frank Lasee  
The Honorable Robin Vos  
The Honorable Mary Williams  
The Honorable Scott Gunderson  
Page 2

to specific statutory provisions. After a thorough review of Wisconsin statutes in light of this fact situation, I have concluded that Wis. Stat. § 165.25 does not authorize me to conduct an investigation of specific personnel matters unless requested to do so by the University of Wisconsin Board of Regents. We have not received such a request from the University. Accordingly, with no statutory grant of authority for me to act, nor any permissive authority conveyed by the University, reluctantly I must decline your request.

Your request and recent newspaper articles also raise questions as to violations of this state's Ethics Code, Wis. Stat. § 19.25. Wisconsin Stat. §19.29 provides that the Ethics Board shall receive such complaints. The Ethics Board, at its discretion, may investigate and, if appropriate, refer the matter for prosecution. Please be advised that this office is willing and prepared to pursue such an investigation of abuse of leave time or inappropriate "back-up" appointments upon referral from the Ethics Board.

Very truly yours,

  
Peggy A. Lautenschlager  
Attorney General

PAL:MRB:kl

Original URL: <http://www.jsonline.com/news/metro/jul05/341600.asp>

## UWM grants leaves after resignations

### In perk called common, 4 administrators paid \$600,000 after stepping down

By MEGAN TWOHEY  
[mtwohey@journalsentinel.com](mailto:mtwohey@journalsentinel.com)

Posted: July 16, 2005

Under what it described as a common practice, the University of Wisconsin-Milwaukee has paid four former administrators more than \$600,000 in taxpayer dollars for yearlong leaves granted after their resignations.

The leaves were given to three deans and the university's provost over the past four years. Two of the four agreed to resign from their tenured faculty positions as well, according to copies of settlement agreements provided by UWM.

University officials say former administrators are expected to use paid leaves to prepare to resume teaching or research. But they acknowledge that the university doesn't track what the administrators do during their leaves and can produce no record of their activities.

The leaves, which are common at universities across the country, are connected to the practice of granting university administrators tenured faculty positions as "backups."

UWM officials contend they must offer such backup positions as job security to recruit top-notch talent to the university. They also say the paid leaves help them buy administrators out of their tenured positions once they step down and that leaves are cheaper than keeping administrators on the payroll indefinitely or trying to terminate them.

But granting such paid leaves raises questions about the university's management of increasingly scarce taxpayer dollars at a time when other UW officials are complaining bitterly that the state Legislature is cutting the UW System's budget.

And some critics say it amounts to giving administrators who don't work out a year of paid vacation at taxpayer expense.

"It's outrageous," said Patricia Goldstein, a lecturer at UWM who teaches without tenure and has been active in union efforts. "It's unfair to taxpayers and to everyone else in the university."

The disclosures about paid leaves for UWM administrators come as the case of former UW-Madison Vice Chancellor Paul Barrows simmers. Gov. Jim Doyle and Republican legislators have complained that Barrows was able to continue collecting his nearly \$200,000 a year salary during a seven-month paid leave after he stepped down.

In addition, UW-Green Bay has acknowledged that Carol Blackshire-Belay, who resigned in June 2004 as dean of liberal arts and sciences, continued to collect her full \$113,000 salary through the end of last month even though she had no duties and no office on campus.

In light of these and other cases, the UW Board of Regents has launched an investigation of university employment agreements, administrative leaves and backup appointments, which are guaranteed to hundreds of top administrators.

"It is important to clarify what benefits university employees receive, how employment agreements are constructed and how accountable the process is to the public," David Walsh, president of the Board of Regents, said last month in announcing the investigation.

The former administrators who were placed on paid leaves by UWM are William Gregory, who resigned as dean of the College of Engineering and Applied Science on July 1; John Wanat, who resigned as provost in January; Mohammed Aman, who resigned as dean of the School of Information Studies in September 2002; and Charles Kroncke, who resigned as dean of the School of Business in May 2001.

#### UWM

##### Well-Paid Leaves

Here are the four who resigned from their administration positions at the University of Wisconsin-Milwaukee and what they were or will be paid during their leaves:

**William Gregory**, resigned as dean of the College of Engineering and Applied Science on July 1. Will be paid \$142,470.

**John Wanat**, resigned as provost in January. Continues to receive \$187,416 a year salary until start of spring semester 2006.

**Mohammed Aman**, resigned as dean of the School of Information Studies in September 2002. Was paid \$34,690 as a consultant from October through December 2002; another \$113,532 through August 2003.

**Charles Kroncke**, resigned as dean of the School of Business in May 2001. Received 12 months of administrative leave at his dean's salary of \$141,545.

None responded to phone calls and e-mails requesting interviews. Chancellor Carlos Santiago referred questions to the university's press office.

Tom Luljak, the vice chancellor for university relations, said confidentiality clauses in the settlement agreements prevent him from commenting on the specific officials.

"Settlement agreements are the result of negotiations in which the university balances the cost of the agreements against potential liabilities and the salary the university would be required to pay a senior tenured faculty member over the length of their remaining career," Luljak said.

He declined to say how the statement applied to the two administrators who didn't agree to resign from their tenured teaching jobs.

The administrative leaves, Luljak said, allow individuals to immerse themselves in their field of study. But the university does not track what they do, he said, and the former administrators are not required to account for their activities.

"Each individual tracks his own preparation," Luljak said.

According to copies of the agreements:

- Gregory, 65, will take administrative leave during the upcoming school year. As dean, he was paid a salary of \$174,131. While on leave, he will be paid \$142,470 for a nine-month appointment. The following school year, he will return to the university. Gregory will continue to be paid the same salary, although it's unclear what his specific duties will be. Gregory is not required to resign from his tenured faculty job.

- Wanat, 64, who began his administrative leave immediately after he resigned as provost on Jan. 1, will remain on leave until "the first day of the spring semester 2006." During his leave, he will continue to collect his provost's salary of \$187,416 a year. Wanat will assume unspecified research duties during the spring semester while continuing to be paid his provost salary. He will not teach. On Dec. 31, 2006, he will leave the university.

- Aman, 65, who stepped down as dean after a university investigation determined that he had discriminated against faculty members, was placed on a paid leave of absence from October 2002 through August 2003. Aman served as a consultant to the School of Information Studies from October through December 2002, for which he was paid \$34,690, the three-month equivalent of his \$138,760 a year dean's salary. He had no duties for the remainder of the absence, for which he was paid \$113,532.

Since August 2003, Aman has been teaching courses during annual nine-month teaching appointments that pay \$113,532. He is not required to resign from his tenured faculty job.

- Kroncke, 65, received 12 months of administrative leave after he resigned as dean. During the leave, he was paid the \$141,545 a year salary he earned as dean. He earned the same salary for the next three school years, during which he taught. As agreed, Kroncke resigned from his tenured faculty job June 30 and left the university.

Granting university administrators paid time off after they resign is common practice across the country, said Sheldon Steinbach, general counsel for the American Council on Education. The reason: academic tenure.

Tenure, in essence, is lifetime employment. To obtain it, faculty members must survive a seven-year probationary period, during which they undergo a rigorous peer review of their teaching and research. It's a tradition that's rooted in a commitment to academic freedom. Faculty members are guaranteed the free exchange of ideas without fear of being fired. About two-thirds of professors in the UW system have tenure.

"In an environment in which you can't terminate, it's kind of a buyout package," Steinbach said.

Attempts to fire tenured faculty members, he said, can prove extremely costly. UW-Superior's attempt to fire John Marder, a tenured faculty member, in 1999 has resulted in years of litigation. The case, which is being handled by the state's attorney general, will come before the Wisconsin Supreme Court Sept. 27.

George Brooks, head of human resources in the UW System, said his office doesn't monitor the way individual universities handle their administrators. He said it wouldn't be unusual for administrators who resume teaching in a field such as the hard sciences to take a semester off to prepare if they had been away from the classroom for many years. But he said the former administrator should be expected to account for his preparation.

"There is nothing in Wisconsin laws or code that says you as a public institution can pay your employees for not doing any work in exchange for their salary," Brooks said.

Brooks has acknowledged that it is common practice for Wisconsin universities and colleges to grant backup jobs to administrators. While the



administrators have contracts, they serve at the pleasure of the chancellor. That means they can be asked to step down at any time and have no appeal power. The backup appointments are a form of job security.

Tenured faculty members who become administrators are guaranteed a return to a tenured position. Administrators who have not taught are promised another administrative job - often for a year - as a backup, Brooks said. Without them, he said, no one would want to become an administrator.

Under the state's administrative code, which is approved by the Legislature, backup jobs are guaranteed to university administrators and faculty members within the UW System who are promoted to limited administrative appointments. But it's become common practice for the schools to grant the backup jobs to administrators who come from outside Wisconsin.

That's what happened with the four at UWM, who were all working outside the state before they joined the university.

Under UW policy, Brooks said, administrators who step into their backup positions must be paid between 82% of what they were making in their administrative post and the average salary of peers in their department. The UW System doesn't track their salaries.

The four UWM administrators were all paid 82% or more of their former salaries - an amount that far exceeds what their peers are making.

For example, Wanat, who assumed his backup faculty job as a tenured political science professor even though he's not teaching, makes \$187,416 a year - the same salary he earned as provost. His peers in the political science department are making an average of \$80,000, according to the department's chair, Marcus Ethridge.

"Certainly that is not the typical salary," he said of Wanat's pay. "Not by a long shot."

Backup appointments are granted to university administrators in other states, said Raymond Cotton, a Washington lawyer who specializes in administrators' contracts. But Cotton said many schools are moving toward set contracts instead. The contracts are often for three years, he said. The institution agrees that if things don't work out, it will buy the administrators out of their contract or pay them a year's salary, whichever is more money.

"That way you're not stuck with the individual for the rest of his or her career," Cotton said.

In March, Wanat interviewed to be president of Winona State University in Minnesota, but did not get the job.

If he had, Wanat would have ended up in a public university system that doesn't guarantee administrators set contracts, backup appointments and paid leave upon resignation, according to Linda Kohl, a spokeswoman for the system.

If administrators who come from outside Minnesota want tenure within the state system, they must earn it, a process that can take at least two years, Kohl said.

And if the university wants the administrator to step down?

"That's it," she said. "It's over."

From the July 17, 2005, editions of the Milwaukee Journal Sentinel  
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July 20, 2005

Joy Schilling  
1525 47<sup>th</sup> Street  
Somerset, WI 54025

Dear Joy,

Thank you for your letter requesting an audit of the Wisconsin Department of Regulation and Licensing's policies for licensing chiropractors and other health care professionals. I appreciate the time you took to write me.

I sympathize with your concerns over receiving quality care from a practitioner who you trust and have had considerable success with in the past.

I am forwarding your correspondence to Representative Sue Jeskewitz and Senator Carol Roessler, the Co-Chairs of the Joint Audit Committee, for their review and consideration of a possible audit by the Legislative Audit Bureau.

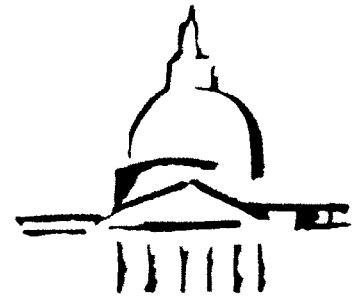
Please feel free to contact me with any further requests or concerns. Again, thank you for writing me with your request.

Sincerely,



Kitty Rhoades  
*State Representative*  
30<sup>th</sup> Assembly District

Cc: Representative Sue Jeskewitz  
Senator Carol Roessler



**KITTY  
RHOADES**

**STATE REPRESENTATIVE**

MEMBER:  
JOINT COMMITTEE ON FINANCE

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REP.RHOADES@LEGIS.STATE.WI.US

DISTRICT PHONE:  
(715) 386-0660

June 13, 2005

Representative Kitty Rhoades  
State Capitol  
Room 320 East  
Madison, WI 53707-7882


Dear Rep Kitty Rhoades:

I am writing to ask your help. Please ask the Joint Legislative Audit Committee for a formal audit of the Wisconsin Department of Regulation and Licensing for cause. Because of the departments restrictive policies I am being denied first rate care because Harold J. Dykema, D.C. is not allowed to return to practice. I was a very satisfied patient of his and would like his services available again.

He had his license taken away I believe unfairly and has applied twice in Feb 2005 and April 2005. Both times he was denied with no reason listed. Is that not a violation of his civil rights? It certainly seems unfair to all his patients who really benefited from his chiropractic treatments-especially when there is no reason given for his not being able to practice.

He is applying again June 23, 2005 and I would like his license reinstated. I am very displeased with the Board's handling of this case.

Thank you,

  
Joy Schilling  
1525 47<sup>th</sup> St  
Somerset, WI 54025  
715-247-3476

July 20, 2005

Sylvia Dalzell  
469 208<sup>th</sup> Avenue  
Somerset, WI 54025

Dear Sylvia, *Sylvia*

Thank you for your letter requesting an audit of the Wisconsin Department of Regulation and Licensing's policies for licensing chiropractors and other health care professionals. I appreciate the time you took to write me.

I sympathize with your concerns over receiving quality care from a practitioner who you trust and have had considerable success with in the past.

I am forwarding your correspondence to Representative Sue Jeskewitz and Senator Carol Roessler, the Co-Chairs of the Joint Audit Committee, for their review and consideration of a possible audit by the Legislative Audit Bureau.

Please feel free to contact me with any further requests or concerns. Again, thank you for writing me with your request.

Sincerely,

*Kitty*

Kitty Rhoades  
State Representative  
30<sup>th</sup> Assembly District

Cc: Representative Sue Jeskewitz  
Senator Carol Roessler



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June 13, 2005

Representative Kitty Rhoades  
State Capitol  
Room 320 East  
Madison, WI 53707

Dear Rep Kitty Rhoades:

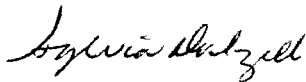
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He had his license taken away I believe unfairly and has applied twice in Feb 2005 and April 2005. Both times he was denied with no reason listed. Is that not a violation of his civil rights? It certainly seems unfair to all his patients who really benefited from his chiropractic treatments-especially when there is no reason given for his not being able to practice. I have nothing but respect for him and in any other state he would be allowed to practice I believe.

He had treated and kept in check my hiatus hernia. Without his care it has gotten worse and is causing chronic anemia. I was very close to needing a transfusion again in April and have been doctoring ever since.

He is applying again June 23, 2005 and I would like his license reinstated. I am very displeased with the Board's handing of this case.

Thank you,



Sylvia Dalzell  
469 208<sup>th</sup> Ave  
Somerset, WI 54025  
715-247-3476





WISCONSIN STATE LEGISLATURE

Joint Legislative Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 20, 2005

Mr. Gerald H. Derr, President  
Dane County Towns Association  
1595 County Trunk Highway V  
Columbus, Wisconsin 53925


Dear Mr. Derr:

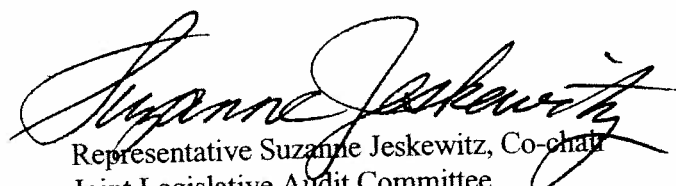
Thank you for your letter, dated June 28, in which your association requests an audit by the Legislative Audit Bureau of Dane County's Smart Growth program. We appreciate the comprehensiveness of your letter and the supporting documentation that was attached. However, we find the State's need for oversight, cost analysis, and program evaluation are so great that we have not been willing to divert the resources and focus of the Legislative Audit Bureau away from the operations of state government to local government. Therefore, we have chosen not to advance your request for an audit.

The core responsibility of the Legislative Audit Bureau is to conduct financial and program evaluation audits of state government, which typically are requested by individual legislators. As you may know, s. 13.94 (1)(m), Wis. Stats., does allow the Legislative Audit Bureau to audit the records of any county, city, village, town or school district at the direction of the Joint Legislative Audit Committee. However, the Committee may not direct more than three such audits in any calendar year. We typically receive many more requests to audit state government programs than can be advanced in any given year. Therefore, the Committee has rarely exercised its option to authorize audits of local units of government.

Thank you for your letter. Please contact us with any questions or concerns.

Sincerely,

  
Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

  
Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Representative Brett Davis  
Representative Eugene Hahn  
Representative David Ward

Janice Mueller  
State Auditor

SENATOR ROESSLER  
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(608) 266-3796 • Fax (608) 282-3624