

January 14, 2015

To the Members of the Joint Legislative Audit Committee:

My name is Timothy L. Vocke. I was appointed by Governor Walker to the GAB in 2011 and again in 2012.

I was Chairman of the GAB in 2013, and I replaced Judge Brennan as Secretary when he left the GAB in 2014. Judge Barland and I were also on the Audit subcommittee.

Let me introduce you generally to the Judges who make up the GAB. Judge Gerald Nichol of Madison, Judge Thomas Barland of Eau Claire, Judge Harold Froehlich of Appleton and Judges Elsa Lamelas and John Franke of Milwaukee. Together we have over 123 years of experience as elected Circuit Judges for the State of Wisconsin. Judge Barland, alone has 33 years. All of us with the exception of Judge Franke have been appointed as Reserve Judges with an additional total of 65 years' experience. I have 32 years of experience myself.

I was formerly Circuit Judge in Vilas County from 1979 until 1983 when I resigned and assumed Reserve Judge Status. I am the second longest serving Reserve Judge in Wisconsin.

I am the only Member of the GAB having Democrat credentials having been appointed DA in Vilas County by Governor Lucey in 1976, and then running successfully for election on the Democrat ticket.

I'd like to address you folks briefly on five issues and then take a crack at answering any questions that you have of me:

- 1) What I see my role as a Member of the Board as opposed to the role of staff;
 - 2) What I as a Board member expect from staff;
 - 3) How much information is provided by staff, especially in my role as Chair of the GAB;
 - 4) Confidentiality issues; and,
 - 5) My general thoughts about the LAB Audit.
-
- 1) Speaking just for myself, I also have many years of experience on various Boards of Directors including two churches, one hospital board, one very small nonprofit organization, the Wisconsin Cello Society and one large nonprofit, the Samoset Council of the Boy Scouts of America.

As a Board member, I am involved with policy and not the day-to-day operations of the agency; that is the function of the staff under the supervision of Kevin Kennedy, Mike Haas

and Jonathan Becker. There are certain decisions made by the Board and others made by the staff. The Board does not try to micromanage, nor should it. Like many other state agencies, Governance is by a civilian Board and the operations by professionals who are employees of the state. There are two features that make this agency's Board unique: we are chosen by all three branches of government, and in a previous life we were Judges. We are trained as critical thinkers; we ask questions of the staff and of each other. Regardless of the outcome of a vote, we continue on to the next issue and behave with respect toward each other as well as staff. I am reminded of a story about a well-known Judge from Judge Barland's area by the name of Karl Peplau. He took the time to compliment an Attorney who made an argument in front of him. Judge Pelau told the attorney that he had utilized relevant facts well, pointed out some intriguing issues and had done a superb job of arguing. Nevertheless, he was going to rule against him on each and every issue.

- 2) I expect enough information from staff to keep me informed as to what is going on in general. For example, yesterday we had a list of each and every announced candidate for state office this spring as well as information about them, the number of signatures they needed, and the number, if any, that they filed with the GAB. I didn't NEED that information, but I appreciated getting it and I found it useful.

I expect to get information from staff to allow me to make an informed decision if I'm required to take action. Yesterday, I had received information on some announced candidates which put into question whether they were ballot eligible or not. I had to have that information in order to make a decision.

If we as members don't feel that we have enough information we are not shy about telling staff that their job is not done, and we want more. Communication is a two way street, so we let them know exactly what we feel that we need and why we need it.

I expect the staff to be honest and straight forward when they send information to us. Each of us Judges has experience with an attorney making an argument without including ALL relevant case law; or worse, misusing citations. We are by nature suspicious as a result. This staff works hard ... when we were involved in the recall, I remember getting emails in the middle of the night and throughout the weekend before our meeting. I was impressed by the dedication of the staff. We generally get a factual base for decision making including background. We often get alternatives and pros and cons of any decision that we may make. Having been involved in private practice for 26 years, I appreciate that a great deal. I would do the same with clients: "here are the facts; here is the law; here are your alternatives and here are the potential repercussions from any choice you make."

Much like an attorney in private practice we often get specific recommendations as well ... which we discuss and sometimes follow, sometimes disregard and sometimes modify.

I am pleased with this staff.

- 3) I did not realize when I became Chair of the GAB that I would become subject to so much information. It was not unusual to receive dozens ... literally dozens of emails weekly from Kevin Kennedy as well as numerous phone calls. Some of my responsibilities I was able to delegate to the Vice-Chair; it didn't seem economically feasible for me to drive from Rhinelander to sign documents certifying election results, so Judge Nichol usually did that. On the other hand, when in 2013 we received two new members, I came down to meet with them and fill them in on what we were doing and why. The Board authorizes our Director and General Counsel certain authority and specific powers. In some situations, the Director is required to contact the Chair and the Chair may approve or alternatively order that the other members be polled or a Special meeting be called before the delegated action is taken.
- 4) Much of what Judges are authorized to do is confidential, such as issuing search warrants, handling Juvenile cases, and certain probate matters. So it was no surprise to find that as a member of the GAB I was subject to confidentiality requirements on matters such as investigations. I think that speaking for the Board and at least for myself, I would have preferred to give the LAB absolutely everything that it wanted to see during the Audit. However, as you can well imagine we did not want to run afoul of the criminal statutes, so we asked for a formal AG's Opinion. As you certainly also well know, the opinion said that we could not turn over information to the LAB without violating those criminal laws. By now, I presume that you have seen the GAB's recommendation as to that issue. We hope the legislature will change the law that bound us, so we can provide the requested information in future audits without risking a stay at the Crossbar Motel and Restaurant.
- 5) During my tenure as Chair, I was asked by a reporter during an interview as to what I thought about the idea of an audit by the LAB. I told her then that I was pleased by the idea. In my opinion all agencies need a periodic check to determine how they are doing. I told her that I felt confident that we were doing much right, and that we were with no doubt providing the citizens of Wisconsin a quality product. I also said that I was equally sure that we were making mistakes. An audit would provide us with both feedback as to what we were doing correctly as well as what we were not doing correctly. And in either case, it would give the GAB guidance to improve its performance.

We received recommendations that we've already implemented; recommendations that we will implement; and we received feedback that will make us do some critical thinking.

This is no surprise. I will be 67 in a couple of months. My 40th anniversary is in less than two weeks. Believe it or not, I've made mistakes in my life. I expect that I will continue to make mistakes. Hopefully, I will catch them or someone else will point them out and I will learn and correct. As an example of some unexpected, unasked for and useful criticism, I was told Monday that members of a three-church parish in the Upper Peninsula wished that I would either speak louder or use a mike when I do my sermons.

NOBODY.....NOBODY, had ever asked me to speak up before when I was trying to address them. I happen to like to walk around when I speak and I do not read my sermons, I use notes instead. So with that in mind, I'm going to make an adjustment on February 1. I do not want a bunch of Finlanders peeved with me.

The bottom line of the Audit in my opinion was there was no criticism as to dishonesty, laziness, unfairness nor partisanship.

Thank you for allowing me to address you.

If there are any questions, I'll take a crack at them now.