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Waiting for Jack

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What we learned by asking simple questions about the Adado settlement

By BERL SCHWARTZ

Two years ago, when a receptionist sued Lansing City Councilman Louis Adado Jr. for sexual harassment, the story was all over the media.

But when the case was settled in November, there was no publicity.

And it turns out, some City Council members say they didn't know or at least didn't recall being told the details of the settlement before they read about them in City Pulse last week, after the settlement was leaked to the paper.

Given that this was a high profile case, which among other things allegedly involved leaving panties in the receptionist's drawer to wear and return, how did the public get cut out? How come some Council members were apparently not given the specifics of the settlement?

First, it appears the city has no policy for announcing out-of-court settlements. If you don't know to ask, you might never find out.

Add to that that the city has no public information officer. Thus, what you're able to find out depends entirely on whether elected and appointed officials call you back, unless you try to corner them in person. And then they might well refer you to somebody else.

In the course of five or six days, two reporters and I were able to talk to most City Council members and David Weiner, executive assistant to Mayor Tony Benavides.

(Efforts to reach Geneva Smith and Brian Jeffries were unsuccessful. That's always the case with Smith, who doesn't talk to City Pulse because of differences going back more than two years. That's often the case with Jeffries, although why I can't tell you, since we always seem to have nice conversations when we do connect.)

In any case, several Council members said the person we really needed to talk to is Jack Roberts, the interim city attorney. Council President Joan Bauer said she isn't even sure what she is allowed to say about the case since it last came before her in a closed session of City Council. She said she had urged Roberts to return my call, which I had placed soon after 8 a.m. Tuesday. (I just missed him. I was told he was headed to an all-morning meeting. It's after 1 p.m. now. I'll keep you informed.)

Beginning last week, City Pulse reporters Evan Steiner and Daniel Sturm tried to get two questions answered. One was whether the city has a policy on informing the public on out-of-court settlements. The other was whether City Council members were informed of the settlement, when and in how much detail.

Steiner, who was asked to interview Councilmembers Joan Bauer, Carol Wood, Larry Meyer and Geneva Smith, reported in first. His Sunday e-mail said:

"I guess this really is a good story because people sure don't want to talk about it. I've gotten in touch with Larry Meyer and Carol Wood, no luck on Geneva yet.

"Here's what I've got:

"Carol officially has no comment. When I asked why, she said, 'There are a lot of people involved in that. It was a difficult time for a lot of people. I don't believe that it helps to talk about it.'

"When I pushed her a little bit, she said that the authority to speak on anything regarding the case would fall onto the city attorney.

"Larry was only slightly more open on the matter. When asked when he was first made aware of the settlement, he said, 'There were a number of legal briefings on the matter starting approximately three months ago.' He declined to go into any further detail as to what that meant, saying that it's a legal matter and I would have to go to the legal department for any more information on that. He also directed me to the city attorney when I inquired about any policy for officially informing the public of such settlements.

"When I asked whether he personally felt the public should be officially informed of settlements involving public funds such as this, he completely weaseled out of answering the question, saying, 'I had an opinion on this case that I conveyed, but that's all I'm going to say about that.' He wouldn't say whether that was a written or spoken opinion, nor would he say who it was expressed to, although he did say it wasn't publicly available. Frankly, I don't even know what that means. Of course he had an opinion. But in any event, he's not elaborating on that comment.

"I'll keep trying to get something from Geneva. I'm planning on being at City Council tomorrow night, although I doubt anyone will be any more talkative."

Sturm was asked to contact the rest of Council: Harold Leeman, Sandy Allen, Joan Bauer, Randy Williams and Brian Jeffries. His report:

Harold Leeman

"I haven't heard about the outcome of the settlement until I read it in your paper," Harold Leeman said.

"In the fall we were informed that we were in the process of offering a settlement to Heather Eman. You would hope that they would be sensitive enough to let us know that it had been settled. But whatever happened in November, December and January I don't know. I don't know ever being told that it was agreed to."

[What's the usual procedure?]

"The professional way to do it is let all City Council members know that it was settled upon.

"Maybe Carol Wood knew it, but she didn't tell me. [Informing other council members] would have been Carol Wood's responsibility, because she was the president. She is running the Council.

"The way to do it is announce it in the Committee as a Whole that the case is settled, or give a memo to us. But none of this occurred.

"However, I must say that I missed one Council of the Whole meeting in the first week of December. But as a courtesy I should have still been notified, if in fact the outcome of the settlement had been discussed there."

[Do you think the information got lost when Joan Bauer took over the president position from Carol Wood?]

"You need talk to my colleagues to find out if there was a pattern that the case was settled in secrecy, and none of us was informed."

[How unusual is it that Council members wouldn't be informed?]

"It's a high profile type of case, where people that knew what was going on were informed on a daily basis." Did people keep that from the rest of the Council members?

"Joan Bauer has a record for letting us know. She wouldn't have kept the outcome of the settlement as a secret. Was council President Wood responsible for not telling the rest of Council?"

Sandy Allen

[Were you informed about the outcome of the settlement?]

"I don't recall."

[So you weren't informed about the \$120,000 payment?]

"I don't recall. You should contact the city's legal department for further comments."

The next report came from Steiner after Monday's City Council meeting:

"Tonight I was able to talk to Randy Williams, Dave Weiner and Joan Bauer. Unfortunately with the time available, those were the only people I could get to. After talking to these people, I'm not exactly sure where the story is, but I think it's imperative to talk to Jack Roberts, because if there is a story, it's why there is no policy for informing the public of such settlements.

"Dave Weiner said that this was completely handled by the city insurance company: 'In a case like this, when additional funding is needed from the city to settle the case, the matter is voted on by Council, but not necessarily by name, so Council members don't always know the details of what they are voting on. In this case, there was a vote but I don't believe the case was identified by name.'"

(Weiner might be right, but what appears more likely is Council voted on a part of the settlement, which was \$10,000 for Eman's worker's compensation claim, an action that was separate from the suit against Adado. There never appears to have been a vote on the settlement of the sexual harassment suit.)

"He said that he didn't know if there was a policy to inform the public after the fact.

"Joan Bauer said, 'We left that matter up to the insurance company. Up until very recently, I didn't know the details of the case myself. I don't think any Council members did. Cases like this are handled by number instead of name to protect the confidentiality of the people involved. There was no official announcement made after the fact that this was the case we were voting on.'" (Again, Bauer was undoubtedly referring just to the worker's comp claim, not the sexual harassment suit.)

"Joan said she was not aware of any policy of officially informing the public of settlements like this.

"Randy Williams said, 'Because it is all handled by number instead of name, I don't even remember the case. We are not officially notified after a case is settled as to what the details were.'" (Hey, do Council members actually understand they never voted on the sexual harassment suit settlement, even by number?)

"I tried to talk to Jack Roberts, but he was tied up with (U.S. Rep.) Mike Rogers and so I opted to talk to Weiner. By the time Wiener had finished up, Roberts was gone."

That brings us to Tuesday, when I made two calls. One was to Roberts. (It's 1:30 p.m. now; I'm still waiting, but my production manager just left because there's nothing for him to do because he's waiting for this story to be finished. Sorry, Jack, time is running out.)

The other call was to Joan Bauer. Actually, two calls. We connected on the second one.

Very politely and very cautiously, Bauer told me she really wished I would talk to Roberts because she was uncertain what she could discuss. But she opened up as I guided the interview to the larger questions of what the public is entitled to know and how the process works in the case of an out-of-court settlement.

Her understanding, she said, was that it was the job of the city attorney to keep City Council apprised of cases. She said that a couple of times a year, the city attorney reviewed the status of all cases with Council as a whole. Moreover, she said Council was apprised of this particular case during the process.

My conversation with Bauer was really two phone calls, between which she took time to call Roberts. Why am I unsurprised the president of City Council can get through to him promptly while I am still waiting to hear from him?

In her second call, after she talked to Roberts, Bauer said, "The part I didn't really clarify totally with him is at what point did they apprise us of exactly how much the settlement was."

Bauer said Council might have been informed of the final settlement while she was on surgical leave in December, in which case she missed the news.

In any case, she said, she did not recall being informed of the final terms of the settlement.

"What this points out is that if Council members can't remember whether they were informed," Bauer said, "we need a process where we are sure that once a settlement is reached on any case that all council are informed of it that so they have the information both immediately or as soon as possible and that we all get the same information."

What about when the public should be informed of an out-of-court settlement?

Bauer said that depends on whether the terms of the settlement stipulate that the settlement, or parts of it, be kept confidential. But otherwise, the terms should be made public.

By whom? What ensued was an off-the-record conversation about the city's lack of a public information officer vs. the \$150,000-a-year or more contract with the PR firm Kolt & Serkaian.

Stop the presses: Jack Roberts returned my call shortly before 2 p.m. (Bauer had strongly encouraged him to do so.)

It turns out that the Adado settlement wasn't on his watch and that he doesn't know what City Council was told. Roberts just took over from James Smiertka, the city attorney who went to work this month for his old boss David Hollister in the state Department of Labor and Economic Growth.

Moreover, when the Adado case was filed, insurance covered the claim. Since then, the city has started insuring itself up to \$100,000 per claim. So, basically the insurance company was calling the shots on the Adado claim, since the city didn't want to pay it out of its own pocket. (That's my opinion, not Roberts'.)

In the end, what have we learned?

The calls you wait the longest for might not be very helpful.

That, and don't keep the production manager waiting.

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