

STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION
MILWAUKEE COUNTY

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MARILYN FIGUEROA,
Complainant,
-vs-
CITY OF MILWAUKEE,
Respondent.

=====

ERD CASE NO.
CR200003454

Deposition of:
JAMES ROWEN

Milwaukee, Wisconsin
April 2, 2002

Reporter: Peggy S. Christensen, RPR, CRR

1 DEPOSITION of JAMES ROWEN,
2 called as a witness, taken at the instance of the
3 Complainant, under the provisions of Chapter 804 of
4 the Wisconsin Statutes, pursuant to notice and
5 subpoena duces tecum, before Peggy S. Christensen, a
6 Registered Professional Reporter and Notary Public
7 in and for the State of Wisconsin, at the offices of
8 Murphy, Gillick, Wicht & Prachthauser, Attorneys at
9 Law, One Plaza East Tower, 330 East Kilbourn Avenue,
10 Suite 1200, City of Milwaukee, County of Milwaukee,
11 and State of Wisconsin, on the 2nd day of April
12 2002, commencing at 9:10 in the forenoon.

13
14 A P P E A R A N C E S

15 VICTOR M. ARELLANO, Attorney,
16 for LAWTON & CATES, S.C., Attorneys at Law,
17 10 East Doty Street, Madison, Wisconsin,
18 appearing on behalf of the Complainant.

19 BRUCE D. SCHRIMPF and LEONARD A. TOKUS,
20 Assistant City Attorneys, for CITY OF MILWAUKEE,
21 OFFICE OF CITY ATTORNEY,
22 200 East Wells Street, Suite 800,
23 Milwaukee, Wisconsin, appearing on
24 behalf of the Respondent.

25 Also present: Marilyn Figueroa and Cheryl Garcia

3

1 I N D E X

2 WITNESS Page(s)
3 JAMES ROWEN
4 Examination by Mr. Arellano 4

5
6 E X H I B I T S

7 No. Description Identified
8 -- NONE --

9
10
11 (There were no exhibits marked for identification)

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15 (Original transcript filed with Attorney Arellano)

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1 JAMES ROWEN,

2 called as a witness, being first duly sworn,
3 testified on oath as follows:

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5 EXAMINATION

6 By Mr. Arellano:

7 Q Would you state your full name and current address
8 for the record, sir.

9 A James Rowen, R-o-w-e-n, 3107 North Hackett Avenue,
10 Milwaukee, Wisconsin.

11 Q How old are you, Mr. Rowen?

12 A 56.

13 Q Very good. I understand you have some commitment
14 tonight which may require that you leave early?

15 A No, he was --

16 MR. TOKUS: No, that's my
17 commitment, Counsel.

18 Q My question was to you, Mr. Rowen.

19 A No, I do not have a commitment.

20 Q Very good. I also understand that you have some
21 type of health-related problem --

22 A Yes.

23 Q -- that requires you to take some time off from time
24 to time?

25 A No, I have not taken time off lately. I took time

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2 Q
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11 Q
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16 Q
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18 Q
19 A
20 Q
21 A
22 Q
23
24 A
25 Q

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1 A Yes.
2 Q Okay. Very good. Any other health-related problems
3 that I should be aware of which may require some
4 special accommodation on my part?
5 A No. Thank you.
6 Q All right. What's your address, Mr. Rowen?
7 A 3107 North Hackett Avenue, Milwaukee.
8 Q Are you married?
9 A Yes.
10 Q Are you still married to that lovely lady, the
11 daughter of former Senator McGovern?
12 A Yes.
13 Q Okay. What's her name?
14 A Susan.
15 Q Okay. Am I surprising you about how much I know
16 about you? I'm trying to make some, score some
17 points here.
18 A No. That's fairly --
19 Q Common?
20 A -- common.
21 Q All right. Very good. What's your education,
22 Mr. Rowen?
23 A I have a bachelor's degree from the University of
24 Wisconsin-Madison and a master's degree from the
25 University of Wisconsin-Madison.

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1 A
2 Q
3 A
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5 Q
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7 Q
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9 Q
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15 Q
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18 A
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20 Q Were you an employee for the City of Milwaukee --
21 A Yes.
22 Q -- in the year 2000?
23 A Yes.
24 Q Okay. Are you still an employee of the City of
25 Milwaukee?

6

1 Q What was your area of interest as far as your
2 bachelor's is concerned?
3 A Political science.
4 Q What about your master's?
5 A English.
6 Q When did you receive your master's degree? I
7 suspect you completed your requirements?
8 A Yes. I received it in 1969.
9 Q Okay, very good. Any other academic
10 accomplishments?
11 A I had a post -- I was employed by the University of
12 California Law School at Berkley with a title of
13 postgraduate research assistant to do research on
14 land grants in New Mexico in 1970.
15 Q Anything else by way of academic accomplishments?
16 A No.
17 Q Did you receive any type of diploma, degree or
18 accreditation as a result of the project you
19 undertook in California?
20 A No.
21 Q All right. Very good. What's your current
22 occupation today?
23 A I am the Deputy Director of the Department of
24 Administration for the City of Milwaukee.
25 Q And how long have you held that title?

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1 A Approximately two and a half years.
 2 Q And who do you report to today?
 3 A Today I report to Michael Soika.
 4 Q And for how long have you been reporting to
 5 Mr. Soika directly?
 6 A Approximately a month.
 7 Q And before that who did you report to?
 8 A David Reimer.
 9 Q And for how long did you report to Mr. Reimer?
 10 A From October of '99 to January of 2002.
 11 Q And before that what was your employment title?
 12 A I was Chief of Staff to the Mayor.
 13 Q From what period of time?
 14 A From July of '98 to October of '99.
 15 Q And before that what did you do?
 16 A Before that I was -- my title was Policy Director
 17 for the Mayor.
 18 Q For what period of time?
 19 A From June of 1996 to July of 1998.
 20 Q And before that what did you do?
 21 A Before that I was a reporter and assistant
 22 metropolitan editor at the Milwaukee Journal which
 23 then became the Milwaukee Journal Sentinel.
 24 Q For how long?
 25 A 13 years. From June of 1983 to May of 1996.

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1 Q And let me take one more shot. Before that what did
 2 you do?
 3 A Well, before that I had a series of positions in
 4 Madison, Wisconsin. Do you want me to name them?
 5 Q Just the last two.
 6 A The last two. I was a writer and columnist for
 7 Isthmus of Madison, and I was a licensed private
 8 investigator, self-employed.
 9 Q Did you ever work for the City of Madison?
 10 A Yes.
 11 Q For what period of time?
 12 A April of 1973 to December of 1978.
 13 Q In what capacity?
 14 A My job title was Administrative Assistant to the
 15 Mayor.
 16 Q Was this for Mayor, former Mayor Paul Soglin?
 17 A Yes.
 18 Q Did you ever work for the State of Wisconsin?
 19 A Yes.
 20 Q For what period of time?
 21 A I worked for the State of Wisconsin from January or
 22 February of 1980 to June of 1981.
 23 Q In what capacity?
 24 A I was the Assistant Secretary of State for the State
 25 of Wisconsin.

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1 Q Under which administration?
 2 A The administration of Vel I Phillips.
 3 Q And before that what did you do?
 4 A Before I worked for Vel Phillips, my previous
 5 employment was with the City of Madison. Oh, no, I
 6 take that back. I'm sorry. No, that's not right.
 7 I worked for The Progressive Foundation of Madison
 8 as the Executive Director.
 9 Q What period of time are we talking about?
 10 A April of 1979 to January or February of 1980.
 11 Q How long have you -- I suspect you know John
 12 Norquist?
 13 A Yes.
 14 Q How long have you known Mr. Norquist?
 15 A Well, I met him for the first time when I
 16 interviewed him for a newspaper story in the early
 17 to mid-1980s. So that was the first time I met him.
 18 Q What was Mr. Norquist's public position, if any?
 19 A He was in the state legislature.
 20 Q Where did this interview take place?
 21 A In his office in the state Capitol.
 22 Q In Madison, Wisconsin?
 23 A Yes.
 24 Q All right. And did you ever work for Mr. Norquist
 25 while he was a state legislator?

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1 A No.
 2 Q When was the very first time that you had any type
 3 of business employment relationship with
 4 Mr. Norquist in any capacity?
 5 A When I became his Policy Director.
 6 Q And that would have been what year again?
 7 A 1996.
 8 Q Did you ever do any freelance work on behalf of
 9 Mr. Norquist or his office before 1996? Let's put
 10 it from the day you interviewed him while he was a
 11 state legislator until the time you became the
 12 Policy Director.
 13 A No.
 14 Q I suspect you maintained close contact with
 15 Mr. Norquist from the day of that interview while he
 16 was a state legislator until you became appointed to
 17 the Policy Directorship position in 1996?
 18 A No.
 19 Q No. How did you happen to be appointed as the
 20 Policy Director?
 21 A A friend, Bill Christofferson, called me after the
 22 mayoral election in Milwaukee of 1996 and asked me
 23 if I would be interested in working for the Mayor.
 24 Q Very good. And is it fair and accurate to say, to
 25 kind of shortcut your relationship with the Mayor,

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1 is it fair and accurate to say that you have been
 2 working with and/or for the Mayor since 1996?
 3 A Yes.
 4 Q Is that correct?
 5 A Yes.
 6 Q Before 1996 did you get involved in any manner in
 7 any of the political campaigns on behalf of John
 8 Norquist?
 9 A No.
 10 Q After 1996 have you been involved in any political
 11 campaigns involving John Norquist?
 12 A Yes.
 13 Q Since 1996 to the present has there been any one
 14 year when you did not participate in any of his
 15 political reelection campaigns?
 16 A That was a little bit hard to follow. I'm sorry.
 17 MR. ARELLANO: Let me ask you to
 18 read that one more time.
 19 (Question read)
 20 Q When you did not.
 21 A No.
 22 Q All right. So inversely, the question was rather
 23 bizarre, but inversely, based on your answer, is it
 24 fair and accurate to say that since 1996 you have
 25 been active in political campaigns related to John

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1 seriously.
 2 A Yes.
 3 Q Just like the Mayor sent Mr. Colon to the DA, I am
 4 very willing to do that as well. So I want to give
 5 you every opportunity to clarify, modify or correct
 6 any answer that you may have given me as it is my
 7 duty to do so.
 8 A Sure.
 9 Q I just read in the newspaper recently that you were
 10 engaged in what the newspapers identified as a
 11 political assignment. Have you ever heard anything
 12 of that nature?
 13 A If you can be specific. I'm not sure what you mean.
 14 Q Have you attempted to develop any type of
 15 information regarding Governor McCallum?
 16 A Certainly.
 17 Q That's what I'm talking about.
 18 A Well, your question was -- at one point I thought
 19 you differentiated between work in the normal
 20 purview of my job.
 21 Q I just want to give you an opportunity to tell me.
 22 A As opposed to election work which is what I
 23 consider, what I thought you meant by political.
 24 Q Okay. Well, whether election or political, have you
 25 engaged in any type of political or election type of

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1 Norquist?
 2 A Yes.
 3 Q All right. When was the last time that you
 4 undertook any type of political assignment on behalf
 5 of Mr. Norquist? And I say political as opposed to
 6 an assignment which is within the purview of your
 7 job description as an employee of the City of
 8 Milwaukee.
 9 A I attended a political strategy meeting at the
 10 Mayor's house in the fall of 1999.
 11 Q Any other time when you were involved in any type of
 12 political task, assignment, meeting, subject?
 13 A I distributed leaflets for the Mayor during his
 14 mayoral campaign of 2000, if that's within the scope
 15 of your question, certainly.
 16 Q Thank you. And for these years, when was the last
 17 time that you engaged in any type of political task,
 18 assignment, objective regarding Mayor Norquist?
 19 A I would have to say when I finished my leafletting
 20 for his reelection campaign.
 21 Q It is fair and accurate to say that you and I don't
 22 know each other; correct?
 23 A That's correct.
 24 Q And as an officer of the court, just like I notify
 25 everybody else, I do take sworn statements very

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1 work on behalf of Mayor Norquist in the year 2002?
 2 A Well, a great deal of my job requires work that's on
 3 behalf of the City government and the Mayor and the
 4 taxpayers, and I don't necessarily think of that as
 5 political. I thought you were talking about work on
 6 behalf of campaigns, but certainly I have prepared
 7 material for the Mayor, for my department about the
 8 Governor's budget as you indicated.
 9 Q What exactly were you -- first of all, did you
 10 engage in any type of task or assignment to secure
 11 information related to Governor McCallum's
 12 administration?
 13 A Yes.
 14 Q What type of information?
 15 A I asked for state budget records from the Department
 16 of Administration, the Wisconsin Department of
 17 Administration.
 18 Q Did you obtain any?
 19 A Yes.
 20 Q What did you obtain?
 21 A I obtained budget summaries for three biennial
 22 budgets for the cost of operating the executive
 23 mansion. I obtained a dollar figure for the cost of
 24 the commerce building in Madison. I obtained a
 25 dollar figure for the cost of the Agriculture, Trade

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1 and Consumer Protection department building in
 2 Madison. I obtained a dollar figure for the cost of
 3 the revenue building in Madison. And I obtained
 4 what are called flight manifests, the records of the
 5 use of Department of Administration, Wisconsin
 6 Department of Administration aircraft for the
 7 calendar year 2001.
 8 Q Who if anyone suggested that you obtain this
 9 information, sir?
 10 A No one.
 11 Q Did you consult with Mayor Norquist before you
 12 secured all of the information that you have
 13 recorded?
 14 A No, no.
 15 Q Did Mayor Norquist know that you were obtaining that
 16 information?
 17 A Yes.
 18 Q When did he know that?
 19 A Well, these -- over a period of days, because these
 20 were different requests, a period of days in
 21 February and March of this month.
 22 Q Was that before you obtained those records that you
 23 have outlined for the record?
 24 A No. It was after.
 25 Q Is it your sworn testimony that Mayor Norquist

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1 had no knowledge that you were planning,
 2 indeed eventually obtained records related to
 3 Governor McCallum's administration?
 4 A I don't think he had knowledge that I was planning
 5 to obtain the knowledge but he had knowledge that I
 6 had made the applications.
 7 Q When did he learn of that fact?
 8 A These were five different requests.
 9 Q When did he learn for the first time, if you know,
 10 or at what point did he learn before you obtained
 11 those records that you were making a request for
 12 records?
 13 A I couldn't give you an exact date. It was after the
 14 fact of the request.
 15 Q Okay. Well, let me clarify this. Is it your sworn
 16 testimony that Mayor Norquist did not know until
 17 after you obtained the records that you outlined
 18 here for us that you were obtaining those records?
 19 A After the fact of requesting them, not after the
 20 fact of obtaining them.
 21 Q Did you discuss this matter with the Mayor once he
 22 learned that you had made a request?
 23 A Yes.
 24 Q Did he approve of your objectives?
 25 A Yes.

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1 Q Did anyone suggest to you to obtain these records
 2 before you submitted your first request?
 3 A No.
 4 Q Did you ever discuss your intent to secure these
 5 records with Mr. Bill Christofferson?
 6 A No.
 7 Q Did Mr. Christofferson have any input in your plan
 8 to obtain those records?
 9 A No.
 10 Q Okay. In the year 2002 did you participate in any
 11 political or strategy meetings with Mayor Norquist?
 12 A Yes.
 13 Q Tell me the number of meetings you attended.
 14 A I could not give you an exact number.
 15 Q What about the year 2000, did you participate in any
 16 political meetings or strategy meetings of any kind
 17 with Mayor Norquist?
 18 A Yes.
 19 Q How many?
 20 A The year 2000. Less than half a dozen.
 21 Q From January through May of the year 2000 did you
 22 participate in any type of strategy or political
 23 meetings with Mayor Norquist?
 24 A Yes.
 25 Q How many?

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1 A One or two. Two I can think of.
 2 Q From May through December of the year 2000 did you
 3 participate in any strategy or political meetings
 4 with Mayor Norquist?
 5 A I don't recall.
 6 Q Well, you previously stated under oath that you
 7 participated in a half a dozen meetings in the year
 8 2000. You have identified one or two, I believe you
 9 said two at least from January through May of 2000.
 10 A Yes.
 11 Q From May through December did you participate in the
 12 other four or so?
 13 A Well, I could clarify by saying in the year 2000
 14 less than half a dozen. I do not recall any
 15 specific meetings in the latter part of 2000.
 16 Q All right. In the year of 1999 I believe you
 17 identified at least one meeting. Do you recall how
 18 many meetings, strategy meetings did you participate
 19 in with Mayor Norquist?
 20 A In 1999 -- well, may I ask you what you mean by
 21 strategy meeting, sir?
 22 Q Any type of meeting with the Mayor.
 23 A Any type of meeting with the Mayor.
 24 Q Correct.
 25 A Okay. In 1999 I met very frequently with the Mayor.

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1 I couldn't give you a number but --
 2 Q When did you depart your position as the Chief of
 3 Staff?
 4 A I believe it was the 15th of October.
 5 Q And you started what month as the Chief of Staff?
 6 A July of the previous year.
 7 Q Okay. From January 2000 through the time you left
 8 your position as the Chief of Staff --
 9 A No, sir.
 10 Q Strike that. You left in October, did I hear you
 11 correctly?
 12 A Yes, of '99.
 13 Q From October through December of 1999 did you
 14 participate in any meetings with Mayor Norquist?
 15 A October to December of '99?
 16 Q Correct.
 17 A One meeting that I can remember.
 18 Q Do you recall approximately when that would have
 19 happened after October of 1999?
 20 A Yes. It was -- I believe it was within just a few
 21 days of my leaving. As part of my new job I had a
 22 meeting with the Mayor. So October, same month.
 23 Q In the year 2000, from January through May, the
 24 period of time when you participated in at least two
 25 meetings with Mayor Norquist, who else was present

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1 if anyone?
 2 A We had a meeting with the manager of the U.S. Census
 3 Bureau office in Milwaukee in her offices.
 4 Q Who is this person?
 5 A Her name is Kathleen something. She had a
 6 hyphenated last name. I don't remember her name.
 7 We had a tour of her offices. I went with the
 8 Mayor.
 9 Q Do you recall approximately what month this would
 10 have been?
 11 A I want to say it was in January or February because
 12 it was prior to the April 1st Census, but I can't
 13 give you an exact date.
 14 Q Other than you, the Mayor and Kathleen, was anyone
 15 else present at that meeting?
 16 A There were -- well, the entire staff of the Census
 17 office was present at the tour of her offices. I
 18 don't know their names. Many people.
 19 Q Any other member of Mayor Norquist's Mayor's office,
 20 any other staff member, Chief of Staff present at
 21 that meeting?
 22 A No.
 23 Q All right. When would have been the second meeting
 24 that you have mentioned here today in the year 2000
 25 from January through May?

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1 A The second meeting was also about the Census, and it
 2 involved the Director of the Census, the U.S. Census
 3 Bureau Director, several community leaders, several
 4 aldermen, a consultant that the City had hired about
 5 the Census whose name was Mary Cannon and a large
 6 number of Census officials from Washington and
 7 Chicago all meeting at the federal building.
 8 Q All right. Any other meetings you may recall for
 9 the year 2000?
 10 A For the year 2000. Just a moment. Well, I went to
 11 the Mayor's election victory party. I don't know if
 12 that counts. It was a public event at -- I don't
 13 even remember where it was but it was a public event
 14 on election night in the year 2000, April something.
 15 I don't recall any other meetings in 2000.
 16 Q All right. Are you aware of the fact that Marilyn
 17 Figueroa has filed a lawsuit against the City of
 18 Milwaukee?
 19 A Yes.
 20 Q Okay. And what's your understanding of her claims?
 21 A My understanding of her claim is that she was
 22 harassed by the Mayor and discriminated against by
 23 the City in employment.
 24 Q When did you learn of Marilyn Figueroa's claims for
 25 the first time?

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1 A For the first time. I don't know who told me. I
 2 just heard that she had filed a complaint and then
 3 withdrawn it, but I don't even remember who told me
 4 that.
 5 Q When did you learn of these facts?
 6 A I don't even know what date that complaint was filed
 7 on. I couldn't give you -- I don't know.
 8 Q Did you learn of that fact in the year 2000?
 9 A I don't think so.
 10 Q In the year of 1999?
 11 A No. I don't think so.
 12 Q What year do you think?
 13 A I think it was last year, 2001.
 14 Q Is that right?
 15 A I think so.
 16 Q Who if anyone informed you of that fact?
 17 A I do not know. I do not remember.
 18 Q Where did you learn of these facts, that Marilyn
 19 Figueroa had filed a complaint and then withdrawn
 20 the complaint?
 21 A I'm assuming in City Hall, somewhere in the
 22 building.
 23 Q Where in the City building?
 24 A I don't remember.
 25 Q Was it at the Mayor's office?

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1 A No.
 2 Q What exactly did you learn as far as filing a
 3 complaint and then withdrawing the complaint?
 4 A All I remember is someone saying either in my office
 5 or near my office, "Marilyn filed the complaint but
 6 it's been withdrawn." That's what I remember.
 7 Q And what if any comments did you make in response to
 8 that?
 9 A I picked up the phone and called the City Attorney's
 10 office.
 11 Q Who did you talk to?
 12 A I think I talked to Bruce Schrimpf.
 13 Q Did there come a time when you learned more about
 14 the filing and withdrawing of the complaint?
 15 A Yes.
 16 Q What did you learn?
 17 A I read the complaint.
 18 Q How did you obtain the complaint?
 19 A I went up to the City Attorney's office.
 20 Q And what happened?
 21 A Mr. Schrimpf said I could read the part of the
 22 complaint that referred to me or mentioned -- where
 23 my name was mentioned.
 24 Q Have you ever read any of the complaints filed by
 25 Marilyn Figueroa in their entirety?

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1 A I read the current complaint in its entirety.
 2 Q When did you do that?
 3 A Well, I don't know the exact date. It was posted
 4 online by the Journal Sentinel, and I read it
 5 online.
 6 Q In the year 2000 did you have any knowledge from any
 7 source that Marilyn Figueroa had filed or intended
 8 to file a discrimination complaint?
 9 A No.
 10 Q Did you have any knowledge in the year 2000 that
 11 Marilyn was claiming sexual harassment in the
 12 workplace?
 13 A I think this is a fair answer to your question. I
 14 received a phone call from Bill Christofferson the
 15 morning of the Mayor's news conference in which he
 16 disclosed his relationship with Marilyn, and I think
 17 that was in the year 2000.
 18 Q What did Mr. Christofferson say to you?
 19 A He said the Mayor later this morning is going to
 20 admit that he had a relationship with Marilyn.
 21 Q Did he say anything else?
 22 A I said -- I asked him something like, what is this
 23 all about, and he said, well, the Mayor is going to
 24 disclose this relationship. And I said, how is he
 25 doing and how is Susan doing, and Bill said, they're

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1 going to work this out, and that was it. It was a
 2 very short conversation.
 3 Q And that would have been around the time the Mayor
 4 came public?
 5 A It was the same morning.
 6 Q The same morning. So that would have been
 7 December 1st --
 8 A I don't know the date.
 9 Q -- of the year 2000? Before -- but it was in
 10 December of 2000?
 11 A Whatever the date was that the Mayor --
 12 Q I understand that, but my question to you is do you
 13 recall what the month was?
 14 A I know it was either November or December.
 15 Q All right. Of the year 2000?
 16 A Yes.
 17 Q But it would have been obviously the morning that
 18 the Mayor went public with his version of the
 19 events?
 20 A Yes.
 21 Q Is that correct?
 22 A Yes.
 23 Q Before Mr. Christofferson called you to notify you
 24 of what the Mayor was going to admit with respect to
 25 Marilyn Figueroa, did you have any knowledge from

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1 any source regarding the Mayor and Marilyn
 2 Figueroa's sexual interactions?
 3 A No.
 4 Q Romantic accusations?
 5 A Nothing.
 6 Q So is it your sworn testimony, Mr. Rowen, that the
 7 very first time that you ever learned about anything
 8 related to intimate relations between the Mayor and
 9 Marilyn Figueroa would have been the morning the
 10 Mayor came open in disclosing to the public in late
 11 December of, I mean in late 1999, that was the first
 12 time you learned?
 13 MR. TOKUS: That's contrary to what
 14 his testimony was. He said 2000.
 15 Q 2000, excuse me.
 16 MR. ARELLANO: Thank you, Counsel.
 17 I appreciate that.
 18 A The only thing I don't have straight in my head is
 19 whether I read the pages in Mr. Schrimpf's office
 20 before or after that. I have to say that I don't
 21 remember which preceded which.
 22 Q With the exception of this timing dilemma, is it
 23 fair and accurate to say that the very first time
 24 you ever learned, according to your testimony, of
 25 any type of intimate relationship between John

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1 Norquist and Marilyn Figueroa would have been either
 2 when Mr. Christofferson called you or when
 3 Mr. Schrimpf allowed you to read the complaint?
 4 A Yes.
 5 Q Is that correct?
 6 A That is correct.
 7 Q Before the phone call from Mr. Christofferson or
 8 your access to counsel's records related to the
 9 complaint filed by Marilyn Figueroa, is it your
 10 sworn testimony that you had no idea of an intimate
 11 relationship taking place between Figueroa and
 12 Mayor Norquist?
 13 A Yes.
 14 Q All right. During the year 2000 did you ever learn,
 15 Mr. Rowen, that Marilyn Figueroa was terminated from
 16 her employment?
 17 A Yes.
 18 Q When did you learn that?
 19 A I learned that within a day or two after it
 20 happened, exactly whenever it happened.
 21 Q So that would have been shortly after she left her
 22 office --
 23 A Yes.
 24 Q -- in January of 2000?
 25 A If it was January, it would have been whatever.

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1 said something to the effect that it wasn't working,
 2 Marilyn -- Marilyn's work in the campaign wasn't
 3 working for the campaign. That would have been in
 4 the year 2000, or it might have been in very
 5 late '99. I can't say for sure exactly.
 6 Q Did you inquire further --
 7 A No.
 8 Q -- as to what he meant?
 9 A No.
 10 Q Did you understand what he was saying?
 11 A I had an impression of what he was saying but I
 12 didn't engage him on the topic.
 13 Q What was your impression, Mr. Rowen?
 14 A That her work was not, something wasn't satisfactory
 15 about her work for the campaign.
 16 Q Did Mr. Christofferson ever share any complaints
 17 about Marilyn's work to you or with you?
 18 A No.
 19 Q Was that the first time that you ever heard any
 20 complaints about Marilyn Figueroa?
 21 A From?
 22 Q From anyone?
 23 A From anyone, no.
 24 Q All right. Did you take that as a complaint when
 25 Mr. Christofferson shared with you that it wasn't

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1 Q How did you become aware of the fact that she had
 2 been terminated from her employment?
 3 A I think Steve Jacquart told me.
 4 Q Who is Steve Jacquart?
 5 A Steve Jacquart was the Policy Director in the
 6 Mayor's office at the time.
 7 Q What did he tell you?
 8 A I think I ran into him and he said, Marilyn is gone,
 9 or something -- an expression to that effect.
 10 Q Anything else that was discussed?
 11 A No.
 12 Q What led you to believe that she had been
 13 terminated?
 14 A Well, that's what he meant by that.
 15 Q That she had been terminated from her employment?
 16 A Yes.
 17 Q Okay. What if anything did you respond or say to
 18 Mr. Jacquart?
 19 A I don't know.
 20 Q Did you ever discuss Marilyn Figueroa's situation in
 21 the year 2000 with anyone, including Mayor Norquist?
 22 A In the year 2000. I think I had one conversation
 23 with Bill Christofferson about the campaign and in
 24 the campaign, Marilyn had a position in the
 25 campaign, and it was just a passing reference, he

30

1 working?
 2 A Yeah.
 3 Q Okay. What other complaints have you received
 4 regarding Marilyn Figueroa?
 5 A Well, in any time frame?
 6 Q Let's talk about the year 2000. You heard what
 7 you deemed to be some type of complaint from
 8 Mr. Christofferson; correct?
 9 A Yes.
 10 Q When he explained to you that it wasn't working?
 11 A Yes.
 12 Q Did you ever discuss Marilyn Figueroa with
 13 Christofferson after that event?
 14 A No.
 15 Q During the entire year 2000?
 16 A No, not until he phoned me and told me about the
 17 Mayor's impending announcement.
 18 Q Did you discuss with Mr. Christofferson at that time
 19 anything related to her performance within the
 20 campaign organization?
 21 A No.
 22 Q Before Mr. Christofferson shared with you his
 23 feeling that Marilyn wasn't working --
 24 A Working out.
 25 Q -- working out, that obviously would have been in

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1 early 2000; correct?
 2 A Either early 2000 or very late 1999.
 3 Q Okay.
 4 A I can't be more specific than that, I'm sorry.
 5 Q Okay. Do you recall any other occasion when
 6 Mr. Christofferson may have complained in your
 7 presence about Marilyn Figueroa?
 8 A I'm trying to think back. Just one moment. No,
 9 nothing comes to mind right now.
 10 Q So the only thing you recall is the one time when he
 11 told you that Marilyn Figueroa wasn't working out;
 12 correct?
 13 A Yes.
 14 Q All right. Since Marilyn Figueroa left her
 15 employment with the City of Milwaukee, has Mr. Bill
 16 Christofferson, and just so you understand I took
 17 his deposition, has Mr. Bill Christofferson from the
 18 year 2000 after he told you that Marilyn wasn't
 19 working out, has he ever described to you his
 20 version of the intimate interaction between John
 21 Norquist and Marilyn Figueroa?
 22 A Yes.
 23 Q When did he do that the first time?
 24 A I remember a single conversation with
 25 Mr. Christofferson at lunch, and I'm trying to

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1 remember the month.
 2 Q Let's talk about the year.
 3 A It was in the summer of 2001 or the spring at
 4 Taqueria Azteca.
 5 Q What did he say with respect to Marilyn Figueroa and
 6 John Norquist?
 7 A He said the Mayor and Marilyn had a romantic
 8 relationship.
 9 Q Anything else?
 10 A No. It was a brief conversation. It was off the
 11 subject.
 12 Q Did you say anything at that time?
 13 A Not that I recall.
 14 Q Any other time when Mr. Christofferson may have
 15 discussed with you his knowledge of this intimate
 16 interaction between John Norquist and Marilyn
 17 Figueroa?
 18 A I don't remember any other conversations with Bill
 19 Christofferson about this.
 20 Q If I followed your chronology, that would have been
 21 the second time that Mr. Christofferson discussed
 22 with you anything related to John Norquist and
 23 Marilyn Figueroa; is that correct?
 24 A The time being when he phoned me.
 25 Q Correct.

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1 A Yes.
 2 Q All right. Did Mr. Christofferson ever describe who
 3 was the aggressor or who was the instigator in this
 4 relationship?
 5 A No.
 6 Q Did you ever participate in any meetings in the year
 7 2000 where Marilyn Figueroa was discussed?
 8 A In the year 2000.
 9 Q Correct.
 10 A I participated in a telephone call with David Reimer
 11 about Marilyn Figueroa.
 12 Q What period of time are we talking about?
 13 A It was very close to the time at which Marilyn left
 14 the City government so either in very, very late '99
 15 or very early 2000.
 16 Q What prompted this telephone conference regarding
 17 Marilyn Figueroa?
 18 A David called my house on a Sunday night and said he
 19 had received a phone call from Michael Soika about
 20 the possibility that Marilyn would transfer from the
 21 Mayor's office to the Department of Administration,
 22 the City Department of Administration.
 23 Q Anything else?
 24 A That was it.
 25 Q And what if any input did you have with respect to

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1 that conversation regarding Marilyn Figueroa that
 2 you had with Mr. Reimer?
 3 A Well, I'm not sure what you mean by input.
 4 Q What did you say, sir?
 5 A David said, there is a possibility that Marilyn will
 6 be moved to the Department of Administration. We
 7 don't know for what specific job title but her major
 8 project would be to manage the Census, liaison with
 9 the Census project that the City had underway with a
 10 private consultant, and that surprised me because
 11 that was the heart of my job at the time. David
 12 said, so I'm just calling you to tell you that that
 13 might happen.
 14 And I said, well, that's pretty much my job
 15 right now, and he said, well, I don't know if it's
 16 going to happen. I would prefer that it not happen
 17 but it might because if -- this job has been offered
 18 to her. If she takes it, she will be moving to the
 19 Department of Administration immediately, and we'll
 20 figure out something else for you to do.
 21 Q Anything else?
 22 A He told me that Marilyn had been given I don't
 23 remember if he said a day or 24 hours but she had
 24 been given a very short period of time in which to
 25 say yes or no and that we would know the following

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1 day, which was Monday. David said, I'm just calling
 2 to tell you that this is a possibility.
 3 Q Anything else?
 4 A No.
 5 Q Were there any follow-ups from Mr. Reimer to you
 6 regarding Marilyn Figueroa?
 7 A No.
 8 Q Did Mr. Reimer explain to you what was prompting
 9 this idea to move Marilyn Figueroa into the
 10 Department of Administration?
 11 A He simply said Mike Soika had called him and told
 12 him that this was under consideration.
 13 Q Did Mr. Reimer -- I suspect it took you by surprise?
 14 A Yes.
 15 Q All right. Obviously Marilyn Figueroa would be
 16 bumping you out of your job in essence?
 17 A She would be bumping me out of my work but not my
 18 position.
 19 Q Okay. She would come and take over your duties?
 20 A The major duty that I had at the time, yes.
 21 Q All right. And I believe you testified that
 22 Mr. Reimer expressed a desire that it not happen?
 23 A Yes, that's correct.
 24 Q Did he expand as to why he didn't want that to
 25 happen?

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1 A He said -- yes, he did.
 2 Q What did he say?
 3 A He said he wanted me to continue with this
 4 responsibility, that he thought I'd been doing well
 5 with it and that he would not -- this is not
 6 something that he would want, this was not his idea.
 7 Q Did he in any way make any reference as to Marilyn
 8 Figueroa's ability to handle the job that was being
 9 proposed?
 10 A He said, I'm sure that you would do this or I'm sure
 11 that you are doing this better than she could.
 12 Q Anything else?
 13 A No.
 14 Q Did Mr. Reimer ever share any views in your presence
 15 or through any type of contact where he expressed
 16 concerns about Marilyn Figueroa's competence and/or
 17 performance?
 18 A No.
 19 Q All right. During the period that you worked for
 20 the City of Milwaukee while Marilyn was also an
 21 employee, do you recall anyone that may have
 22 questioned in your presence and/or to your knowledge
 23 Marilyn Figueroa's competence and/or conduct?
 24 A Sure, yes.
 25 Q Okay. How many times do you recall hearing

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1 questions about Marilyn Figueroa's competence?
 2 A Or conduct you said.
 3 Q Let's start with competence. We'll get there.
 4 A Okay. Competence. I don't recall any specific
 5 comments about Marilyn Figueroa's competence.
 6 Q Okay. What about her conduct during all of the
 7 years that you have known her?
 8 A I've not counted them. I can't give you a number.
 9 Q Well --
 10 A But I can relate them if you wish.
 11 Q Why don't you go ahead and do that.
 12 A Well, I had once received a telephone call from a
 13 county supervisor, Anthony Solinsky, complaining
 14 about Marilyn's conduct.
 15 Q Have you discussed this particular event with
 16 Mr. Christofferson before today, sir?
 17 A I don't think so.
 18 Q Have you read Mr. Christofferson's sworn testimony?
 19 A No.
 20 Q Has anyone shared with you the testimony of
 21 Mr. Christofferson?
 22 A No.
 23 Q Or any other person that has been deposed?
 24 A No.
 25 Q All right. So what year are we talking about as far

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1 as this complaint related to Marilyn Figueroa
 2 involving Mr. Anthony Solinsky?
 3 A It was either '98 or '99. It was during my time as
 4 Chief of Staff.
 5 Q Okay. Any other complaints regarding conduct that
 6 may have come to your attention in one way or
 7 another?
 8 A Yes.
 9 Q Tell me.
 10 A I received a complaint from Alderman Murphy.
 11 Q What year are we talking about?
 12 A Again, during my tenure as Chief of Staff.
 13 Somewhere between July of '98 and October of '99.
 14 Q Well, that's a big gap, isn't it. Which one was it?
 15 Do you think it was in 1998 or was it in 1999?
 16 A I can't say.
 17 Q All right. Was it just before you left or was it
 18 just when you came on board as Chief of Staff?
 19 A Well, it was not immediate to my arrival.
 20 Q Was it in the winter or was it in the spring?
 21 A I don't recall. I'm sorry.
 22 Q So you don't know if it was in the year of 1998,
 23 which would have given you approximately six months
 24 after your arrival?
 25 A Uh-huh.

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1 Q Or the eight months or so that you had left in 1999;
2 correct?
3 A That's correct.
4 Q Did you make any notes of these complaints regarding
5 Marilyn's alleged conduct?
6 A No. They were phone calls to me.
7 Q Did you issue any type of disciplinary action
8 against Marilyn Figueroa?
9 A No.
10 Q Anything that I could find in her personnel file?
11 A No.
12 Q All right. Any other complaints about her conduct
13 that may have come to your attention other than
14 those two fellows that you identified previously?
15 A Well, there were complaints from time to time from
16 other members of the staff.
17 Q All right. In the year of 1999 how many staff
18 members complained about Marilyn Figueroa's conduct?
19 A Two.
20 Q All right. And in 1998 how many staff members
21 complained about Ms. Figueroa's conduct?
22 A I remember these more to be in 1999.
23 Q In 1999. Any other complaints that may have come to
24 your attention since you have known Ms. Figueroa
25 regarding her conduct?

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1 A Yes.
2 Q All right. What would be the next?
3 A I received a complaint in -- shortly after I was
4 made Chief of Staff so in 1998 from a reporter.
5 Q A newspaper reporter?
6 A Yes.
7 Q Okay. What newspaper?
8 A The Milwaukee Journal Sentinel.
9 Q Who was it?
10 A Jack Norman.
11 Q And that would have been in 1998?
12 A To the best of my recollection.
13 Q All right. Very good. Any other complaints,
14 Mr. Rowen, related to Ms. Figueroa's alleged conduct
15 other than the ones you have outlined for me here
16 today?
17 A I can think of one more staff person who complained
18 about her in 1999.
19 Q Okay. So we got three now.
20 A Yes.
21 Q Very good. Have you told me everything you know as
22 far as complaints brought to your attention with
23 respect to Ms. Figueroa's conduct while she was
24 under your supervision?
25 A Yes.

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1 Q All right. Did you ever as a result of any of these
2 complaints issue any type of disciplinary action
3 against Marilyn Figueroa?
4 A Other than discussing some of them with her, no.
5 Q All right. Did you share any of these complaints
6 with Mayor Norquist?
7 A Yes.
8 Q When was the last time that you discussed with
9 Mr. Norquist any of the alleged complaints you
10 received regarding Ms. Figueroa's conduct?
11 A It would have been in probably the late spring of
12 1999.
13 Q How many of these complaints did you bring to the
14 attention of Mayor Norquist?
15 A I brought to him sort of a summary of the other
16 staff members' complaints.
17 Q And when did you do that?
18 A Sometime in the late spring of 1999.
19 Q Where did you discuss this -- let me see if I
20 understand because I want the record to be clear
21 when I question the Mayor.
22 You received several complaints, according to
23 you, regarding Ms. Figueroa's alleged conduct. You
24 have testified that you discussed some of them with
25 Mayor Norquist in the late spring of 1999 and then

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1 you added that you provided a summary of staff
2 members' complaints. Other than providing Mayor
3 Norquist with information regarding other staff
4 members' complaints, did you share with him any
5 other complaint that you have identified here today?
6 A No.
7 Q All right. So if I understand your sworn testimony
8 here, sir, the only complaint you shared with
9 Mayor Norquist would have been those related to the
10 staff members that were complaining about
11 Ms. Figueroa; is that correct?
12 A Of the complaints that were brought to me.
13 Q Correct.
14 A Yes.
15 Q Did you ever share any other type of complaint about
16 Ms. Figueroa with Mayor Norquist?
17 A I shared my own complaint.
18 Q Okay.
19 A Complaints.
20 Q All right. Anything else?
21 A No.
22 Q All right. How many complaints did you share with
23 Mayor Norquist, and I'm referring to your own
24 complaints?
25 A Three or four.

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<p>1 Q Okay. When was the last time you shared any</p> <p>2 complaints with Mayor Norquist regarding</p> <p>3 Ms. Figueroa's conduct?</p> <p>4 A In the late spring of 1999.</p> <p>5 Q Did you share all of the complaints that you had</p> <p>6 regarding Ms. Figueroa's conduct at once?</p> <p>7 A No.</p> <p>8 Q All right.</p> <p>9 A Well, just one moment. I had one conversation with</p> <p>10 the Mayor during which I summarized or expressed</p> <p>11 other staff members' complaints to me.</p> <p>12 Q Okay. Anything else?</p> <p>13 A No.</p> <p>14 Q All right. You keep using the words summarize staff</p> <p>15 members' complaints. Did you include your own</p> <p>16 complaints?</p> <p>17 A I may have, but I don't remember.</p> <p>18 Q Do you remember anything specific?</p> <p>19 A Yes.</p> <p>20 Q What?</p> <p>21 A People were complaining that --</p> <p>22 Q Hold on, sir.</p> <p>23 A I'm sorry.</p> <p>24 Q Let me take you back. We'll get into that. My</p> <p>25 question is do you recall any specific complaints of</p> <p style="text-align: center;">45</p>	<p>1 any action as a result of any of the complaints that</p> <p>2 you ever shared with him regarding Ms. Figueroa's</p> <p>3 conduct?</p> <p>4 A No.</p> <p>5 Q Performance?</p> <p>6 A No.</p> <p>7 Q All right. When you shared your complaints with</p> <p>8 Mayor Norquist, and I am referring to those</p> <p>9 complaints that you have outlined for us on the</p> <p>10 record, did the Mayor give you any directive as to</p> <p>11 what to do or how to handle them?</p> <p>12 A Yes.</p> <p>13 Q What specifically did he tell you to do?</p> <p>14 A He said to me, can't you just take care of this.</p> <p>15 Q Anything else?</p> <p>16 A He said, can't we find something that would make</p> <p>17 Marilyn happy.</p> <p>18 Q Anything else?</p> <p>19 A I said, I'm trying. He said, okay.</p> <p>20 Q Anything else, sir?</p> <p>21 A No.</p> <p>22 Q All right. Did you ever discuss with Mayor Norquist</p> <p>23 anything else related to complaints regarding her</p> <p>24 performance or conduct after late spring of 1999</p> <p>25 when he questioned you about taking care of it or</p> <p style="text-align: center;">47</p>
<p>1 your own --</p> <p>2 A Of my own.</p> <p>3 Q -- that you shared with Mayor Norquist.</p> <p>4 A Yes.</p> <p>5 Q All right. How many?</p> <p>6 A Well, it was one extended complaint, let's put it</p> <p>7 that way.</p> <p>8 Q Okay. We haven't gotten into the details, but have</p> <p>9 you told me all of the complaints that you shared</p> <p>10 with Mayor Norquist?</p> <p>11 A That I recall, yes.</p> <p>12 Q Okay. And that would pretty much include the</p> <p>13 complaints that you received from staff members;</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q And your own complaints --</p> <p>17 A Yes.</p> <p>18 Q -- regarding Ms. Figueroa's conduct; correct?</p> <p>19 A Yes.</p> <p>20 Q All right. Again, did you at any time issue any</p> <p>21 type of discipline against Ms. Figueroa as a result</p> <p>22 of any of these complaints that you have stated on</p> <p>23 the record?</p> <p>24 A No.</p> <p>25 Q Okay. Did Mayor Norquist ever direct you to take</p> <p style="text-align: center;">46</p>	<p>1 finding something for Marilyn that would make her</p> <p>2 happy?</p> <p>3 A As far as complaints?</p> <p>4 Q Correct.</p> <p>5 A No.</p> <p>6 Q All right. As far as anything else regarding</p> <p>7 Marilyn Figueroa?</p> <p>8 A Regarding anything else.</p> <p>9 Q Correct.</p> <p>10 A Any conversation.</p> <p>11 Q Correct.</p> <p>12 A After the late spring --</p> <p>13 Q Before you left your position as Chief of Staff.</p> <p>14 A Yes.</p> <p>15 Q What conversations did you have with Mayor Norquist?</p> <p>16 A The Mayor and I had a conversation about halting the</p> <p>17 process to reclassify Marilyn's position.</p> <p>18 Q When did you have that conversation?</p> <p>19 A The late spring, the early summer, May, June, maybe</p> <p>20 even July. I don't recall. It was -- well, I just</p> <p>21 don't recall the exact date.</p> <p>22 MR. ARELLANO: Can you read me his</p> <p>23 answer back?</p> <p>24 (Answer read)</p> <p>25 Q We're talking about 1999?</p> <p style="text-align: center;">48</p>

1 A Yes.
2 Q Where did this conversation take place?
3 A This conversation took place in the Mayor's office.
4 Q Who was present?
5 A The Mayor and I were present.
6 Q Was that before you shared with him complaints about
7 Marilyn Figueroa or after?
8 A It was after.
9 Q How soon after?
10 A Some period of time after, a matter of weeks at
11 least.
12 Q Weeks?
13 A Yes.
14 Q Well, you left sometime in October; correct?
15 A Yes.
16 Q All right. Your conversation with him regarding
17 Marilyn's alleged conduct problems would have
18 occurred when, May?
19 A Yes.
20 Q Okay. And so if you talked to him, the very next
21 time you may have spoken to him about Marilyn
22 Figueroa would have been a few weeks later?
23 A At least. The conversations were not related.
24 Q Okay. But nevertheless, it would have been a few
25 weeks later?

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1 A Yes, I believe so.
2 Q So it would have been when, June?
3 A At least.
4 Q All right. The conversation that took place at his
5 office, what prompted this meeting between you and
6 the Mayor?
7 A The meeting about the position was prompted by the
8 political situation at the time with regard to the
9 City's pension difficulties, legal difficulties over
10 pension lawsuits and the budget crisis that these
11 lawsuits were producing.
12 Q How did this political situation or the budget
13 crisis relate to your discussion with the Mayor
14 about Marilyn's reclassification?
15 A The budget situation was the realization that each
16 department, including the Mayor's office, had been
17 instructed to create a new proposed budget for the
18 following year that called for deeper cuts than the
19 budget for 2000 that was already in preparation.
20 And our office was going to have to make a cut of
21 somewhere around 5 percent on top of cuts that we
22 were already working -- planning for for the year
23 2000. And the only way to achieve the new cut which
24 was about 5 percent, which was for our budget
25 somewhere in the nature of \$40,000, which for our

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1 budget was a big number, would be -- would have been
2 to do something with salaries and the budget office
3 asked me for a plan, what's your plan, how are you
4 going to achieve these savings.

5 So my first proposal was to assign everybody
6 two weeks of time off in the year 2000, and the
7 budget office informed me that that was illegal
8 under federal employment law. I didn't know that.
9 I was faced with the reality that the only way to
10 achieve that level of savings was to lay off a staff
11 person, and that staff person would have been Roland
12 Perry who was the most recently hired.

13 I went to the Mayor and I said, you know, I
14 don't see how we could on the one hand lay off
15 Roland Perry whom we've just hired who is really
16 nervous about it, was asking me every day, am I
17 going to lose my job, am I going to lose my job. I
18 said I didn't see how we could do that and
19 simultaneously be pushing a reclassification for
20 another employee to raise that employee's salary. I
21 said I think that's not ethical.

22 Q Ethical did you say?

23 A Yes. That was my word to the Mayor, and I said, and
24 I think the politics of that would be crazy.

25 Q You were speaking of ethics within a political

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1 environment? I just want to understand you, if
2 that's what you were telling me.

3 A There is plenty of ethics in the political
4 environment.

5 Q Sir, I didn't mean to debate it. It's a question.

6 A I thought it was a fundamental -- I thought it would
7 be a fundamentally wrong thing to do.

8 Q All right.

9 A And the Mayor agreed and he said, you're going to
10 have to tell Marilyn that this is going to have to
11 wait until next year.

12 Q Okay.

13 A And if I may add two things. The Mayor told -- I
14 said, I'm -- he said, you're going to have to tell
15 Marilyn. She's got to understand this just has to
16 wait. But he said, tell her that I don't know if
17 I'm going to run for reelection but if I do and I'm
18 reelected, I promise her that I'll either find a
19 different job for her after the election or we'll
20 reintroduce the reclassification.

21 And I said to the Mayor I had already bounced
22 the idea of a reclassification off two of the
23 aldermen on the finance committee just to get a
24 reading from them and that they had reacted pretty
25 negatively. And he said, well, I don't care what

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1 the aldermen think about this. I just don't think
2 this is the right time.
3 That's the relationship between the budget
4 situation and the reclassification.
5 Q Did there come a time when you notified Ms. Figueroa
6 of this fact?
7 A Yes.
8 Q How soon after your conversation with the Mayor did
9 you notify Ms. Figueroa?
10 A I'm guessing, later the same day or within a day.
11 Very quickly.
12 Q Where did you do this?
13 A In my office.
14 Q Did you summon Ms. Figueroa to your office?
15 A Probably, yeah.
16 Q Probably or did you?
17 A Well, I may have just said, Marilyn, hey, I got to
18 talk to you for a second. Summoned is such a formal
19 word.
20 Q Yes. You got her to come and talk to you?
21 A Uh-huh, yes.
22 Q All right. Was anyone present when you spoke to
23 Ms. Figueroa?
24 A No.
25 Q Okay. What did you tell her?

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1 A That is correct.
2 Q All right. Very good. Did you ever discuss -- By
3 the way, what was Marilyn's reaction, if any, once
4 you explained to her your dilemma with respect to
5 the budget and the ethical considerations --
6 A She --
7 Q Let me just finish my question.
8 A Pardon me.
9 Q -- and the ethical considerations you were facing
10 with respect to, was it a Mr. or Ms. Perry?
11 A Mr.
12 Q Mr. Perry and her reclassification, what if any was
13 her response?
14 A She was angry, not yelling but angry.
15 Q What did she say?
16 A She said, that's bullshit. You should fight for
17 that.
18 Q What else?
19 A I don't think, I mean I don't recall the rest of the
20 conversation. It was probably just a reiteration of
21 this exchange.
22 Q Did you report to the Mayor Marilyn's reaction?
23 A Yes.
24 Q When did you do that?
25 A Shortly thereafter.

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1 A I relayed the conversation I had with the Mayor as
2 close to word for word as I could recall it.
3 Q Okay. You told her that, as I understand what
4 you're telling me here, sir, under oath, is that
5 purely for budgetary reasons you felt that her
6 reclassification should be postponed or stopped?
7 A I was --
8 Q Correct?
9 A No. It was more substantial than that. I told her
10 that it would be -- I said something to the effect
11 that I could not justify arguing simultaneously for
12 an increase for one person when we're terminating
13 another person.
14 Q Correct.
15 A Yes.
16 Q But listen to my question.
17 A Okay.
18 Q Based on your extensive explanation, which it was
19 very educational for me, it is -- what you're
20 telling us here under oath is that it is your
21 position that Marilyn's -- Marilyn Figueroa's
22 reclassification was halted, as you put it, as a
23 result of budget constraints?
24 A Yes.
25 Q Is that correct?

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1 Q Same day, next week?
2 A Either the same day or the following day.
3 Q What did you tell the Mayor?
4 A I repeated my conversation with Marilyn to the best
5 of my ability verbatim to the Mayor.
6 Q What if any was his response?
7 A He said, well, she's got to understand that.
8 Q Anything else?
9 A He said, did you tell her that we would do this next
10 year.
11 Q What did you say?
12 A And I said, yes, I did.
13 Q Did you?
14 A Yes.
15 Q What did you tell Marilyn?
16 A Oh, I'm -- well, I repeated -- well, I think I said,
17 I repeated the Mayor, I repeated the Mayor's
18 explanation to me as best I could to her which
19 included a statement that if he were reelected he
20 would find a different job for her or he would
21 continue, have the reclassification next year,
22 following the year 2000. So I told the Mayor that I
23 had told her everything he had told me.
24 Q What was Marilyn's reaction pursuant to your version
25 here where you told her, what was her reaction when

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1 you made that invitation to wait until the following
 2 year for reclassification if that's what you're
 3 telling us you said?
 4 A Uh-huh. I don't remember that she had a reaction to
 5 that, a response.
 6 Q Okay. Did you ever discuss this issue again with
 7 Marilyn?
 8 A Yes.
 9 Q When did you do that?
 10 A Let's see. I remember I had a conversation with
 11 Marilyn in the summer in the hallway, the internal
 12 hallway in the Mayor's office.
 13 Q Summer of what year?
 14 A I'm sorry, 1999.
 15 Q Well, let me understand this, Mr. Rowen. Let me put
 16 this in proper chronology. I was under the
 17 impression that your sworn testimony indicates to me
 18 that at the tail end of your employment as the Chief
 19 of Staff you made a recommendation to the Mayor to
 20 halt her reclassification.
 21 A No. I think I said that that was in either the late
 22 spring, May, June, July I think is what I said.
 23 Q Okay.
 24 A But I left in October, the 15th.
 25 Q Okay. So then you talked to the Mayor sometime in

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1 June, July; correct? That's when you made your,
 2 according to you your version, --
 3 A Yes.
 4 Q -- you made your suggestion to halt the
 5 reclassification of Marilyn Figueroa. Then you were
 6 beginning to tell me that then you had another
 7 encounter with Marilyn Figueroa regarding --
 8 A Yes.
 9 Q Tell me, that would have been, what, August,
 10 October?
 11 A Well, it was not October.
 12 Q It certainly was after June or July?
 13 A Yes.
 14 Q Okay.
 15 A But not October.
 16 Q September?
 17 A I would say probably September because I was out of
 18 town part of August.
 19 Q September of 1999?
 20 A That's the best of my recollection.
 21 Q And what was the nature of your discussion with
 22 Ms. Figueroa?
 23 A I don't remember how the conversation began but in
 24 that conversation we were walking through the office
 25 and out the doors and Marilyn said, I don't want to

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1 talk about the reclass anymore. I'm done with that.
 2 The Mayor doesn't want to talk about it. I'm done
 3 with that.
 4 Q Anything else?
 5 A Not in that conversation.
 6 Q Did you talk to Marilyn Figueroa at any other time?
 7 A It came up in a conversation I had with Marilyn one
 8 more time.
 9 Q When was that?
 10 A That was after I left the office, a couple of weeks
 11 after I left the office.
 12 Q What was the nature of your discussion with Marilyn
 13 Figueroa?
 14 A Well, we had lunch.
 15 Q Okay. Who suggested the idea to have lunch?
 16 A Well, it had been scheduled off and on and after I
 17 left I called Marilyn and said, let's have the lunch
 18 anyway. So I guess my suggestion.
 19 Q Okay. Where did you go?
 20 A We went to --
 21 Q Just looking for a place to go to lunch.
 22 A To the Water Street Brewery.
 23 Q What was discussed?
 24 A Well, we sort of went over our history together at
 25 the Mayor's office. Several different topics were

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1 discussed.
 2 Q Tell me what was discussed.
 3 A Well --
 4 Q Let's talk about -- Let's see if I can push this
 5 thing up. Did you discuss her reclassification?
 6 A Yes.
 7 Q With respect to the reclassification, what was
 8 discussed?
 9 A I told her that I regretted that her
 10 reclassification had not moved forward. We talked
 11 about a lot of different things. We talked about
 12 different things. Marilyn complained I would say
 13 bitterly about Brenda Wood. She referred to Brenda
 14 Wood as that white bitch. She referred to her as
 15 Miss Brenda Wood sort of emphasizing the Miss as
 16 sort of a contemptuous remark.
 17 Q Was she white?
 18 A Yes.
 19 Q Or is she white?
 20 A Pardon me?
 21 Q She's white?
 22 A Yes. Marilyn complained that -- her expression was
 23 everybody in the office had a rabbi except for her,
 24 which is I think a fairly well-known reference to a
 25 protector or supporter. It doesn't mean it in a

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1 religious sense. She went through -- she named, you
2 know, who had whom as a rabbi and that she didn't
3 have one. She said there is nobody in my corner,
4 and I said, you know, Marilyn, I said, Marilyn, you
5 win. You're still there. You're in the office.
6 I'm out. You have the Mayor in your corner. You
7 say you don't have anybody in your corner, but you
8 have the Mayor in your corner. And she stopped
9 talking for a little while and just sat still and
10 then she said, well, I'm going to think about that.

11 Q Anything else?

12 A Anything else about the lunch?

13 Q Yes.

14 A She -- I don't even know how it came up. She told
15 me she was surprised to have learned that I was
16 Jewish. We talked about my background, my work in
17 Madison and various political things in Madison. We
18 finished the lunch and we went back to the City
19 Hall.

20 On the way back to City Hall she said to me
21 that -- she said, I used to think or I wondered if I
22 had a Jim Rowen problem and she said, but I don't
23 think I have or I don't have a Jim Rowen problem.
24 She said, you were the only person, which I
25 interpreted to mean Chiefs of Staff, that listened

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1 to me, that listened to me, and we parted at the
2 door of City Hall with a perfunctory, I mean not a
3 romantic hug but just a kind of --

4 Q Friendly embrace?

5 A Thank you. And we walked upstairs. She went into
6 the Mayor's office, which is on the second floor,
7 and I went back to the sixth floor.

8 Q Any other contacts that you had with Marilyn
9 Figueroa after that?

10 A I saw Marilyn twice at the Mayor's headquarters, the
11 campaign headquarters in the evening. When I went
12 there to do telephone work, she was present.

13 Q What date was this?

14 A I couldn't give you an exact date.

15 Q All right. Did you discuss -- After that lunch
16 meeting did you ever discuss with Marilyn anything
17 related to the Mayor's office again?

18 A No.

19 Q All right. So is it fair and accurate to say based
20 on your sworn testimony that that lunch meeting was
21 the last time that the issues related to the Mayor's
22 office were discussed between you and Marilyn
23 Figueroa?

24 A Yes.

25 Q All right. Mr. Rowen, did you at any time feel that

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1 Marilyn Figueroa was offensive toward you because of
2 your Jewish background or to people of Jewish --

3 A No.

4 Q -- background? All right. By the way, did you have
5 any input in the suggestion to hire Mr. Lester Pines
6 as the attorney for Mayor Norquist?

7 A Yes.

8 Q When did you do that?

9 A Well, whenever -- I don't know the date when he was
10 actually retained, when they changed lawyers, but
11 prior, a couple of days prior to that.

12 Q Did you belong to any social, religious, ethnic
13 organizations and/or associations where Mr. Pines is
14 also a member?

15 A A member. No.

16 Q How long have you known Lester Pines?

17 A I've known Lester Pines for almost 29 years.

18 Q Did he at any point represent you either in your
19 personal and/or official capacity at any of the jobs
20 that you ever held?

21 A No.

22 Q Did he ever represent Paul Soglin at any point while
23 you were associated with Paul Soglin?

24 A Not that I'm aware of.

25 Q All right.

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1 A He did my house closing.

2 Q Okay.

3 A I want you to know that.

4 Q All right. So you don't believe Ms. Figueroa was in
5 any way anti-Semite or anti-Jewish in any shape or
6 form?

7 A No.

8 Q All right. You mentioned that you embraced.

9 A Yes.

10 Q Okay. Did you find that embrace offensive or
11 unusual?

12 A No.

13 Q Is that common, you can educate me and you don't
14 have to answer this if you don't want to, is this
15 common in your Jewish social world?

16 A No, it doesn't have anything to do with that.

17 Q No. And the reason why I say that is because it's
18 very common in the Latino --

19 A I don't know, are we big huggers?

20 Q You should be.

21 A We should be.

22 Q I wouldn't hug Lester. He's getting too big. All
23 right. Did you ever develop an opinion -- strike
24 that.

25 Did you see Marilyn at work hugging people as

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1 a way to greet them?
 2 A Yes.
 3 Q Did you ever find that offensive?
 4 A No.
 5 Q Did you have any evidence of any nature that would
 6 lead you to believe that Marilyn Figueroa was a
 7 promiscuous woman while she worked under your
 8 supervision?
 9 A No.
 10 Q Ever heard any information, rumors of any kind that
 11 Marilyn was a promiscuous woman?
 12 A No.
 13 Q Do you recall any one time when Marilyn Figueroa was
 14 disrespectful toward you while she worked under your
 15 supervision?
 16 A Yes.
 17 Q When was -- well, how many times?
 18 A Once.
 19 Q When was that?
 20 A Actually I will amend that to say twice.
 21 Q We'll move it up.
 22 A Once -- well, again, I can't place it precisely. It
 23 was during the time when I was Chief of Staff, and I
 24 believe it to be -- if I could remember the dates of
 25 certain campaigns, I could place these but I can't

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1 so I just have to say during my time as Chief of
 2 Staff.
 3 Q What did she do that you found offensive?
 4 A She directly -- she did things directly contrary to
 5 what I had asked her to do or not do.
 6 Q All right. I'm referring more to calling you names
 7 or trashing you, disrespecting you from a personal
 8 angle.
 9 A No, no.
 10 Q All right. And I suspect you did not share some of
 11 these incidents with Mayor Norquist since you have
 12 already explained to me which ones you had shared
 13 with the Mayor?
 14 A That's correct.
 15 Q All right. Before we take a break, let me ask you a
 16 couple questions of two different natures. You gave
 17 me a list -- This may help us to shortcut an
 18 extensive detailed question and answer. You gave me
 19 a list of complaints that you believe you received
 20 regarding Marilyn Figueroa's conduct --
 21 A Yes.
 22 Q -- while you were the Chief of Staff; is that
 23 correct?
 24 A Yes.
 25 Q Was Marilyn the only staff member that people,

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1 colleagues, public complained about during your
 2 tenure? In other words, did you receive complaints
 3 regarding other staff members?
 4 A I don't remember any.
 5 Q So in answer to my question, you believe Marilyn
 6 stands out as the person that folks complained the
 7 most about?
 8 A Yes.
 9 Q All right. What about staff members complaining
 10 about other staff members, did you receive any
 11 complaints from staff members complaining about
 12 other staff members?
 13 A About other staff members. Yes.
 14 Q All right. Did Marilyn complain about other staff
 15 members?
 16 A Yes.
 17 Q With respect to the complaints that you received
 18 from some of the aldermen, did you conduct any
 19 investigation, fact-finding investigation of their
 20 complaints?
 21 A There was -- I believe I said one alderman.
 22 Q Okay, all right.
 23 A I didn't know if you said aldermen or alderman in
 24 your question.
 25 Q The council members.

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1 A One, yes.
 2 Q Did you conduct a fact-finding investigation?
 3 A What do you mean by fact-finding?
 4 Q Yeah, somebody makes an allegation against you and
 5 you investigate the allegations.
 6 A Yes.
 7 Q And did you reach any conclusions as a result of
 8 your investigation?
 9 A Yes.
 10 Q And did you conclude that Marilyn was at fault?
 11 A Yes.
 12 Q Okay. Which specific council member are you talking
 13 about?
 14 A Alderman Murphy.
 15 Q Murphy, very good. And as a result of your
 16 conclusion did you place any type of letter in
 17 Marilyn's file regarding that incident?
 18 A No.
 19 Q Okay. You didn't think that was significant enough
 20 to place something in the file?
 21 A No.
 22 Q All right. Very good. The other question that I
 23 want to ask you, Mr. Rowen, before we take a brief
 24 recess, is you spoke to Mayor Norquist about halting
 25 Marilyn Figueroa's reclassification and he agreed

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1 with you according to your version. What did you do
 2 next to stop the reclassification?
 3 A Well, I told Marilyn that the Mayor had said that we
 4 could not proceed with the reclassification.
 5 Q Other than that what else did you do?
 6 A I don't remember.
 7 Q All right. To your knowledge as you sit here under
 8 oath when did the reclassification stop, if it was
 9 stopped, before you left or after you left?
 10 A The reclassification --
 11 Q Let me rephrase my question.
 12 A Yes, go ahead.
 13 Q To your knowledge was the reclassification stopped
 14 after you consulted with Mayor Norquist?
 15 A Yes.
 16 Q To your knowledge when was it stopped?
 17 A I cannot give you a date because I don't have it. I
 18 can tell you -- I can tell you how I know it got
 19 stopped.
 20 Q What I want to understand is when do you believe it
 21 was stopped, before you left or after you left?
 22 A It was stopped before I left.
 23 Q Okay. How do you know that it was stopped before
 24 you left?
 25 A I know that it was stopped before I left because I

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1 never signed off on a document that was introduced
 2 into the process. I also know that a document was
 3 introduced into the process without my approval and
 4 I had that stopped.
 5 Q Okay. When did you learn that a document was
 6 processed without your approval?
 7 A I would have -- I don't have the exact date. Prior
 8 to my leaving.
 9 Q And what did you do to -- what did you do?
 10 A A member of the staff walked into my office and
 11 said, are you aware that Marilyn's reclass has been
 12 sent down, which I interpreted, if I may say, to
 13 mean to the council.
 14 Q Okay. What did you do then?
 15 A I said, that -- I said that that's not going down.
 16 I also think I said that's impossible based on my
 17 understanding of the process.
 18 Q And then what happened?
 19 A It was stopped.
 20 Q Okay. Who was this staff member?
 21 A Brenda Wood.
 22 Q Very good. Let me understand specifically, and if
 23 you don't have an answer, that is fine, but I just
 24 want to know what your recollection is on the
 25 record. You spoke to the Mayor in late, I mean

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1 June, July about stopping the reclassification;
 2 correct?
 3 A Yes.
 4 Q All right. The Mayor agreed?
 5 A Yes.
 6 Q Correct? You spoke to Marilyn about it?
 7 A Yes.
 8 Q Correct? Marilyn wasn't happy; correct?
 9 A Uh-huh, yes.
 10 Q Mr. Rowen, other than not signing whatever document
 11 you felt was required in order for the
 12 reclassification to go through, what specific steps
 13 did you take after speaking with Mayor Norquist to
 14 stop the reclassification of Marilyn Figueroa?
 15 A I don't remember that I took any.
 16 Q Okay.
 17 MR. ARELLANO: Let's take a break.
 18 (Recess)
 19 Q Mr. Rowen, let's go back to the discussion you had
 20 with Mayor Norquist regarding the complaints that
 21 you claim you received regarding Marilyn Figueroa.
 22 I believe you testified that you shared with
 23 Mayor Norquist complaints that staff members had
 24 against Marilyn Figueroa; is that correct?
 25 A Yes.

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1 Q And also complaints that you had with respect to
 2 Marilyn Figueroa; correct?
 3 A Yes.
 4 Q All right. And I believe your testimony was
 5 rather limited with respect to the response that
 6 Mayor Norquist gave you at the end of your display
 7 of complaints and I believe one of the statements
 8 that he made to you was, can't you just take care of
 9 this; correct?
 10 A Yes.
 11 Q And the other one, can you do something to find a
 12 way to make Marilyn happy?
 13 A Yes.
 14 Q Correct?
 15 A That's correct.
 16 Q When Mayor Norquist -- and as I understand after
 17 questioning you on several occasions, your testimony
 18 indicates that those were the only two remarks you
 19 remember the Mayor making at the end of your
 20 discussion of complaints regarding Marilyn Figueroa;
 21 correct?
 22 A Yes.
 23 Q All right. When the Mayor responded to you
 24 demanding that you take care of that, did you sense
 25 that he was frustrated with your inability to deal

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1 with those issues?
 2 A Yes.
 3 Q All right. You were bringing complaints to his
 4 attention from other staff members against
 5 Marilyn Figueroa; correct?
 6 A Yes.
 7 Q Can you explain why the Mayor would ask you to find
 8 something that would make Marilyn Figueroa happy in
 9 light of the nature of your complaints against her?
 10 A Because that was my job as Chief of Staff.
 11 Q By the way, shortly after that discussion with
 12 Mayor Norquist you were removed as Chief of Staff;
 13 correct?
 14 A Well, it was a period of several months, from
 15 whenever this conversation happened to the middle of
 16 October just so we know what shortly is.
 17 Q Okay. But it was within 90 days of your discussion
 18 with Mayor Norquist, correct, regarding your
 19 conversation about Marilyn Figueroa?
 20 A It could have been a little more than that.
 21 Q Correct.
 22 A Yes, July, August, a little more than that, yes.
 23 Q Where were you reassigned to if you were?
 24 A To the Department of Administration.
 25 Q And in what capacity again?

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1 A The position of Deputy Director.
 2 Q Was that under the direct supervision of Mr. Reimer?
 3 A Yes.
 4 Q Is that correct? And was that the position that
 5 Mr. Reimer claimed was or at least the duties of
 6 that position that Mr. Reimer claimed the Mayor's
 7 office was offering to Marilyn Figueroa?
 8 A One of the major duties of that, yes.
 9 Q Okay. And when you say major duties, what
 10 percentage of your responsibilities would have been
 11 given to Marilyn Figueroa?
 12 A At least 50 percent at that time.
 13 Q Okay. Were you surprised -- other than the fact
 14 that the Mayor was in some way threatening to take
 15 part of your responsibilities, were you surprised at
 16 all when you learned that Marilyn Figueroa was being
 17 suggested as a potential transfer into the Census
 18 area? Were you surprised at all?
 19 A Yes.
 20 Q All right. Did you in any way connect that transfer
 21 to her -- the number of complaints that she had
 22 raised with you about the Mayor's office?
 23 A Yes.
 24 Q In what way?
 25 A That she wanted more responsibilities and this was

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1 the Mayor's office's solution to that interest on
 2 her part.
 3 Q When you learned that Marilyn was being targeted or
 4 at least suggested as a person that would take some
 5 of your responsibilities, did that call from
 6 Mr. Reimer happen before your lunch meeting with
 7 Marilyn or after your lunch meeting?
 8 A After.
 9 Q After, okay. All right. Did you ever discuss with
 10 Marilyn the fact that she was being suggested for
 11 that Census position?
 12 A No.
 13 Q All right. Do you know what ever happened as to why
 14 Marilyn was not appointed to that position?
 15 A My belief is that she did not accept it.
 16 Q And on what do you base that belief?
 17 A That Mr. Reimer told me that Marilyn had been given
 18 a day to decide whether or not to accept the
 19 position.
 20 Q So just based on the fact that this issue was never
 21 brought back to your attention, you concluded that
 22 she didn't accept it?
 23 A Yes.
 24 Q But you don't know whether or not she took a
 25 position on the matter?

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1 A No.
 2 Q Is that correct?
 3 A That's correct.
 4 Q Okay. It appears to me based on the description of
 5 the dynamics that were taking place within the
 6 Mayor's office while you were the Chief of Staff
 7 that Marilyn wasn't happy with the Mayor's office?
 8 A Yes.
 9 Q Is that correct? And during that period of time did
 10 she ever in any way lead you to believe that she
 11 wanted out of that office?
 12 A Yes.
 13 Q Okay. You stated -- While you were the Chief of
 14 Staff did you ever offer Marilyn any position
 15 outside the Mayor's office?
 16 A No.
 17 Q Okay. During your tenure as Chief of Staff, I
 18 believe you testified that you had no complaints
 19 about Marilyn's performance as opposed to conduct?
 20 I think that was your sworn testimony.
 21 A Yes.
 22 Q All right.
 23 A From other people, yes.
 24 Q All right. In your opinion was Marilyn Figueroa a
 25 hardworking person while she worked for you?

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1 A Sometimes.
 2 Q Okay. In 1999 was she a hardworking person?
 3 A Sometimes.
 4 Q In 1999 do you recall -- strike that. It has
 5 been stated from time to time that in 1999
 6 Marilyn Figueroa was very unhappy with the
 7 Mayor's office. Would that be accurate --
 8 A Yes.
 9 Q -- based on your observation?
 10 A Yes.
 11 Q Was this unhappiness reflected in her mood,
 12 demeanor?
 13 A Sometimes, yes.
 14 Q Did you ever see Marilyn cry at the office?
 15 A Yes.
 16 Q Did you ever hear Marilyn complain about abdominal
 17 pains?
 18 A No.
 19 Q All right. Is it your sworn testimony, Mr. Rowen,
 20 that Mr. Roland Perry was let go because of budget
 21 constraints?
 22 A No.
 23 Q Okay. While you were the Chief of Staff was
 24 Mr. Roland Perry terminated from his employment?
 25 A When I was Chief of Staff?

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1 Q Correct.
 2 A No.
 3 Q All right. Did you ever discuss with Mr. Perry the
 4 possibility that his position may be terminated
 5 because of budgetary problems?
 6 A That he would be terminated, yes.
 7 Q Is that right? When did you do that?
 8 A I did that throughout the late spring, early summer,
 9 right through to the end of my tenure as Chief of
 10 Staff.
 11 Q What did you explain to Mr. Perry as far as the
 12 budget and his position?
 13 A I told Mr. Perry that it was possible that he would
 14 be laid off, that I didn't want to do that but that
 15 it might come to that because of a possible budget
 16 cut.
 17 Q Did you ever recommend that Mr. Perry be terminated?
 18 A Never.
 19 Q Okay. How did you reconcile the Mayor's suggestion
 20 to hold on Marilyn Figueroa's reclassification due
 21 to budgetary problems and not taking any action
 22 against Mr. Roland Perry's position?
 23 A I left the Mayor's office in the middle of October,
 24 I think October 15th of 1999. The budget process
 25 was not completed at the time I left. The budget

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1 process for creating a 2000 budget had not been
 2 completed before I left the Mayor's office as Chief
 3 of Staff.
 4 Q All right. So what you're telling me is that you
 5 didn't stay there long enough to see the whole
 6 process --
 7 A That is correct.
 8 Q -- come to a fruition; is that correct?
 9 A That is correct.
 10 Q All right. Let's talk about Marilyn Figueroa's
 11 employment under your supervision. You supervised
 12 Marilyn Figueroa for approximately a year and a
 13 half, would that be fair?
 14 A It's probably a little less than that but it's
 15 close.
 16 Q All right. At the time you came on board, who were
 17 the staff members within the Mayor's office?
 18 A When I came on board -- initially, in 1996 you're
 19 asking?
 20 Q Correct.
 21 A Well, let's see. Bill Christofferson was hired as
 22 Chief of Staff on the same day I came to work.
 23 Sherry Street was a staff assistant. Michal Dawson,
 24 I'm not sure exactly what her title was, but Michal
 25 Dawson was on the staff. Ruth Wytenbach was on the

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1 staff.
 2 Q Marilyn Figueroa?
 3 A Marilyn Figueroa was on the staff. Jeff Fleming was
 4 on the staff. Kimberly Pratt was on the staff.
 5 Linda Huerta was on the staff. Patty Marshall was
 6 on the staff. Let's see here.
 7 Q Let's limit ourselves if you will to mayoral staff
 8 assistants as you understood them to be.
 9 A All right. Marilyn Figueroa, Sherry Street, Orson
 10 Porter was a staff assistant. I think that's the
 11 whole staff.
 12 Q What about Michal Dawson?
 13 A I mentioned Michal Dawson.
 14 Q Okay. Bill Christofferson was the Chief of Staff?
 15 A Yes.
 16 Q Were you an assistant to the Mayor?
 17 A My title was Policy Director.
 18 Q Was Mr. Fleming a staff assistant?
 19 A Mr. Fleming was the Communications Director.
 20 Q Kimberly Pratt was a staff assistant?
 21 A Yes.
 22 Q Okay. Anyone else, sir?
 23 A I don't think so.
 24 Q Okay. And it's important for me to understand who
 25 was there. It was Marilyn Figueroa; correct?

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1 A Yes.
 2 Q Sherry Street?
 3 A Yes.
 4 Q Is that correct?
 5 A Yes.
 6 Q And there was another person by the initials HP?
 7 A I'm sorry?
 8 Q HP, was there somebody else?
 9 A Orson Porter.
 10 Q Orson?
 11 A Orson, like Orson Wells, Porter.
 12 Q Okay. Michal Dawson?
 13 A Yes.
 14 Q And Kimberly Pratt?
 15 A Yes.
 16 Q Am I missing anybody?
 17 A I don't think so.
 18 Q Okay. And is it fair and accurate to say, sir, that
 19 all of these staff assistants at the time you came
 20 on board as Policy Director reported to
 21 Mr. Christofferson?
 22 A Yes.
 23 Q All right.
 24 A Just so long as you understand that we arrived on
 25 the same day.

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1 Q All right. And for how long did you remain a Policy
 2 Director?
 3 A Two years.
 4 Q Did you report -- and as I understand in response to
 5 my previous question, the staff assistants would
 6 have reported to Mr. William Christofferson once he
 7 arrived --
 8 A Yes.
 9 Q -- as the Chief of Staff?
 10 A Correct.
 11 Q Did you also report to Mr. William Christofferson as
 12 well?
 13 A Yes.
 14 Q Did Mr. Fleming report to Christofferson as well?
 15 A Yes.
 16 Q All right. Am I missing anybody?
 17 A I don't think so.
 18 Q Linda Huerta was not a staff assistant, was she?
 19 A No.
 20 Q Was she clerical?
 21 A Yes.
 22 Q And Patty Marshall was not a staff assistant, was
 23 she?
 24 A Correct.
 25 Q Okay. Was she clerical?

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1 A Yes.
 2 Q All right. Then you become the Chief of Staff in
 3 1998; correct?
 4 A Correct.
 5 Q What prompted the departure of Mr. Christofferson,
 6 if you know?
 7 A I do know.
 8 Q What happened?
 9 A He wanted to return to his political consulting work
 10 and he was writing a book which he wanted to finish.
 11 Q All right. When you were the Policy Director,
 12 Mr. Rowen, did you have any supervisory
 13 responsibilities over any of the staff within the
 14 Mayor's office?
 15 A Only if Mr. Christofferson were out of town.
 16 Q Okay. When you were the Policy Director, did you
 17 have any authority to fire and/or hire individuals?
 18 A No, and I didn't when I was Chief of Staff either.
 19 Q You did not have that authority?
 20 A No, I did not.
 21 Q Okay. Who was the person authorized to do that, the
 22 Mayor?
 23 A Yes.
 24 Q Okay. But obviously you had recommendation power?
 25 A Correct.

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1 Q All right. So once you became the Chief of Staff,
 2 when was the first time that you heard Marilyn
 3 complaining about any type of unfair treatment?
 4 A I remember Marilyn complaining sometime in the month
 5 of December of 1998.
 6 Q Okay. And what was the nature of her complaints as
 7 far as unfair treatment was concerned?
 8 A She felt that a staff reorganization that was under
 9 discussion was not to her liking.
 10 Q What reasons if any did she provide you?
 11 A She wanted different assignments and felt that the
 12 reorganization as it was being discussed was not
 13 offering her new assignments.
 14 Q Did she at any point after your arrival as Chief of
 15 Staff make any claims of institutional or individual
 16 discrimination within the Mayor's office?
 17 A Her complaint in December, because of the way she
 18 phrased it, I took to mean that she had had earlier
 19 grievances and then at one point in the year '99 she
 20 used the expression Hispanic box or Latino box as if
 21 to indicate that there was such a thing and she was
 22 in it.
 23 Q You mentioned that in December of 1998 when you
 24 became aware of some of her concerns you believed
 25 she had some earlier grievances?

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1 A Yes.
 2 Q What was the nature of these earlier grievances if
 3 you know?
 4 A She said something to the effect that it's always
 5 been this way, you know, it doesn't matter how you
 6 rearrange people, nothing is ever going to change,
 7 words to those effect -- words to that effect.
 8 Q Did she at any point complain about a two-tier
 9 system within the Mayor's office?
 10 A Not to me.
 11 Q Did you ever hear any rumors that she was
 12 complaining about a two-tier system?
 13 A No.
 14 Q Did she ever complain to you about people of color
 15 working for the Mayor's office were not involved in
 16 policy making decisions?
 17 A Only that she claimed she was not involved in these
 18 decisions.
 19 Q Did she associate that in any way with the fact that
 20 she was a woman, Hispanic female?
 21 A I remember her saying, you guys. That's the only --
 22 Q Did you conclude she was referring to some type of
 23 gender discrimination?
 24 A Yes.
 25 Q Okay. Did she at any point complain to you about

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1 the Mayor's office limiting most of her tasks or
 2 assignments to minority targeted issues?
 3 A She did bring that up with me.
 4 Q Did she in any way lead you to perceive that that's
 5 what she meant when she used the word Hispanic box?
 6 A Yes.
 7 Q All right. Did she ever demand of you that you
 8 increase -- strike that.
 9 Did she ever complain to you about your
 10 failure and/or refusal to increase her
 11 responsibilities in areas other than minority-
 12 related issues?
 13 A Did she complain to me?
 14 Q Correct.
 15 A Yes.
 16 Q All right. Did she do that in writing?
 17 A I think she sent me an e-mail and she also discussed
 18 it with me.
 19 Q Did she at any time apply or inform you of her
 20 interest in other positions?
 21 A Yes.
 22 Q What positions?
 23 A She told me she wanted to be considered for the job
 24 that Michael Dawson had vacated.
 25 Q Any other positions?

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1 A No.
 2 Q What was the nature of Ms. Michael Dawson's job?
 3 A Michael Dawson was the liaison to the Common Council.
 4 She was the liaison to what I call the bureaucracy,
 5 that is the other departments, and --
 6 Q I'm listening to you, sir.
 7 A And she was -- those were her two major -- those
 8 were her two major activities.
 9 Q Any other positions that you recall Ms. Figueroa may
 10 have shown any interest for?
 11 A The only other position that she ever discussed with
 12 me was a position that she told me she had been
 13 offered outside the office.
 14 Q And which position was this?
 15 A She did not put a name on it. She described it.
 16 Q Was that a position that was beyond your reach as
 17 far as having any input in assignment?
 18 A Yes.
 19 Q Okay.
 20 A It came up at this lunch.
 21 Q During your supervision of Marilyn Figueroa, did she
 22 ever request a reclassification or did you ever
 23 propose a reclassification?
 24 A She requested a reclassification.
 25 Q Do you recall when that occurred?

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1 A The discussion began sometime in March of '99.
 2 Q And did you approve the processing of her
 3 reclassification initially?
 4 A Yes.
 5 Q Okay. So in other words, you supported that fact?
 6 A The Mayor asked me to -- it was an assignment, and
 7 so I followed through on it.
 8 Q Explain that to me. What do you mean? First of
 9 all, the request for reclassification came from
 10 Marilyn Figueroa?
 11 A It's a little hard to say to be honest.
 12 Q Okay. Why is that?
 13 A I do not know with whom -- from whom the goal of a
 14 reclassification came. It came after a conversation
 15 that the Mayor and Marilyn had. The Mayor
 16 transmitted it to me as a request for me to start.
 17 Q To proceed?
 18 A Yes.
 19 Q Did you believe Marilyn was meritorious of a
 20 reclassification?
 21 A No.
 22 Q Did you ever notify the Mayor that you didn't think
 23 she was entitled to a reclassification?
 24 A I told him that I thought it was going to be
 25 difficult.

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1 Q And why, first of all why did you think it would be
2 difficult?
3 A Well, as I understood reclassifications, they had to
4 be based on an expansion of duties and Marilyn's
5 position had not expanded.
6 Q So your concern was more from a policy, technical
7 policy angle?
8 A Yes.
9 Q Correct? And I asked you whether or not you felt
10 Marilyn Figueroa was meritorious of a
11 reclassification and your answer I believe was no?
12 A That's correct.
13 Q On what do you base such an answer?
14 A It is my perception of what her job entailed and how
15 she was performing.
16 Q Did you ever share that information with the Mayor?
17 A Only that I told him I thought it would be
18 difficult.
19 Q That wasn't my question. My question is did you
20 tell the Mayor that you didn't believe Marilyn
21 Figueroa was meritorious of a reclassification?
22 A No, I did not say that.
23 Q Did you ever in any way let the Mayor know that you
24 didn't think she was entitled to a reclassification?
25 A No.

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1 Q And again, you didn't think she was entitled to a
2 reclassification?
3 A No.
4 Q But nevertheless, you were proceeding with the
5 Mayor's directive that you process her
6 reclassification?
7 A Yes.
8 Q Did you ever tell anyone in the employee relations
9 department, as I understand that's where the
10 reclassifications are done?
11 A Yes.
12 Q Did you ever tell them that you didn't think she was
13 meritorious?
14 A No.
15 Q Did you ever share that opinion with anyone as
16 Marilyn's reclassification was being processed?
17 MR. TOKUS: Counsel, I think as a
18 point of information that the Department of
19 Employee Relations does not effect
20 reclassifications, by effect I mean bring about.
21 The body that does that is the City Service
22 Commission just for your information.
23 MR. ARELLANO: You want -- thank
24 you. Do you want the question read back?
25 THE WITNESS: Please.

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1 (Question read)
2 Q And by that I mean did you ever share the opinion
3 that you now hold that you didn't believe Marilyn
4 was meritorious of a reclassification with anyone?
5 A No. The only conversation, if I may say, that I had
6 with the DER was to bring down the level of the
7 proposed reclassification.
8 Q Who did you talk to about that?
9 A Mr. Al Weber.
10 Q And what did you mean by that?
11 A Mr. Weber called me. I didn't call him. He was
12 doing this study which I was not familiar with in
13 detail and he said, Marilyn called to say she's
14 supposed to be reclassified to an 11, and I said,
15 no, no, no. That's crazy. That's impossible.
16 Q What was your suggestion?
17 A I said, maybe an 8, maybe a 9, but an 11 is out of
18 the question.
19 Q Okay. Anything else that you discussed with
20 Mr. Weber?
21 A No.
22 Q Okay. Now I want you to pay attention to my
23 question before we decide --
24 MR. ARELLANO: Off the record.
25 (Discussion held off record)

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1 MR. ARELLANO: Back on the record.
2 Q Did anyone from the employment relations or the City
3 of Milwaukee Common Council or the Mayor's office
4 tell you that Marilyn Figueroa did not qualify for a
5 reclassification?
6 A Yes.
7 Q Who did?
8 A Alderman Pratt and Alderman Murphy.
9 Q From the employment -- employee relations did anyone
10 tell you?
11 A Not that I recall, no.
12 Q At what point did Mr. Pratt tell you that she did
13 not qualify?
14 A At what point. It was after the paperwork had
15 started. I don't have a precise date, but I called
16 Alderman Pratt.
17 Q What prompted you to call Mr. Pratt?
18 A My understanding of the process was that the
19 reclassification paperwork would have to pass
20 through the finance and personnel committee of the
21 council at some point, and Alderman Pratt was the
22 chairman. And I wanted a reading from him about
23 whether he would approve it or stop it or criticize
24 it. I was concerned about the politics, the
25 appearance as we were headed into this budget

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1 difficulty of asking for a reclassification, so I
2 called the chairman of the committee.
3 Q And what did he tell you?
4 A He said -- I called him and I said, I'm asking how
5 you would react to a reclassification. I'm not even
6 going to mention the name. It's someone who is a 7,
7 and he said, oh, you're calling about Marilyn's
8 reclassification and I was a little surprised by
9 that but I said, yes. And he said, well, let me
10 just tell you generally my philosophy about
11 reclassifications. If you come in here and ask for
12 a 9, I'll turn it down because I have never voted to
13 approve a reclassification of more than one level at
14 a time. I don't believe in that.
15 Q Was 9 the reclassification classification you had
16 recommended, Mr. Rowen?
17 A I don't think I recommended a specific number.
18 Q But that was the number you were giving to
19 Mr. Pratt?
20 A I said maybe an 8, maybe a 9. I wanted to talk
21 about it in general terms.
22 Q All right. So what did he tell you?
23 A Well, he explained that if it were a 9 it would be
24 no, and then he explained his philosophy. Then he
25 said, you know, he said, we're going to have this

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1 budget crisis and I think if you sent down any
2 reclassification right now, I'd hold it. In fact,
3 you know what, I'm going to have a moratorium on
4 reclassifications until the year 2000. I'm going to
5 wait until the next budget just to see what happens
6 so I'm saying right now anything you send me, I'm
7 holding it.
8 Q When did you have that conversation with Mr. Pratt?
9 A I can't put a date on it.
10 Q Was it before you spoke to the Mayor?
11 A Yes, it was before I spoke to the Mayor because I
12 informed the Mayor that, I said to him a couple of
13 aldermen don't want to see this.
14 Q When did you tell that to the Mayor?
15 A I told him -- it was in this conversation we had
16 which led him to say you're going to have to tell
17 Marilyn this has to, we're going to have to wait
18 until next year, stop this.
19 Q Did Mr. Pratt or any other council member ever tell
20 you that in their view Marilyn Figueroa was not
21 meritorious of a reclassification?
22 A They said they wouldn't approve a
23 reclassification --
24 Q That wasn't my question. My question is did any of
25 them share with you an opinion that they didn't

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1 think Marilyn qualified or was meritorious of a
2 reclassification based on her experience --
3 A No.
4 Q -- and her performance. Is it fair and accurate to
5 say, Mr. Rowen, that you were the only person that
6 believed that Marilyn Figueroa was not deserving of
7 a reclassification?

8 MR. TOKUS: I'm going to object at
9 this point in terms of the state of the record
10 and the nature of this reclassification process
11 not being based on the merit of the individual or
12 the performance of the individual.

13 MR. ARELLANO: Subject to that
14 objection, let me ask you to pay attention to my
15 previous question and answer my question.

16 THE WITNESS: Can you read that
17 back, please?

18 (Question read)

19 A No, that's not accurate.

20 Q Did you believe she was not qualified to be
21 reclassified from 7 to a 9?

22 A I didn't believe that the position should be
23 reclassified.

24 Q That wasn't my question, sir. My question is do you
25 believe Marilyn Figueroa was qualified in order to

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1 be reclassified from a 7 to a 9.

2 A No.

3 Q Did you believe that her performance and conduct
4 would entitle her to a reclassification from 7 to a
5 9?

6 A No.

7 MR. TOKUS: Same objection.

8 Q All right.

9 A No, I did not.

10 Q And I believe you testified previously under oath
11 that you never received any feedback from the
12 employment relations office that was conducting this
13 study of reclassification with respect to whether or
14 not Marilyn would qualify for reclassification;
15 correct?

16 A Other than this conversation I had with Mr. Weber
17 about putting the brakes on talking about this being
18 an 11.

19 Q Other than that you never heard anything from
20 anyone?

21 A I don't remember anything.

22 Q Mr. Weber never told you that she didn't qualify,
23 did he?

24 MR. TOKUS: Same objection
25 regarding position being --

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1 MR. ARELLANO: Let me rephrase my
2 question.
3 A I don't remember any other conversation.
4 Q And again, the conversation that you were
5 referencing here with respect to Mr. Weber was a
6 phone call where Mr. Weber was trying to get some
7 clarification from you because according to him
8 Marilyn was demanding reclassification from 7 to 11;
9 correct?
10 A He was -- yes, but he was alerting me. He wanted me
11 to know that Marilyn had called him and so he wanted
12 to clarify that he was getting good information out
13 of that phone call.
14 Q I understand that. And what he wanted you to know
15 was that Marilyn was demanding reclassification from
16 7 to an 11?
17 A That's correct.
18 Q What was your recommendation at that time as far as
19 her reclassification was concerned?
20 A On the phone to him?
21 Q Yes.
22 MR. TOKUS: Same objection
23 regarding the position being reclassified as
24 opposed to the individual.
25 A My recollection of this phone call was -- I don't
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1 remember telling him it's got to be X number or Y
2 number. It was more to stop this end run, if you
3 will, to make this position an 11.
4 Q All right. Well, originally what was your
5 recommendation as far as the reclassification was
6 concerned?
7 MR. TOKUS: Objection. He's
8 answered that question before.
9 Q Go ahead, sir.
10 A I really don't -- I really don't remember. I may
11 have said to somebody in DER, maybe an 8, maybe a 9.
12 I just do not remember.
13 Q Okay, Mr. Rowen, let me see if we can close at least
14 this morning with this question. It was clear in
15 your mind at that time that you didn't feel Marilyn
16 qualified and/or deserved a reclassification;
17 correct?
18 A Correct.
19 MR. TOKUS: Same objection.
20 Q Right?
21 A Yes.
22 Q Nevertheless, the Mayor had directed you to process
23 her reclassification; correct?
24 A Yes.
25 Q Given your feelings about Marilyn's undeserving
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1 reclassification --
2 MR. TOKUS: Same objection.
3 Q -- did you feel that the Mayor was treating Marilyn
4 somewhat special?
5 A Yes.
6 MR. ARELLANO: Let's take a break.
7 (Recess)
8 Q Let me just clarify a couple things for the record,
9 Mr. Rowen. And the reason why I want to do this is
10 because you indicated some type of confusion as to
11 how Marilyn's reclassification came to your
12 attention. And my recollection, and from my review
13 of my notes, indicates that it was the Mayor who
14 proposed the reclassification to you initially; is
15 that correct?
16 A Yes.
17 Q Did Marilyn at any point request or -- strike that.
18 Did Marilyn at any point indicate any interest in
19 having her position reclassified?
20 A Yes.
21 Q Did you ever tell Marilyn that you didn't think she
22 was qualified for a reclassification?
23 A No.
24 Q When Marilyn indicated interest in the
25 reclassification, do you recall when she made that
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1 interest known to you?
2 A It would have been shortly after the Mayor related
3 to me that Marilyn was going to return to the
4 office. She had resigned, she was going to return
5 to the office and one of the things we would do when
6 she was back would be to work on reclassifying her
7 position.
8 Q And I believe your previous testimony was that this
9 discussion regarding Marilyn's reclassification may
10 have occurred early in the year of 1999?
11 A Sometime in March and thereafter.
12 Q Okay. Now, this discussion that you had with
13 Mayor Norquist occurred after Marilyn had resigned
14 from her position --
15 A Yes.
16 Q -- as the staff assistant?
17 A Correct.
18 Q Do you remember when she resigned?
19 A I know that it was in the month of March. I do not
20 remember the date.
21 Q Of 1999?
22 A Correct.
23 Q Okay. And obviously you were the Chief of Staff at
24 that time?
25 A Correct.
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1 Q Okay. And when she resigned how did she resign if
2 you know?
3 A She left a note to that effect in a mail slot that
4 was on the outside of my door. The doors in the
5 Mayor's office had slots, little containers into
6 which memos and magazines were put, and I found it
7 there.
8 Q You found that note?
9 A Yes.
10 Q When did you find that note?
11 A Well, it was sometime in March. I found it when I
12 arrived for work in the morning, and I believe it
13 was on a Monday but I cannot swear to the day of the
14 week.
15 Q And what did the note indicate?
16 A The note said, I am resigning my position. Please
17 find out what my remaining benefits are, signed
18 Marilyn. Typewritten, perhaps three sentences.
19 Q What did you do with that note, sir?
20 A I put it on my desk and -- I put it on my desk.
21 Q When you say put it on your desk, where?
22 A On my desk.
23 Q On top of the desk?
24 A I just put it on the surface of my desk.
25 Q What ever happened to that note?

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1 A After Marilyn agreed to come back to work, I gave it
2 back to her.
3 Q Okay. Let's go back. So you found the note upon
4 arriving to work --
5 A Yes.
6 Q -- in the morning? And you placed that note on top
7 of your desk. Did you discuss Marilyn's resignation
8 with anyone?
9 A Yes.
10 Q Who did you talk to?
11 A I discussed it with the Mayor. I discussed it with
12 Steve Jacquart. I may have mentioned it but not to
13 very many people but certainly I discussed it with
14 the Mayor and Mr. Jacquart.
15 Q And again, what was the position of Mr. Jacquart?
16 A Mr. Jacquart was the Policy Director.
17 Q Okay. And with respect to the Mayor, when did you
18 talk to him about that resignation note?
19 A I talked to him at my first opportunity. I can't
20 say whether it was that morning or that afternoon
21 because I don't know if he was in the office or not.
22 But as soon as I had an opportunity. It was my
23 highest priority at that moment.
24 Q Why is that?
25 A Why is that?

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1 Q Yes.
2 A Well, it was a big deal. It was unexpected, and I
3 didn't think the Mayor would be happy about it.
4 Q And what did you discuss with the Mayor?
5 A I said to him, Marilyn has, I don't know if I said
6 resigned or quit, but I said Marilyn has resigned or
7 Marilyn has quit.
8 Q Who was present?
9 A I think I was just in the Mayor's office. Just
10 myself.
11 Q What if any response did the Mayor provide?
12 A He just sort of made, he sort of made a sound like,
13 oh, as if to say, oh, no, or it was -- he was not
14 happy and he said, have you talked to her and I said
15 I've tried. I had called her several times and
16 gotten her -- I said, I'm just getting her machine.
17 Q What else was discussed?
18 A Well, he said something like, well, we've got to
19 talk to her or you've got to talk to her and I said,
20 well, I've tried and I will keep trying. I mean at
21 that point it was not a long conversation. That's
22 all I remember of that initial interaction with him.
23 Q How many discussions did you have with the Mayor
24 regarding Marilyn's, as you put it, unexpected
25 resignation?

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1 A Well, I had a couple. I know that, I mean -- I had
2 continued to try and reach her without success, and
3 I talked to other people who tried to reach her
4 without success. So I was reporting to the Mayor
5 that people were trying to reach Marilyn, and I
6 think he tried to call her as well.
7 Q What leads you to believe that?
8 A I just kind of remember that I think he said
9 something like he had tried to call or he was going
10 to call, I mean he was going to get involved. And
11 the reason I think it was a Monday was that I seem
12 to remember that a good part of that week was taken
13 up with people trying to reach Marilyn or people
14 saying they were trying to reach Marilyn and no one
15 had been able to talk to her. I had not been able
16 to speak to her. I was unsuccessful.
17 So later that week Steve Jacquart said to me,
18 the Mayor is going to talk to Marilyn on Saturday.
19 He's cleared his calendar, and he's going to try
20 and -- he's going to talk to her. The goal was to
21 get her to return to the office.
22 Q Did you ever have any success in trying to get ahold
23 of Marilyn?
24 A No, I did not.
25 Q Okay. Did there come a time when you learned that

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1 the Mayor had, in fact, talked to Marilyn?
2 A Yes.
3 Q How did you learn that?
4 A The following Monday I was at work. The Mayor just
5 walked into my office and said, okay, I've talked to
6 Marilyn. She's going to come back. We're going to
7 need to find some new duties for her, and we're
8 going to work on reclassification.
9 Q Anything else that he shared with you?
10 A No.
11 Q From the time that you learned that Marilyn Figueroa
12 had resigned until the time that the Mayor told you
13 that she was returning, did the Mayor ever offer any
14 opinion and/or explanation as to why in his view
15 Marilyn had resigned?
16 A He asked me what I thought. When I answered his
17 question, he told me what he thought.
18 Q What did you tell him?
19 A I said, this is all about Brenda Wood's job, and he
20 said, yeah, or I suppose. I mean he was agreeing
21 with my analysis.
22 Q Did he say anything else?
23 A No.
24 Q Did you have a feeling at any point during this
25 short period of time after you found Marilyn's

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1 resignation note that the Mayor was not telling you
2 everything that was going on with Marilyn?
3 A No.
4 Q Did he at any point share any concerns about Marilyn
5 filing any type of complaint?
6 A No.
7 Q Did you have any concerns that Marilyn could file a
8 complaint?
9 A No.
10 Q During this period of time, before you found this
11 resignation note, did Marilyn ever threaten to file
12 a complaint?
13 A No.
14 Q All right. During the year of your tenure as the
15 Chief of Staff, '98 through 1999, based on your
16 observation did you think Marilyn was suffering from
17 any kind of depression?
18 A No.
19 Q Any type of emotional problems?
20 A There was an episode, and I think it was in '99,
21 during which I believe Marilyn fainted in the office
22 and I didn't know what that was all about.
23 Q Was that in 1999?
24 A I believe so, as opposed to '98.
25 Q Do you recall approximately the time span?

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1 A I'm going to say it was definitely -- well, I don't
2 think it was in the winter. I think the weather was
3 nice, but I couldn't tell you the month.
4 Q To your knowledge was she hospitalized as a result
5 of that?
6 A No. In fact, she would not -- she agreed to be
7 treated by the paramedics but I believe she didn't
8 even leave with them. She wanted people to feel
9 that she was okay.
10 Q Okay.
11 A She was hospitalized earlier that year for something
12 else that I do not know what the nature of that was
13 specifically.
14 Q You testified that Marilyn's resignation was
15 unexpected. I believe that was your testimony under
16 oath.
17 A Yes.
18 Q Is that correct?
19 A Yes.
20 Q So I gather by virtue of that statement that you did
21 not expect Marilyn to resign as she did at that
22 time?
23 A Correct.
24 Q All right. How long was she gone before she agreed
25 to return?

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1 A She was gone -- if my memory is correct that this
2 began on a Monday, she was gone that week and part
3 of the following week, but I couldn't tell you how
4 many days. I don't think she came back -- if my
5 initial recollection is accurate that she resigned
6 on a Monday and the Mayor went to see her on a
7 Saturday, I don't think she came back that Monday.
8 I think she was out a few more days.
9 Q And is it fair and accurate to say that at all times
10 after Marilyn had resigned both you and the Mayor
11 were involved in trying to find out what was wrong
12 with Marilyn or at least why she had resigned?
13 A Yes.
14 Q All right. And is it fair and accurate to say
15 also, Mr. Rowen, that both of you, you and the
16 Mayor, attempted several times to make contact with
17 Marilyn Figueroa at her home?
18 A I certainly did. I believe the Mayor did.
19 Q All right. And is it also fair and accurate to say
20 based on your testimony that eventually the Mayor
21 made direct contact with Marilyn?
22 A Yes.
23 Q Do you know where he made contact with Marilyn?
24 A All I know is that Steve Jacquart told me the Mayor
25 was going to see Marilyn. My interpretation was he

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1 was going to see her at her house or place of her
2 choosing.
3 Q Okay. When the Mayor came back and reported to you
4 that Marilyn was returning, did he explain to you
5 the details of his conversation with Marilyn
6 Figueroa?
7 A No, he didn't.
8 Q Other than telling you -- strike that. He basically
9 came back and told you she was returning and then he
10 imposed certain directives on you; correct?
11 A Yes.
12 Q And that included giving Marilyn higher
13 responsibility; correct?
14 A Trying to find something, yes.
15 Q I believe it was more responsibility?
16 A Yes.
17 Q And the other one, to start her reclassification?
18 A Yes.
19 Q All right. Did you at any time object to the
20 Mayor's directive as far as what he wanted you to do
21 regarding Marilyn Figueroa?
22 A I know at some point I said to him, that's going to
23 be difficult, meaning --
24 Q And what was his response?
25 A I don't even think he had one. I think his -- he

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1 had made his point to me which was, just do this.
2 Q Did you ever sense, Mr. Rowen -- during your tenure
3 as the Chief of Staff, did you ever sense that the
4 Mayor was not fully satisfied with your work?
5 A Yes.
6 Q Did he ever tell you that?
7 A In so many words, yes.
8 Q What kind of words did he use to tell you?
9 A He was upset about something, and I don't remember
10 what it was. I was in his office with Jeff Fleming,
11 and the Mayor was discussing something and we were
12 responding with some ideas on how to react and the
13 Mayor was upset with our proposal and he said
14 something like, you know what the problem is around
15 here, the problem is, and I can't remember the whole
16 conversation, I can just remember the punch line, I
17 mean he was talking about somebody like the governor
18 or someone else who had working for him really tough
19 guys and he said, you know what the problem around
20 here is, I'm surrounded by journalists, and Jeff
21 Fleming is a former reporter, I am a former
22 reporter, so it was criticism. It was as if to say,
23 I don't have the tools I need.
24 And then later that day he left the office and
25 he was very angry and he said to me, there are going

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1 to be some changes around here. And it was just the
2 way he said it. He had never talked to me that way
3 before, and I took it to mean me at that time, and
4 that was within a few days of him telling me that he
5 was transferring me.
6 Q You testified previously that when you brought to
7 his attention some of the complaints you had
8 received about Marilyn, he led you to believe that
9 he was frustrated with you --
10 A Yes.
11 Q -- and the way you were handling that matter;
12 correct?
13 A Yes.
14 Q To your way of looking at things during that period
15 of time, do you believe that your handling of the
16 Marilyn Figueroa matter was one of the factors that
17 may have led the Mayor to remove you as the Chief of
18 Staff?
19 A Yes.
20 Q In what way?
21 A My inability to create a staff where everybody was
22 getting along and Marilyn Figueroa was satisfied.
23 Q Did he ever tell you -- did he ever tell you that
24 other than what you already put on the record, that
25 can't you find a way to make Marilyn happy?

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1 A No.
2 Q So Marilyn was gone for, what, approximately ten
3 days?
4 A Approximately.
5 Q Approximately ten days. When she returned did you
6 have to file any type of paperwork with employee
7 relations for the ten days that she had taken?
8 A No. Pardon me. Do you mean to account for her time
9 off?
10 Q Correct.
11 A No.
12 Q How was that time accounted for? And I'm talking
13 about the time she was out of the office.
14 A I don't know.
15 Q Did you ever assign Marilyn weekend work?
16 A Yes.
17 Q And how was she supposed to count for that weekend
18 work?
19 A There were two kinds of weekend work.
20 Q Okay.
21 A It was a schedule that each person on the Mayor's
22 staff was on a rotation and would have to work with
23 the Mayor or for the Mayor every sixth, seventh,
24 eighth weekend. On one other occasion I assigned
25 Marilyn three extra weekends of work to compensate

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1 her -- to compensate the office for time that she
 2 had taken as I saw it that she did not have coming
 3 to her.
 4 Q What did she do with that time?
 5 A She took a vacation with that time.
 6 Q How many days did she take?
 7 A Six.
 8 Q Was Marilyn and other staff members allowed to take
 9 comp time for the work that they put in doing
 10 political --
 11 A No.
 12 Q -- campaign work?
 13 A No.
 14 Q How were they compensated for the political work
 15 that they did?
 16 A They were not compensated.
 17 Q Were they ever allowed to have flexible time?
 18 A Yes, under -- well, yes.
 19 Q What kind of flexible time as far as --
 20 A Time off without pay to go to school.
 21 Q What about --
 22 A Or, if I may say.
 23 Q Sure.
 24 A Time traded for going to school but paid back to the
 25 City by work on the weekends such as in the case

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1 with Kimberly Pratt.
 2 Q What's the case with Kimberly Pratt?
 3 A Kimberly Pratt came to me and said, I want to get
 4 some training in finance and I want to take two
 5 classes at MATC but they meet, and I forget when
 6 they meet, but let's say late in the afternoons and
 7 so I'm going to miss some time, is there another way
 8 I can make up that time and I said -- we worked out
 9 a program for her so that she worked I think several
 10 hours every Saturday for the semester, something
 11 like that, so that she was still working 40 hours a
 12 week minimum but some of those hours were on
 13 Saturday in the office, not out on behalf of the
 14 Mayor.
 15 Q Going back to the time when the Mayor came back and
 16 told you that Marilyn was returning from her
 17 resignation and instructed you to start
 18 reclassification and provide her with additional
 19 tasks, did you feel, sir, that the Mayor was acting
 20 improperly by granting Marilyn this type of
 21 considerations?
 22 A What are the considerations?
 23 Q The consideration, allowing her to return from
 24 resignation, asking you to increase her
 25 responsibilities and to start processing the

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1 reclassification.
 2 A And did I feel he was acting --
 3 Q Improperly.
 4 A No, I wouldn't say improperly.
 5 Q Did you feel that he was giving Marilyn preferential
 6 treatment?
 7 A Yes.
 8 Q Do you recall any other time when the Mayor
 9 instructed you to initiate the reclassification of
 10 any other staff member?
 11 A No.
 12 Q All right. Did you have any suspicions as to
 13 whether or not there was something else going on
 14 between the Mayor and Marilyn after he instructed
 15 you to process the reclassification?
 16 A Of a personal nature?
 17 Q Correct.
 18 A No. It never entered my mind.
 19 Q Did any of the staff members ever share with you any
 20 opinions that would lead you to believe that the
 21 Mayor and Marilyn were having something intimate?
 22 A Never.
 23 Q All right. Before Marilyn resigned you stated that
 24 you shared with the Mayor an opinion that the reason
 25 why she had resigned was because of the Brenda Wood

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1 position?
 2 A I think it was after. Did you say before or after,
 3 pardon me?
 4 Q No, what I'm saying is that I believe you testified
 5 that when Marilyn Figueroa resigned.
 6 A Yes.
 7 Q You and the Mayor talked, and at that time you
 8 shared with him your opinion as to why you believed
 9 Marilyn had resigned.
 10 A Yes. Correct.
 11 Q And you alluded to the Brenda Wood position.
 12 A Yes.
 13 Q What did you mean by that?
 14 A What I meant by that was that Brenda Wood had been
 15 moved into the position that Michal Dawson had
 16 vacated I believe in February and Marilyn was very
 17 upset with that decision to move Brenda Wood into
 18 that position.
 19 Q Let's talk a little bit about that. At what point
 20 did Brenda Wood join the Mayor's office? And let me
 21 give you a little chronology here. You had
 22 identified Michal Dawson, Marilyn Figueroa,
 23 Mr. Roland --
 24 A Roland Perry.
 25 Q Mr. Perry, Roland Perry, Porter?

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1 A Yes.
 2 Q Sherry Street, and who is KP?
 3 A Kimberly Pratt.
 4 Q Kimberly Pratt. At what point did Brenda Wood join
 5 the Mayor's office?
 6 A Brenda Wood was hired -- well, she was hired after I
 7 was hired. I want to say somewhere around July or
 8 August of '98.
 9 Q Who hired her?
 10 A Well, the Mayor hired her on the recommendation of
 11 Bill Christofferson who was the Chief of Staff.
 12 Q Was Brenda Wood hired when Bill Christofferson was
 13 the Chief of Staff?
 14 A Correct.
 15 Q So he was the one who hired her?
 16 A Well, I'm not trying to be too fine here but I think
 17 the Mayor hires -- Chief of -- When I was Chief of
 18 Staff, I had no hiring authority, and I think the --
 19 it may be attributing too much authority to any
 20 Chief of Staff to say they hired someone.
 21 Q Okay. They recommended and the Mayor hired?
 22 A Sure.
 23 Q Is that correct? And your understanding as far as
 24 Brenda Wood is concerned is that she was recommended
 25 by Bill Christofferson?

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1 A Yes.
 2 Q And the Mayor hired her; is that correct?
 3 A Correct, yes.
 4 Q Did you know Brenda Wood before she was hired?
 5 A No.
 6 Q Okay. What about Michael Miller, do you know when
 7 he was hired?
 8 A Michael Miller was hired while I was Chief of Staff
 9 and not long thereafter, July or August of '99,
 10 something like that.
 11 Q Did you have any input in the hiring of Mr. Miller?
 12 A Yes.
 13 Q What input if anything did you have?
 14 A I interviewed him and I recommended him to the
 15 Mayor.
 16 Q What about Steve Taylor, do you know Steve Taylor?
 17 A Yes.
 18 Q When did he come on board?
 19 A Steve Taylor came on board while I was Policy
 20 Director.
 21 Q Who recommended Mr. Taylor?
 22 A Bill Christofferson.
 23 Q Okay. What about Steve Jacquart?
 24 A Jacquart.
 25 Q Jacquart.

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1 A Yes. Steve Jacquart had apparently worked in the
 2 Mayor's office early in the Norquist administration.
 3 I don't know the exact dates. I recommended him to
 4 replace me as Policy Director in June of '96 when I
 5 moved from Policy Director to Chief of Staff. At
 6 the time he was working as a City lobbyist in the
 7 Department of Administration.
 8 Q So going back to Brenda Wood, you kind of inherited
 9 Brenda Wood from the previous Chief of Staff?
 10 A Yes.
 11 Q Is that correct? And what was her initial title?
 12 A Staff assistant.
 13 Q Staff assistant. Do you know what her
 14 classification was?
 15 A As far as the number?
 16 Q Correct.
 17 A I believe at the time all staff assistants were 7s.
 18 Q And what was Michal Dawson, what was her title
 19 before she left?
 20 A You know, Michal Dawson, I don't know her exact
 21 title. It was something like special assistant to
 22 the Mayor. It was apparently an old title left over
 23 from the Henry Maier years and it wasn't -- no one
 24 referred to her with that title is what I'm saying.
 25 Q Was she at a higher classification than the rest of

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1 the staff assistants?
 2 A Yes.
 3 Q Okay. And obviously I suspect she was at a higher
 4 pay grade?
 5 A I'm sure that she was at -- yes.
 6 Q And to your knowledge where did she go?
 7 A She moved to become the Deputy Commissioner of
 8 Development for the City of Milwaukee.
 9 Q And after she left I suspect that position became
 10 vacant?
 11 A Correct.
 12 Q Do you remember, and you may have answered this
 13 already, Mr. Rowen, do you remember approximately
 14 when she left?
 15 A I think she announced she was leaving in February.
 16 She was either gone by late February or early March.
 17 Q Of 1999?
 18 A Yes.
 19 Q Okay. Obviously you had already been on the job for
 20 about seven months?
 21 A As Chief of Staff.
 22 Q Is that correct?
 23 A Yes.
 24 Q All right. And when that position became vacant,
 25 did Marilyn show any interest in that position?

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1 A Yes.
 2 Q How did she do that?
 3 A Well, she came to see me after -- I'm trying to get
 4 my chronology straight. She came to see me toward
 5 the end of February or early March.
 6 Q And what did she say as far as you know?
 7 A She said, I just heard that Mike Dawson is leaving.
 8 I didn't know anything about that. And I said,
 9 well, I had announced it at a staff meeting and it's
 10 been in the newspaper, and she said, well, I didn't
 11 know anything about it. I want to apply for the
 12 job.
 13 Q Anything else that was discussed?
 14 A Yes, yes. And I said, Brenda Wood is going to fill
 15 that job, and she said, does the Mayor know, and I
 16 said, yes. It's his decision. And I believe that
 17 she -- her face got very red and I thought she was
 18 going -- she was sort of welled up and she walked
 19 out of my office.
 20 Q Did you ever have any further discussions with --
 21 A No, I take that -- excuse me. There was more to
 22 that conversation.
 23 Q Okay.
 24 A If I may backup. Is that all right?
 25 Q Sure. I want to know everything that was discussed.

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1 A She said, I want to make my case. And I said, well,
 2 you know, the Mayor has made up his mind. I'm
 3 afraid if we had an interview it would be a sham,
 4 and she said, well, I want to make my case, and
 5 that's when she left my office.
 6 Q Did you report this incident to the Mayor?
 7 A Yes, immediately.
 8 Q What did you do?
 9 A I went in to see the Mayor and I said, Mayor, there
 10 is a problem in filling that job with Brenda because
 11 Marilyn wants to be interviewed. And at that point
 12 the Mayor had not informed Brenda Wood. He had
 13 informed me. We had had a discussion about what the
 14 decision was but he had not informed Brenda Wood so
 15 he said, well, let Marilyn make her case. I said,
 16 okay.
 17 Q What did you do next?
 18 A I communicated to Marilyn that we would have an
 19 interview. As I remember it, one was set up. It
 20 never happened. Marilyn -- I was expecting Marilyn.
 21 She didn't come to my office. It was rescheduled,
 22 and we did have a discussion about the job.
 23 Q What happened?
 24 A I told her that, as I had told her previously, the
 25 Mayor wanted her to be able to make her case so I

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1 asked her what is your case for wanting to fill this
 2 job.
 3 Q What did she say?
 4 A She said, well, first of all, I've been here a long
 5 time and people who haven't worked here as long are
 6 getting better jobs and I think -- well, she was
 7 making a case for seniority. I don't remember all
 8 of the exact phrases. And she said, I can do the
 9 job. I know people on the council. I can do this
 10 job.
 11 It was not a long discussion. Most of it was
 12 about her belief that, her position that she had
 13 been on the staff a long time and deserved
 14 consideration for that by being promoted into this
 15 job.
 16 Q What else was discussed?
 17 A I don't think there was -- it was not a long
 18 discussion. I told her I would -- I said I would
 19 talk to the Mayor, I would pass this on to the Mayor
 20 and I said, you know, I would encourage you to talk
 21 to the Mayor yourself and she said, no, I don't do
 22 that.
 23 Q What happened next?
 24 A Well, I talked to the Mayor. I passed this on to
 25 him, and he said to me, you know, I don't think

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1 that's the right job for Marilyn. That was his
 2 expression, I don't think it's the right job for
 3 Marilyn. I think Brenda would be a better choice
 4 but tell Marilyn that I appreciate what she does.
 5 That's a quote.
 6 Q Anything else?
 7 A Not that I remember.
 8 Q What did you do next?
 9 A I informed Marilyn that the Mayor was not going to
 10 alter his decision to fill the job with Brenda Wood.
 11 Q Anything else?
 12 A No.
 13 Q Have you told me everything that was exchanged
 14 between you and the Mayor with respect to that
 15 position that eventually as I understand was
 16 assigned to Brenda Wood?
 17 A As I remember it. I don't remember additional
 18 conversation.
 19 Q When you reported to the Mayor your findings from
 20 the interview you held with Marilyn for purposes of
 21 determining whether or not she had made her case,
 22 had you made up your mind as to who you believed
 23 should be assigned to that position?
 24 A I thought Brenda was the best choice.
 25 Q Did you share that opinion with the Mayor other

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1 than --
 2 A I shared that opinion with him when Mike Dawson made
 3 her resignation to him.
 4 Q No, I'm talking about after you met with Marilyn
 5 Figueroa. I believe you already told me everything
 6 that you discussed with the Mayor but I just want to
 7 give you an additional opportunity to tell me
 8 whether or not you discussed with the Mayor your
 9 views on who would be the best candidate or have you
 10 told me everything already on the record? And I
 11 don't want you to assume. I just want to know what
 12 you remember.

13 A I don't remember having a conversation about, again
 14 about that Brenda was the right choice. The context
 15 was, as he put it, was this the right job for
 16 Marilyn.

17 Q All right. So if I understand what transpired with
 18 respect to the selection for the position that
 19 Marilyn showed interest in, the Mayor had selected
 20 Brenda Wood. Marilyn showed some interest. You
 21 decided to interview her in accordance with the
 22 directive issued to you by the Mayor but ultimately
 23 the Mayor remained firm in his decision to select
 24 Brenda Wood?

25 A That is correct.

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1 qualified than Marilyn Figueroa?

2 A Yes.

3 Q What were the specific bases you provided to the
 4 Mayor?

5 A We discussed that from the beginning of Brenda
 6 Wood's tenure in the office she had been trained,
 7 on-the-job training for being Mike Dawson's backup,
 8 especially with regard to the Common Council and
 9 with regard to the departmental work that was a
 10 component of Mike Dawson's job. I think I used,
 11 with the Mayor I used the word understudy. I said,
 12 you know, she's been Dawson's understudy since the
 13 day she got here. When Mike was on vacation -- she
 14 was a very senior employee, she was often on
 15 vacation -- Brenda would go to the council meetings,
 16 deal with Dawson's job, fill in for Dawson.

17 In fact, Bill Christofferson told me that he
 18 had this in mind for Brenda when he hired her, that
 19 some day when Mike Dawson retired, she was somewhat
 20 older than most of the staff, that Brenda would be a
 21 good person to --

22 Q Anything else?

23 A No. We were talking about that.

24 Q Is that all you shared with the Mayor?

25 A Well, we had a conversation back and forth about

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1 Q Thank you. By the way, when the Mayor suggested to
 2 you that you allow Marilyn to make her case, did he
 3 give you any type of job description for the
 4 position?

5 A No.

6 Q Did you make a comparative analysis between Marilyn
 7 Figueroa's experience and Brenda Wood's experience?

8 A No.

9 Q Did you review their personnel files?

10 A No.

11 Q Did you have copies of resumes?

12 A No.

13 Q All right. How old was Brenda Wood?

14 A How what, pardon me?

15 Q Old. How old age-wise?

16 A I'm guessing she was 30 or 31.

17 Q Was she married to your knowledge?

18 A Yes.

19 Q Okay. When the Mayor stated to you that he was
 20 selecting Brenda Wood, did he describe the basis for
 21 which he believed Brenda Wood would be a better
 22 choice to you?

23 A No.

24 Q Did you ever explain to the Mayor why, specifically
 25 on what basis you felt Brenda Wood was more

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1 that.

2 Q About that meaning what?

3 A That Brenda was the logical person to fill that job
 4 because she had been working as Mike Dawson's
 5 understudy, backup.

6 Q Did you ever describe for the Mayor what aspects
 7 Marilyn Figueroa could not handle if she were to be
 8 appointed to that position?

9 A No.

10 Q All right. Did the Mayor make any comments about
 11 what if any problems Marilyn would have had had she
 12 been appointed to that position?

13 A He -- and I can't remember if he said it or I said
 14 it. It came up in the discussion that some of
 15 Marilyn's relationships with the aldermen had been
 16 confrontational. That was the word that was used.

17 Q You held this discussion with the Mayor in early
 18 January or February of 1999; correct?

19 A Well, it would have been after -- it certainly would
 20 not have been in January.

21 Q When was it?

22 A Well, Dawson didn't let us know she was leaving
 23 until sometime in February so it would have been
 24 February or even March.

25 Q Okay. Anything else that you and/or the Mayor may

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1 have discussed with respect to Marilyn Figueroa?
 2 A Not that I can recall.
 3 Q All right. At what point during the early part of
 4 1999, at what point did you notify Ms. Figueroa that
 5 she was not being selected for the Brenda Wood
 6 position?
 7 A Sometime in early March I think.
 8 Q And right after you notified Marilyn Figueroa, I
 9 believe you testified that she never threatened to
 10 file any kind of complaint?
 11 A That's correct.
 12 Q All right. From March until the time she resigned
 13 the first time, which I believe you stated occurred
 14 late in the summer?
 15 A No.
 16 Q When did she resign?
 17 A I said in March.
 18 Q In March. Did Marilyn Figueroa continue to come to
 19 work after you talked to her?
 20 A You mean after she came back following her
 21 resignation? She did come to work although there
 22 were some days when I never saw her.
 23 Q Did there come a time when Marilyn was absent for
 24 more than five days?
 25 A Yes.

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1 Q And do you remember how many times?
 2 A One period comes to mind.
 3 Q Which period?
 4 A Well, I can't put an exact month on it. I'm
 5 guessing it was in -- I'm guessing it was in May or
 6 June.
 7 Q And she was gone for one week?
 8 A I remember it as longer than a week.
 9 Q Okay.
 10 A I think it was at least two weeks, but I couldn't
 11 tell you how long it was.
 12 Q And did she notify you that she was going to be gone
 13 for two weeks?
 14 A No, she did not.
 15 Q To your knowledge did she notify the Mayor?
 16 A Not to my knowledge.
 17 Q Did you ever try to contact Marilyn to find out what
 18 the story was?
 19 A I don't think I called Marilyn. It was not
 20 completely unusual for there to be a day or two when
 21 Marilyn didn't come to the office.
 22 Q What about others?
 23 A Other people?
 24 Q Yes.
 25 A No, no one kept a schedule like that.

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1 Q During that time when she was gone for a period of
 2 time, did you send a request for any information,
 3 demand an explanation?
 4 A Yes. Marilyn had an intern assigned through I
 5 believe the Department of Employee Relations to work
 6 for her. The person was working more or less
 7 full-time in her office.
 8 Q Who was that?
 9 A Well, it changed over time. For a while it was a
 10 woman named Krista Gallagher. For a while it was a
 11 guy. I don't remember these names. But I would
 12 walk into her office. Marilyn wouldn't be there but
 13 the intern would be there and I'd say, well, have
 14 you heard from Marilyn today and the intern would
 15 say yes or no depending on --
 16 Q Let's talk about this period of time when she was
 17 absent.
 18 A For this period of five days or more?
 19 Q Right.
 20 A Yes.
 21 Q What did you do to investigate Marilyn's absence?
 22 A Well, the first day or two I didn't think anything
 23 of it. Then I began to ask around in the office,
 24 had anybody, did anybody know where Marilyn was.
 25 While I was doing this the intern came to me, and I

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1 don't remember his name but this was a young man and
 2 he said, Marilyn is on sick leave. And I said, have
 3 you talked to her, and he said, yes, but she's going
 4 to be out for a while.
 5 I didn't ask him detailed questions about
 6 whether he knew what -- I mean I figured a person's
 7 medical business is their business and if a person
 8 is on sick leave and if they have it, then it's
 9 fine. So I didn't interrogate him as to, you know,
 10 what was the diagnosis or what was the situation. I
 11 just let it go.
 12
 13
 14
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 16
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 18
 19
 20
 21
 22
 23
 24 Q Now, are we talking about 1999?
 25 A Yeah, I'm pretty sure.

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1 Q During this entire period of her absence did you
2 consult with Mayor Norquist?
3 A I think he asked me something like have you heard
4 anything about Marilyn, and at that point I said
5 something like, well, she's had some kind of surgery
6 but she's all right.
7 Q Did he instruct you to do anything?
8 A No.
9 Q During this entire two week and a half absence did
10 you demand that Marilyn provide any type of medical
11 records?
12 A No.
13 Q Did the Mayor ask you to request medical records?
14 A No.
15 Q Did you consult with employee relations?
16 A No.
17 Q How was her absence handled paperwork-wise?
18 A Because no one came to me and -- none of the
19 clerical people who handle payroll, no one came to
20 me with a question, my assumption was and still is
21 that Marilyn had sick leave coming to her and she
22 simply utilized it.
23 Q What was your understanding of the sick leave policy
24 at the time?
25 A That an employee earned a half a day per pay period

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1 and could accumulate carryover time from year to
2 year.
3 Q Do you know how much sick leave Marilyn had
4 accumulated after that point?
5 A I had no idea.
6 Q Did you ever check that?
7 A I did not.
8 MR. ARELLANO: Okay. Let's go off
9 the record.
10 (Discussion held off record)
11 (Recess)
12 Q You testified, Mr. Rowen, that you received
13 complaints about other staff members in addition to
14 the complaints that you received against
15 Ms. Figueroa; is that correct?
16 A Yes.
17 Q Tell me some of the individuals that complained
18 about Ms. Figueroa first.
19 A Well, Ruth Wytenbach complained often that she
20 couldn't reach Marilyn.
21 Q Who else?
22 A Brenda Wood and Marilyn had had a verbal fight on a
23 day when I was not in the office so I heard from
24 Brenda Wood about that. On several different
25 occasions, and this is in 1999, Steve Jacquart and

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1 Jeff Fleming and Ruth Wytenbach expressed a belief
2 that Marilyn wasn't working hard enough or regular
3 hours, she wasn't pulling her own weight. So I
4 would hear this from time to time.
5 Q Anything else?
6 A Let me think. That's all that comes to mind.
7 Q All right. What about the council member that
8 complained about Marilyn Figueroa? Go ahead.
9 A Alderman Murphy complained that his staff aide had
10 been called on City time by Marilyn soliciting a
11 contribution for an aldermanic candidate and he was
12 upset about that.
13 Q Anything else?
14 A Not that I recall.
15 Q Who was the candidate in question?
16 A I don't remember the campaign. It was an aldermanic
17 campaign. It was a candidate who was either running
18 against Alderman Frank or Alderman Witkowiak at the
19 time.
20 Q Was that Mr. Pedro Colon?
21 A No.
22 Q All right. Is that the only complaint that you
23 received from Mr. Murphy?
24 A Yes.
25 Q All right. Any other council member?

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1 A No.
2 Q All right. I believe you testified that you
3 discussed this complaint from Mr. Murphy with
4 Marilyn Figueroa?
5 A Yes.
6 Q When did you do that?
7 A As soon as I got off of the phone with
8 Alderman Murphy.
9 Q What did you tell her?
10 A I told her that she could not make those kinds of
11 calls on City time and that she knew that.
12 Q Do you know anyone that has ever made phone calls
13 during working hours on behalf of Mayor Norquist?
14 A No, I don't.
15 Q Okay. What did Marilyn say in response to your
16 instructions?
17 A I don't really remember. She agreed that she
18 wouldn't do that anymore.
19 Q I suspect by your statements you're alluding to the
20 fact that you believe she admitted making those
21 calls?
22 A Yes.
23 Q What did she say?
24 A I don't really remember. I'm sorry. She did not
25 deny that she made the call.

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1 Q All right. Well, let's go now with the staff
2 assistants who filed complaints about Marilyn
3 Figueroa, one being Ms. Ruth Wytenbach; correct?
4 A Yes.
5 Q She told you that she had problems reaching
6 Marilyn Figueroa?
7 A Yes.
8 Q Correct? Was Marilyn Figueroa required to -- strike
9 that. Was this a specific work schedule in place
10 for Ms. Figueroa?
11 A No.
12 Q Was she supposed to report at any point?
13 A No.
14 Q Okay. Did you discuss this -- I believe you
15 testified that you discussed this particular
16 complaint with Mayor Norquist? That was your
17 testimony.
18 A Not a specific complaint from someone like Ruth
19 Wytenbach. At some point I simply expressed to the
20 Mayor that people were unhappy with Marilyn.
21 Q Did you ever tell him that they were unhappy because
22 she could not be reached?
23 A I think I said to him that people were complaining
24 that Marilyn wasn't pulling her own weight or
25 pulling enough weight around the office.

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1 Q And what did the Mayor -- You already told me what
2 the Mayor responded; correct? Can you resolve this
3 thing or are you --
4 A Yeah, the Mayor -- the Mayor also said to me, he
5 defended Marilyn. He said why -- he said, I'm tired
6 of people in the office complaining, you know, why
7 don't people just do their own work, and he also
8 said, Marilyn is the only person who is out there
9 defending me. She's the only person out there
10 that's fighting for me. And so I didn't bring
11 him -- I wasn't going to bring him anymore
12 complaints.
13 Q Did the Mayor ever share with you any information as
14 to Marilyn's whereabouts?
15 A No. I never asked him either.
16 Q If during a working time you would have discovered
17 that the Mayor was keeping Marilyn from coming to
18 work as a result of his sexual exchanges, do you
19 believe that would be proper working practices?
20 A Can you say that again?
21 MR. ARELLANO: Sure. Would you
22 read that?
23 MR. TOKUS: I'm going to object to
24 the form of the question and also about this
25 man's ability to make those judgments.

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(Question read)
2 A No. That would be improper working practices.
3 MR. ARELLANO: Off the record.
4 (Discussion held off record)
5 Q When Mr. Fleming and Ms. Wytenbach accused Marilyn,
6 including Mr. Jacquart, accused Marilyn of not
7 "carrying her weight," did they explain to you in
8 detail what they meant by that?
9 A No.
10 Q All right. Isn't it true, Mr. Rowen, that each and
11 every staff assistant had a specific assignment for
12 the Mayor?
13 A I think it would be correct to say that each staff
14 assistant had a set of assignments.
15 Q So if Marilyn was assigned to certain areas,
16 Mr. Fleming and/or Ms. Wytenbach wouldn't have a
17 way of knowing whether or not she was working unless
18 she was asked to produce a report on her activities;
19 correct?
20 A Well, or had tried to reach her.
21 Q All right. Did the Mayor ever disclose to you that
22 from time to time he would ask Marilyn to call sick?
23 A To what?
24 Q To call sick?
25 A No.

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1 Q All right. Very good. Have you told me everything
2 about the complaints you received against Marilyn
3 Figueroa?
4 A Well, I would just like to add that most of the time
5 I just deflected this criticism.
6 Q It wasn't that significant to you?
7 A I would say to people, just, I don't want to talk
8 about Marilyn. Just you do your work, I'll do my
9 work. I don't want to hear this.
10 Q Mr. Rowen, would it be fair to say that if Marilyn
11 spent substantial time with the Mayor, eventually
12 her failure to be at the office when she was
13 required to be or her failure to be reachable would
14 affect the terms and conditions of her employment?
15 MR. TOKUS: I'm going to object to
16 that question because frankly I can't understand
17 it.
18 MR. ARELLANO: Let me ask you to
19 read it again. I'm losing my voice.
20 (Question read)
21 MR. TOKUS: Did you understand the
22 question in all of its directions?
23 A The problem I have with the question is in that
24 first 10 or 15 words.
25 Q My question is if Marilyn Figueroa is spending time

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1 with the Mayor during periods of time when she's
2 supposed to be at work or when she's supposed to be
3 within a phone call, that certainly creates problems
4 for her in the office; correct?

5 A I don't want you to think I'm argumentative and I'm
6 not an attorney.

7 Q No, let me just tell you this, did you understand my
8 question, sir?

9 A I think I understand what you mean.

10 Q Well, I want you to listen to the question one more
11 time, and I want you to answer it to the best of
12 your ability. All right.

13 MR. TOKUS: But only if you
14 understand the question.

15 (Question read)

16 A Yes.

17 Q It creates tension; correct?

18 A I can't answer it like that, Mr. Arellano. It
19 presumes that I know why she's not at the office.

20 Q That wasn't my question, sir. Regardless of whether
21 or not you knew or didn't know, the fact that
22 Marilyn Figueroa was not within reach, that created
23 a problem at work for her, true, regardless of what
24 you knew?

25 A Yes.

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1 Q The fact that she was not devoting her time on her
2 work as perceived by her co-workers?

3 A As they saw it.

4 Q Correct, as perceived, that created problems for her
5 at work?

6 A Yes.

7 Q Tell me some of the complaints that you received
8 from staff members against other staff members not
9 including Marilyn Figueroa.

10 A People felt that Roland Perry was not doing a
11 follow-through with his work, his staff work.

12 Q Anything else?

13 A Not that I --

14 Q Any other staff member that was subject to
15 complaints and/or criticism?

16 A Not -- let me just go down the hallway. Well, there
17 were -- Now, is this during the time when I'm Chief
18 of Staff?

19 Q Correct.

20 A Okay. No, I don't remember any.

21 Q What about after you left or before?

22 A There were complaints about Steve Taylor.

23 Q What kinds of complaints?

24 A That he was not accurately representing the Mayor's
25 views on issues in public.

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1 Q Was that a serious problem?

2 A Yes.

3 Q Anything else?

4 A Not that I can remember.

5 Q Going back to the appointment of Brenda Wood, I
6 believe that you testified that you shared with the
7 Mayor I believe before Marilyn indicated any
8 interest in the position that she had somewhat been
9 trained or prepared to take after Michael Dawson's
10 position; correct?

11 A Correct.

12 Q And that you felt that she was a very senior
13 employee. Did I --

14 A Ms. Dawson.

15 Q Correct.

16 A You mean Ms. Dawson being a senior employee, yes.

17 Q Okay. Was seniority a factor that you felt was
18 important?

19 A Well, by senior I meant she had long tenure, and I
20 think she was the oldest person in the office too.

21 Q So in answer to my question, seniority was important
22 to you?

23 A Seniority has some importance to me, yes.

24 Q Did you ever report to anyone that you felt
25 Marilyn's seniority made her a candidate for

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1 reclassification?

2 A I think I did.

3 Q Who did you tell that to?

4 A I think I told Marilyn that.

5 Q Did you tell that to anybody else?

6 A I might have expressed that to DER.

7 Q Who did you talk to in DER?

8 A I know I talked to Al Weber, but I don't know if it
9 was to him that I said this. I just, I don't have a
10 complete recollection, just kind of an impression
11 that I have.

12 Q Was the reclass -- strike that. The
13 reclassification attempt of Marilyn Figueroa, was
14 the reclassification that you initiated on her
15 behalf, was that equal -- would it have been equal
16 in pay to the position that Brenda Wood got,
17 received earlier?

18 MR. TOKUS: I think for the record
19 I will state an objection that that's not the
20 state of the record because he waffled in terms
21 of whether he ever made a recommendation as to
22 the class, as to the pay class.

23 MR. ARELLANO: Your recommendation
24 is noted. Your description of this gentleman's
25 response is unneeded, unnecessary and inaccurate.

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1 Let's go, sir.
 2 MR. TOKUS: Well, that makes two of
 3 us, doesn't it?
 4 A Let me just try to delineate here.
 5 Q I guess my question to you is what were you trying
 6 to accomplish with the reclassification?
 7 A Well, I was trying to carry out the wishes of the
 8 Mayor and I was trying to satisfy Marilyn at the
 9 same time but I think at the time Marilyn was making
 10 more money than Brenda Wood, I think.
 11 Q Assuming that Marilyn would have been reclassified.
 12 A Yes.
 13 Q What do you believe her salary increase would have
 14 been?
 15 A I think if she moved from a 7, there is a second
 16 number, for the sake of argument if she moved from a
 17 7 whatever she was to an 8 something, my
 18 understanding of City process is that she would move
 19 to the next -- to the closest salary range above
 20 where she was at so initially there might have only
 21 been an increase of a very few dollars per pay
 22 period. I know that's the way it works. I'm pretty
 23 sure that's the way it works.
 24 Q Were you ever interviewed by Mr. Weber as he was
 25 conducting the reclassification study of Marilyn

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1 Figueroa other than that brief phone conference that
 2 you described?
 3 A I have a recollection of Al Weber sitting in my
 4 office once.
 5 Q Do you recall the nature of --
 6 A I do not.
 7 Q Okay.
 8 A I remember what he looked like. That's all.
 9 Q All right. Was it your suggestion that the position
 10 once it would be reclassified contain some type of
 11 supervisory responsibilities?
 12 A Yes.
 13 Q What type of supervisory responsibility did you
 14 envision?
 15 A I envisioned the position coordinating the other
 16 staff assistants.
 17 Q Did you spend time designing your vision of what
 18 this position would involve?
 19 A Some time, yes.
 20 Q And was there going to be a change in title or
 21 modification of title?
 22 A I think so.
 23 Q What was going to be the title if you remember?
 24 A I think it was going to be senior staff assistant or
 25 staff assistant supervisor, something like that.

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1 Q Did Mr. Bill Christofferson ever share any opinions
 2 with you regarding his views of Marilyn Figueroa's
 3 competence as a staff assistant to the Mayor?
 4 A Yes.
 5 Q When did he do that?
 6 A He did that shortly before, shortly before I left
 7 the office as Chief of Staff.
 8 Q That would have been in late 1999?
 9 A Yes.
 10 Q What did he tell you?
 11 A He told me that he understood that Marilyn and
 12 Brenda were not getting along very well in the
 13 office together and that he had a proposal.
 14 Q Go ahead.
 15 A The proposal would be to satisfy a need that the
 16 campaign, the Norquist campaign had which was to
 17 have a staff liaison on the payroll of the campaign
 18 who could coordinate campaign activities with the
 19 schedule of the Mayor relating to his work as Mayor,
 20 that in each campaign of the Mayor's some person had
 21 worked half-time in the campaign and half-time in
 22 the office serving as this liaison but paid on
 23 campaign time for campaign -- by campaign funds and
 24 on City time for City work and because he understood
 25 that Marilyn was unhappy in the office and that

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1 there had been difficulty with Brenda he was
 2 proposing that Marilyn work half-time in the
 3 campaign and half-time in the office as much to
 4 diffuse the difficulties in the office as it was to
 5 meet the need of the campaign and he asked me what I
 6 thought about that.
 7 Q And what was your response, sir?
 8 A I told him I thought that was a really good idea.
 9 Q Anything else by way of discussions with
 10 Mr. Christofferson involving Marilyn Figueroa?
 11 A I don't recall any.
 12 Q Did you ever discuss that proposal with Marilyn
 13 Figueroa?
 14 A I don't -- I don't think I ever discussed it. He
 15 was going to call Marilyn and broach it.
 16 Q Okay. So let me see if I understand. What
 17 Mr. Christofferson was telling you is that Marilyn
 18 would play the role of staff liaison to coordinate
 19 his campaign activities with the schedule of the
 20 Mayor relating to his work as Mayor?
 21 A Yes.
 22 Q That would obviously require that Marilyn be
 23 constantly on top of every activity the Mayor would
 24 be involved in; correct?
 25 A Not necessarily.

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1 Q Well, she would have to know, if I understand
2 your -- the proposal Mr. Christofferson shared with
3 you, she would have to know how to combine campaign
4 activities with his schedule as the Mayor of the
5 City of Milwaukee; correct?

6 A Yes.

7 Q Did that also include --

8 A And if --

9 Q Go ahead, sir.

10 A I also believe that in -- I wasn't involved in the
11 Mayor's previous campaigns, but I believe it was
12 described to me that the person who did that, who
13 served in this liaison function as the campaign
14 progressed would then move into full-time campaign
15 work. I think I have this right. So that that
16 person then would be temporarily off the City
17 payroll, on the campaign payroll at the same rate of
18 pay, in fact in this case they were going to raise
19 it a little bit so that as the campaign was really
20 up and running, it was -- it would be a full-time
21 campaign job, and then after the campaign, the
22 person would move back onto the City payroll.

23 Q So in essence this person is required to become more
24 intensively involved in the day-to-day political
25 activities of Mayor Norquist?

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1 A Correct.

2 Q All right. And that was the position that was being
3 suggested for Marilyn Figueroa?

4 A Correct.

5 Q All right. And to your recollection you never
6 discussed that proposal that Mr. Christofferson
7 presented to you with Marilyn Figueroa?

8 A I don't remember talking to Marilyn about it.

9 Q All right.

10 A Bill was going to call her, and then I was gone. I
11 was out of the office in October.

12 Q All right. You have testified that you didn't
13 believe Marilyn Figueroa qualified for a
14 reclassification but that you were following the
15 directive of Mayor Norquist back in 1999 when she
16 returned from her short resignation notice; correct?

17 A Correct.

18 Q And at some point you learned that Mayor Norquist
19 disclosed his relationship with Marilyn Figueroa;
20 correct?

21 A Correct.

22 Q Did you make any connection between his desire to
23 reclassify Marilyn Figueroa with that intimate
24 relationship that he described?

25 A Yes.

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1 Q In what manner?

2 A Well, looking back, looking backwards, I assumed
3 that what he was hoping to do was, as he said it to
4 me, figure out a way to keep Marilyn happy, to keep
5 her a satisfied employee at work.

6 Q Did you feel that the Mayor was not honest by
7 failing to disclose his intimate relationship with
8 Marilyn Figueroa once you learned that one had been
9 taking place while you were the Chief of Staff?

10 A Did I feel it was not honest? I wouldn't say it
11 like that.

12 Q Did you feel that he should have told you?

13 A Should have told me, no. Would I have rather he
14 told me, yes. Did I think he owed me that, no.

15 Q Do you think he should have recommended the
16 reclassification in light of what you now know
17 occurred between Norquist and Figueroa?

18 A No.

19 Q Why is that?

20 A Well, I think that's not how jobs are supposed to be
21 classified, if that were a factor.

22 Q All right. When Mayor Norquist suggested the
23 reclassification of Marilyn Figueroa, did he give
24 you any specific reasons or bases for wanting to
25 reclassify Marilyn Figueroa other than to keep her

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1 happy?

2 A Well, he didn't even say -- he didn't even link the
3 two quite that specifically. It was just the
4 arrangement by which she would return to work. It
5 was like she had negotiated something for herself.

6 Q Or he may have negotiated something for himself?

7 A Or he.

8 Q Did you ever conduct performance reviews of Marilyn
9 Figueroa?

10 A No, I did not.

11 Q Of any other employee within the Mayor's office?

12 A I began one with Roland Perry at his request.

13 Q Did you complete that?

14 A No. I --

15 Q While you were the Chief of Staff did anyone ever
16 take a medical leave?

17 A While I was the Chief of Staff?

18 Q Correct.

19 A Did anyone take a medical leave.

20 Q Right.

21 A Well, I did. What do you mean by leave, sick leave,
22 are they out for --

23 Q Yes, medical leave, sick leave?

24 A A single day?

25 Q Let's talk about more than ten days.

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1 A In our world if you're out sick for a day or two
2 people don't really call it leave, they just say
3 that's sick time but leave means something
4 substantial.
5 Q Did anyone take any substantial, other than Marilyn
6 Figueroa, any substantial time due to medical
7 reasons while you were the Chief of Staff?
8 A Let me think. Well, Brenda Wood had a baby and
9 Steve Jacquart took paternity time when his wife had
10 a baby. That's pretty close. I don't think anybody
11 else took more than a day here or there.
12 Q What was your understanding of the sick leave policy
13 for the City of Milwaukee when you were the Chief of
14 Staff for Mayor Norquist?
15 A With regard to?
16 Q People taking sick leave.
17 A If they were sick, they didn't come into work, their
18 sick leave account was drawn down upon. If they
19 were sick and they didn't have any sick leave and
20 there was no disability, if they hadn't bought
21 disability insurance, this never happened I don't
22 think, then they would work -- they would have to
23 work without pay, but I don't think we ever -- I
24 don't think I ever had a situation like that.
25 Q But that was your understanding of the policy?

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1 A Yes.
2 Q Okay. During your period as Chief of
3 Staff, '98, '99, other than Brenda Wood do you
4 recall any other reclassifications or promotions
5 given to any other individual?
6 A Well, I suppose I was promoted from Policy Director
7 to Chief of Staff.
8 Q By the way, other than you and Brenda Wood and the
9 failed attempt to reclassify Marilyn Figueroa,
10 anyone else that you recall was reclassified during
11 your tenure?
12 A Not a reclassification. People were moved around.
13 People got different jobs but not a
14 reclassification.
15 Q By the way, was this the first time that you held
16 the position of Chief of Staff for any political
17 administrator?
18 A With that title.
19 Q Is that correct?
20 A With that title.
21 Q I think you mentioned that you were deputy to some
22 other --
23 A I was Assistant Secretary of State to Vel Phillips
24 and I was Assistant to the Mayor of Madison.
25 MR. ARELLANO: Okay. Let's take a

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couple minutes.

(Discussion held off record).

MR. ARELLANO: Mr. Rowen, I think
we are done with you. If for some reason we
believe that somebody comes up with a different
political spin, we'll give you a call.

MR. TOKUS: That's fair enough.

MR. ARELLANO: But I think we're
not going to call you tomorrow.

THE WITNESS: Thank you.

MR. ARELLANO: And we're done for
today, Mr. Tokus.

(adjourning at 3:20 p.m.)

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1 STATE OF WISCONSIN)
2) ss.
3 COUNTY OF DANE)
4 I, PEGGY S. CHRISTENSEN, a Registered Professional
5 Reporter and Notary Public in and for the State of
6 Wisconsin, do hereby certify that the foregoing
7 deposition was taken before me at the offices of Murphy,
8 Gillick, Wicht & Prachthauser, Attorneys at Law, 303
9 East Kilbourn Street, Suite 1200, City of Madison,
10 County of Dane, and State of Wisconsin, on the 2nd day
11 of April 2002, that it was taken at the request of the
12 Complainant, upon verbal interrogatories; that it was
13 taken in shorthand by me, a competent court reporter and
14 disinterested person, approved by all parties in
15 interest and thereafter converted to typewriting using
16 computer-aided transcription; that said deposition is a
17 true record of the deponent's testimony; that the
18 appearances were as shown on Page 3 of the deposition;
19 that the deposition was taken pursuant to notice and
20 subpoena duces tecum; that said JAMES ROWEN before
21 examination was sworn by me to testify the truth, the
22 whole truth, and nothing but the truth relative to said
23 cause. Dated: April 5, 2002.

Registered Professional Reporter
Certified Shorthand Reporter
Notary Public, State of Wisconsin
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