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STATE OF WISCONSIN CIRCUIT COURT CHIPPEWA COUNTY
BRANCH I

GENEVIEVE SANDERS,

Petitioner,

vs.

MEMORANDUM DECISION
90 CV 433

RECEIVED

WISCONSIN PERSONNEL COMMISSION,

SEP 09 1991

Respondent.

Personnel
Commission

Genevieve Sanders appeals a decision of the Wisconsin Personnel Commission upholding her demotion by the Department of Revenue. Sanders challenges the Commission's factual findings and its use of demotion as a level of discipline. I find that sufficient evidence exists to support the Commission's findings, and that the Commission did not abuse its discretion in determining the appropriate amount of discipline.

Sanders worked as a Property Assessment Supervisor 2 for the Department of Revenue. A subordinate initiated a whistleblower complaint alleging that Sanders allowed political considerations to affect her decision with respect to equalized property in the Town of Washington in Eau Claire County. The Commission, after a hearing, found that the allegation had been proved and ordered Sanders demoted as a consequence.

A review of the transcripts filed with the court shows conflicting testimony. This court may not second guess the trier of fact, in this case the Commission. If sufficient evidence exists in the record to support the findings made, the court must affirm those findings, regardless of the amount of contrary evidence. The hearing examiner heard the

testimony and was in a position to determine the credibility of the witnesses. A reviewing court may not overrule these findings.

The record on file with the court shows sufficient evidence to support the Commission's findings. Specifically, the testimony of Eleanor Wolf is sufficient to uphold the Commission. Other evidence, such as the testimony of John Bell, also supports the Commission's findings. Therefore, the findings are affirmed.

Sanders also challenges the level of discipline imposed. The demotion must be upheld if sufficient reasons were given for the discipline. The Commission has the authority to impose discipline de novo. Sec. 240.44(4)(c), Stats. In its proposed order the Commission set forth its reasons for upholding the demotion. Specifically, the Commission recognized the necessity for the Department of Revenue to remain free the taint of politics and the fact that Sanders' conduct not only violated Department policies, but also subjected the department to potential allegations of improper political considerations in establishing equalized values.

For the reasons set forth, the actions of the Commission are approved.

Dated this 4th day of September, 1991.

BY THE COURT,

RODERICK A. CAMERON
CIRCUIT JUDGE