

# Rough sailing for Shultz at RKLD meeting

By Jeff Brown  
Special to The Reporter

Last Thursday night's meeting of the Rock-Koshkonong Lake District board of commissioners had all the trappings of a high-stakes congressional hearing: mock solemnity, snarky asides, sputtering indignation—even a gauntlet thrown at the feet of Commissioner Justin Shultz by Brian Christianson, the board's president.

Why the drama? Christianson's upset that Shultz, a lawyer from Milton who was appointed to the RKLD board by the Rock County board of supervisors last month, opposes the RKLD's petition to add 7.2 inches of water to Lake Koshkonong during the low-water summer months.

## Lawyer blesses appointment

Until last Thursday's meeting, Christianson questioned whether Shultz' appointment was even legal. He said it was the first time in the 16-year history of the RKLD that the county board had appointed someone other than a county board supervisor to the RKLD board. He also complained that Shultz doesn't own any land inside the RKLD's boundaries.

But Bill O'Connor, the RKLD's lawyer, told Christianson those facts are irrelevant. Why? Because the legislature recently changed the relevant state law and removed a requirement that any county appointee to a lake district board be either a county supervisor or a lake district landowner.

"I believe Mr. Shultz was lawfully appointed," O'Connor said. "There's no longer any qualification for that appointment other than the person be nominated by the land conservation committee of the county. The person could be a resident of California or Canada."

"Well, Justin, welcome to the board," Christianson said curtly. "You heard the legal opinion." They were the last kind words Shultz heard for an hour-and-a-half.

## "I take offense at that"

After Shultz said he was happy to be a member of the RKLD board, Christianson asked the other commissioners whether they had any questions for Shultz. They did.

Commissioner Steve Proud told Shultz he was upset about a quote from Shultz in an article in *The Janesville Gazette* on Dec. 8. In the article, Shultz said "a number of sitting board members are tied to business interests and affiliations that stand to gain from higher water."

"Do you know what I do for a living—do you know what Andy does, what Ray does, what Joan does, what Brian does?" asked Proud, naming four of his fellow commissioners. Shultz said he wished *The Gazette* hadn't used the quote.

But, said Shultz, "y'all have

## SHULTZ/RKLD

had this lawsuit going for ten years and you're going to tell me you don't have anything to gain by it?"

"I would like you to tell me how I have personal gain, how anybody here has personal gain, from the state awarding what we've asked for," Proud said. "Where does the personal gain come from?"

Before Shultz could answer, Commissioner Ray Lunder jumped in.

"You can't believe we'd be doing this unless there was personal gain for us? I take a little offense at that."

"I take a lot of offense at that," Proud said. "I work my butt off here."

Lunder said the RKLD had pursued the lawsuit against the DNR because it was what the majority of RKLD electors wanted, as proved by votes taken at multiple RKLD annual meetings.

"It's not because Steve's going to gain, Jim's going to gain, I'm going to gain."

"The interests behind the lawsuit are not my interests," Shultz said. "I don't..." His voice trailed off.

## "Kangaroo court"

Commissioner Jim Bowers said the Shultz quote was a shot at him because he owns a business that services docks on the lake. Then, he turned to face Shultz and asked whether he planned to play peacemaker.

"So you're saying you'll become the liaison to settle this lawsuit? You'll be the go-between between the wetlands association and RKLD? Is that what you'll be?"

"I just want to know what the gain is—can you not answer that?" Proud said.

After a long pause, Shultz spoke.

"I didn't know I was going to be walking into a kangaroo court tonight. I just have different views than you."

Shultz went on to say Bowers owns a marina and would benefit from higher water because it meant bigger boats could traverse the lake. Shultz, whose family owns wetlands along the lake, also said he didn't trust the RKLD's intentions

where wetlands were concerned.

### Inquisition

Christianson told Shultz he and the other commissioners were "trying to figure out 'Why does he want to be on this board?'"

Christianson cited an email Shultz sent to a Sue Josheff, a DNR official, on Nov. 29, five days after Christianson led DNR officials on a tour of the lakeshore and the hydro house at the Indianford dam. In the email, Shultz wrote that higher water would sink wetlands around the lake and impel wetland owners to file a lawsuit.

Shultz said he sent the email to Josheff because he didn't know about the tour with the DNR officials on Nov. 24.

"But you're expressing your opinions and your attitudes toward the last ten years of work that this board has done in a very transparent way," Christianson said. "And now you're the one, sir, that wants to re-litigate this through your public comments in the newspaper and your private emails to the DNR before you had one single meeting with this board."

"I could have had a meeting if I had known about the Nov. 24 tour with the DNR," Shultz said.

Christianson said the DNR tour wasn't an official board meeting. Moreover, he said he posted a notice that a quorum of the board might be present for the tour on the RKLD website.

But Shultz said a notice posted on the website on Nov. 23 mentioned a board meeting, while it was only the day after the tour that the website listed a notice that a quorum might be present at the tour. He showed Christianson the printout of a screenshot to prove his point.

### "Aren't you a lawyer?"

Even if Shultz knew about the Nov. 24 tour, said Christianson, "I wasn't prepared to accept your nomination at that point. I wanted to talk to legal counsel first."

"So that Rock County considered me their representative was irrelevant to you?" Shultz said.

"Not without legal counsel,"

Christianson said. "Aren't you a lawyer? You know that, right? Are you a lawyer? Are you in good standing with the Wisconsin bar?"

"Yes," Shultz said.

"Then you should know that," Christianson said.

Next, Proud said he didn't recall Shultz ever attending an RKLD board meeting or any of the last five annual meetings.

"Do you have a photographic memory, sir?" Shultz said.

"No—we have sign-in sheets," fired back Christianson.

Shultz said he attended RKLD meeting when he was a teenager but hadn't been to any in the last five years because he was away at school.

"It's just peculiar that all of a sudden you have this interest in the lake district and you're related to people who were in litigation against the lake district," Proud said. In 1982 Shultz' grandfather Charles Shearer brought the lawsuit that led the DNR in 1991 to issue the order setting the current water levels on Lake Koshkonong.

### "You're not all you say you are"

As the meeting wore on, Christianson continued to harp on Shultz' email to Josheff.

"There are concerns here about these private emails you sent to the DNR staff. You're not all you say you are."

Proud piled on, saying that by appointing Shultz the Rock County board of supervisors "has smacked tourism in the face."

"You didn't want me here because I disagree about high water," Shultz told Christianson. "All I wanted to do was come here and be the ears and eyes for the county."

But Proud said Shultz' mention of a lawsuit by wetland owners meant he was representing their interests on the board instead of the county's interests.

"So as the Rock County designee you're threatening to sue the lake district?"

### "I'm just getting started"

Christianson persisted in grilling Shultz about his email to the DNR, Shultz asked "How long are you going to beat up on me here?"

"I'm just getting started," Christianson said.

Christianson mentioned another email, dated Dec. 3, in which one DNR official asked another DNR official how the state could threaten to revoke the RKLD's classification as a taxing authority if it turned out Christianson failed to properly notice the Nov. 24 tour with DNR officials.

"This is how misinformation works its way up the chain of command—we have someone at DNR reviewing 'how we can threaten to pull their district taxation classification,'" said Christianson, his voice rising. "A statement that was based on all misinformation ..."

Jesus.

"This is not the wetlands club—we're a statutorily created unit of local government. To make accusations that get fed to the DNR that say 'Hold the district's taxation classification. . .'" Christianson sighed.

### Crucifixion?

When Christianson opened the meeting to public comment, Schultz' father Ted Shultz rose and stuck up for his son.

"I'm just proud he's here. Justin's studied a lot I think he'd make a worthy contribu-

tion to this board I think y'all could benefit without crucifying him too much. He's learning and y'all might learn something from him because he's a just, honest, good person."

As the meeting neared the ninety-minute mark, Christianson said Schultz' opinions would be easier to take if he was an elected member of the board of commissioners, as the other six commissioners are. Then, he issued a challenge to Schultz.

"Face the voters, face the taxpayers. Being a protected

person because you're appointed by the Rock County board is not the right way to do this. Will you give up your appointed post and run for an elected position on the lake district board at the annual meeting?"

Shultz said he would consider addressing the electors at the annual meeting but couldn't consider resigning without talking to county officials first.

"You have to shoot straight with us," Christianson said. "You haven't done it."



Brian Christianson, president of the Rock-Koshkonong Lake District board of commissioners (center), grills Commissioner Justin Shultz (back to camera) during the board's meeting last Thursday night as Commissioner Ray Lunder (left) and Bill O'Connor (right), the RKLD's lawyer, look on.

Photo by Jeff Brown