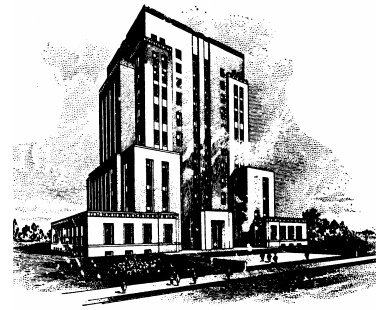


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RACINE COUNTY COURTHOUSE

February 26, 2008

The Honorable Joseph F. Bellante, Jr.  
Chair, Health & Human Development Committee  
Racine County Board of Supervisors  
730 Wisconsin Avenue  
Racine, WI 53403

Dear Chairman Bellante:

I am writing to clarify some misstatements contained in the February 23<sup>rd</sup> letter (*attached*) sent to you by Supervisor Lange and in her public comment statement to the Health & Human Development Committee at its February 25<sup>th</sup> meeting.

As you know, Supervisor Lange has long complained about the fact that, since 2004, Ridgewood Care Center has contracted for laundry services with Superior Health Linens (hereinafter "Superior"). Her February 23<sup>rd</sup> letter focuses on a contract the county entered into with Superior in September 2007. That contract was awarded to Superior after a competitive bid process in which Superior was not only the lowest of three bidders, but was also favored by Ridgewood because of the quality of its performance from 2004 onward.

Supervisor Lange complains that, as originally signed, the 2007 contract contained an implicit statement that Superior is accredited by the Healthcare Laundry Accreditation Council (HLAC), a non-profit organization that certifies laundry services that voluntarily request it. That much is correct. Although Superior may be seeking such accreditation, it is not currently accredited. The contract has since been amended to eliminate the implication that it has this voluntary accreditation.

Supervisor Lange's letter states, "There is a disturbing pattern of events that begins with Superior's implicit misrepresentation on the original contract about its adherence to linen standards ...." In her statement to the Health & Human Development Committee, she went further, stating that Superior had made a misstatement in its *bid*. That is simply not true. The HLAC accreditation was not an issue during the contract award process. The Request for Proposals (RFP) said nothing about HLAC accreditation, and Superior's bid said nothing about it, either. Interestingly, the other prospective vendor mentioned by

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And to Achieve and Sustain a High Quality of Life for Present and Future Generations.*

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Supervisor Lange (known as “HLS”) apparently did not consider its HLAC accreditation very important, because it omitted any mention thereof in its bid, as well.

Supervisor Lange states that, on January 11, 2008, she emailed me, as well as the Chief of Staff, expressing her concerns about this accreditation matter. She also states that, five days later, I “appeared to suddenly sign an amendment to the contract with Superior Health Linens that removed the HLAC certification requirement [sic].” At the Health & Human Development Committee meeting last night, she even asserted that I had drafted the amendment.

Here again, Supervisor Lange is wrong on the facts. These are the facts:

- There is not, nor has there ever been, a “requirement” that Superior have HLAC accreditation. Under the contract, Superior is required to comply with all relevant health and environmental regulations, but it need not be accredited by a voluntary, non-governmental entity. Supervisor Lange’s suggestion that there ever was such a requirement in the contract, shows that she also fails to understand contract law.
- I did not draft the amendment, or any other amendment. It was drafted by Superior and the first time I read the document was after it was approved by the Finance Department.
- I reviewed the amendment, as I review virtually all other contracts for the county, in the normal course of business. This amendment had been received by us on or about December 14, 2007 and was reviewed by the Finance Director and returned on December 19th. An important reason, beyond its immateriality, why I did not review it earlier than January 16<sup>th</sup> was my absence from the office while recovering from knee surgery just before New Year’s Day.

Supervisor Lange further states:

It is also deeply troubling that County Executive McReynolds and Mr. Lehman signed the amendment, particularly *after* I began to raise questions about Superior’s accreditation. They have, for reasons unknown, agreed to change Superior’s contract rather than insisting that nursing home residents receive linens from a company in which we can have confidence about their ethics, regard for the law, and their linens.

Here again, one can only observe that Supervisor Lange understands very little about contract law and perhaps not much about the law of defamation.

- It is true that the contract amendment was signed by the County Executive and by the County Clerk on a date after she raised her question about the immaterial issue of Superior’s lack of accreditation by HLAC. At the risk of being repetitive, let me state clearly: HLAC accreditation was not mentioned in the RFP, it was not

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mentioned in Superior's bid, it was not a condition of eligibility to bid, and it is not the measure of whether Superior is doing a good job for the county. The amendment did not change the substance of the contract in any way whatever.

- More problematic is her characterization of Superior as not being "a company in which we can have confidence about their ethics, regard for the law, and their linens." Ridgewood staff, like the executive branch generally, has confidence in the quality of service provided by Superior. We are unaware of any reason to doubt Superior's ethics or regard for the law. We can only infer that Supervisor Lange believes that she has evidence to support her disparagement of Superior's ethics and regard for the law. Those are serious allegations to make without proof and I am confident that Superior's corporate office will be interested in what, if any, supporting documentation that she may have.

Finally, Supervisor Lange complains that neither the Chief of Staff nor I responded to her emailed concerns. The statement is correct. What is not correct is the implication that her emails merited a response of any kind, much less action in furtherance of her unfounded complaints. As you know, I discussed this matter with you, as chairman of the H&HD committee, on at least two occasions prior to my certifying the Superior amendment.

Supervisor Lange is a member of the County Board of Supervisors. She is not, however, a member of either of the committees that might have oversight of this issue - the Health & Human Development Committee or the Finance & Human Resources Committee. Nor does this matter involve an individual concern on the part of one of her constituents. In short, while her communication to the Chief of Staff and me might have been of interest, it was not one to which the executive branch was bound to reply. What is more important, whatever authority the County Board or a cognizant committee might have to provide policy guidance to the executive branch, a solitary supervisor has no authority to direct executive branch action.

Let me conclude by saying that this is the second time in less than two years that Supervisor Lange has publicly discredited my professional reputation to the County Board. In the each instance, despite the lack of a proper foundation of facts, she has publicly questioned my ability to provide ethical legal counsel to the County Board. That is a matter that I will be addressing with County Board Chairman Miklasevich.

Very truly yours,

**RACINE COUNTY CORPORATION COUNSEL**

Jonathan F. Lehman

Cc: Members of the County Board of Supervisors