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BURLINGTON

Revenue from Aurora falls short

Tax dollars coming in, but taxable value well below 2014 projection

SCOTT WILLIAMS
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BURLINGTON — Instead of hitting the property tax rolls with a truckload of new money, Aurora Health Care's newest medical center is arriving with more of a wheelbarrow.

After eight years in a special taxing district to pay off the cost of developing its property on the western edge of town, Aurora is becoming a regular taxpayer for

the city, school district and others.

But what was once thought to be a future property tax revenue gusher has turned out to be a relative trickle.

The 70-acre property at 709 Spring Valley Road has a taxable value of \$9.7 million — less than one-fourth of the value that was projected in 2014 when Aurora announced plans for the outpatient medical center, and sought government assistance on the project.

Instead of reaping nearly \$800,000 a year in new revenue from the medical center, the City of Burlington and other taxing entities will divvy up less than \$200,000 a year.

"Whatever they told us didn't pan out,"

city Finance Director Steve DeQuaker said.

Aurora Health Care, known as Advocate Aurora Health since a 2018 merger, declined to comment about the property tax issue in Burlington.

Regional President Lisa Just and other company officials could not be reached for comment. A spokeswoman instead issued a written statement only that the company has agreed to pay property taxes as part of the deal for building the new medical center.

"We have been proud to serve this community," the statement said. "We have a

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SCOTT WILLIAMS, SCOTT.WILLIAMS@JOURNALTIMES.COM

Located at 709 Spring Valley Road in Burlington, the Aurora Health Care medical center that opened in 2016 is valued at less than one-fourth the taxable value forecast when the project was proposed.

MAKE YOUR OWN ICE CREAM



RACHEL KUBIK, RACHEL.KUBIK@JOURNALTIMES.COM

Eliza, 8, chops ingredients, folding them into a liquid ice cream, on Friday afternoon at Paparazzi Ice Cream Shop, 5121a Douglas Ave., Caledonia. Behind her, Paparazzi owner Clarissa Green assists. The business held two Roll-Your-Own Ice Cream classes on Friday at its Caledonia location in which customers could participate. **LOOK:** Meet the family behind Paparazzi Ice Cream Shop. To see photo gallery, point your smartphone at the QR code, then tap the link. [NEWSVU](#)

ELECTION PROBE

Assembly has spent \$160K on lawsuits

MITCHELL SCHMIDT
Lee Newspapers

MADISON — The state Assembly has spent more than \$160,000 in taxpayer funds to defend against multiple lawsuits related to the GOP-ordered review of Wisconsin's 2020 election.

Invoices provided to Lee Newspapers through a public records request detail payments to attorneys representing the state Assembly and Speaker Robin Vos, R-Rochester, as part of several ongoing lawsuits related to former state Supreme Court Justice Michael Gableman's review.

The invoices pertain to

Please see LAWSUITS, Page A7



LOOK: To see the invoices provided to Lee Newspapers through a public records request, point your smartphone camera at the QR code, then tap the link. [NEWSVU](#)

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Nurses: Guilty verdict for mistake could cost lives

TRAVIS LOLLER
Associated Press

NASHVILLE, Tenn. — The moment nurse RaDonda Vaught realized she had given a patient the wrong medication, she rushed to the doctors working to revive 75-year-old Charlene Murphey and told them what she had done. Within hours, she made a full report of her mistake to the Vanderbilt University Medical Center.

Murphey died the next day, on Dec. 27, 2017. Late last month, a jury found Vaught guilty of criminally negligent homicide and gross neglect.

That verdict — and the fact that Vaught was charged at all — worries patient safety and nursing groups that have worked for years to move hospital culture away from cover-ups, blame and punishment, and toward the honest reporting of mistakes.

The move to a “Just Culture” seeks to improve safety by analyzing human errors and making systemic changes to prevent their recurrence. And that can’t happen if providers think they could go to prison, they say.

“The criminalization of medical errors is unnerving, and this verdict sets into motion a dangerous precedent,” the American Nurses Association said. “Health care delivery is highly complex. It is inevitable that mistakes will happen. ... It is completely unrealistic to think otherwise.”

Just Culture has been widely adopted in hospitals since a 1999 report by the National Academy of Medicine estimated at least 98,000 people may die each year due to medical errors.

But such bad outcomes remain stubbornly common, with too many hospital staffers convinced that owning up to mistakes will expose them to punishment, according to a 2018 study published in the American Journal of Medical Quality.

More than 46,000 death certificates listed complications of medical and surgical care — a category that includes medical errors — among the causes of death in 2020, according to the Centers for Disease Control and Prevention’s National Center for Health Statistics.

“Best estimates are 7,000-10,000 fatal medication errors a year. Are we going to lock them up? Who is going to replace them?” said Bruce Lambert, patient safety expert and director of the Center for Communication and Health at Northwestern University.

“If you think RaDonda Vaught is criminally negligent, you just don’t know how health care works,” Lambert said.

Murphey was admitted to the neurological intensive care unit on Dec. 24, 2017, after suffering from a brain bleed. Two days later, doctors ordered a PET scan. Murphey was claustrophobic and was prescribed Versed for her anxiety, according to testimony. When Vaught could not find Versed in an automatic drug dispensing cabinet, she used an override and accidentally grabbed the paralyzing drug vecuronium instead.

Such mistakes often end up in malpractice lawsuits, but criminal prosecutions are rare. After Vaught was charged in 2019, the Institute for Safe Medical Practices issued a statement saying it had “worrisome implications for safety.”

Lawsuits

From A1

lawsuits directly involving Vos and the Assembly and include more than \$160,000 paid to attorneys between October of last year through early March. The largest amount relates to a lawsuit Democratic Attorney General Josh Kaul filed to block Gableman from



Vos



Gableman



Spreitzer

interviewing Wisconsin Elections Commission officials in private settings. Those payments were made from the Assembly’s budget, which is funded by taxpayer dollars, and are in addition to the \$676,000 in taxpayer funds already allocated to Gableman’s effort. Attorney payments for additional ongoing lawsuits filed by or against Gableman were not available, but would come

out of the former justice’s contract. It’s unclear how much of Gableman’s contract has already been spent.

“Whether this is part of Gableman’s contract or other Assembly funds, it’s all taxpayer money,” said Rep. Mark Spreitzer, D-Beloit, who sits on the Assembly elections committee. “So the bottom line here is that even more taxpayer money is being spent on Mike Gableman’s investigation and on defending Speaker Vos from his violations of open records law, where he’s currently being held in contempt of court.”

Vos hired Gableman last summer to lead the review, which has missed multiple deadlines due in part to litigation brought by local and state officials challenging the former justice’s ability to demand private, in-person interviews as part of the probe.

July hearing set

In a sign that the one-party review is far from over, Waukesha County Circuit Judge Ralph Ramirez on Friday scheduled a July 11 hearing in a case to decide if Gableman has the authority to demand that the mayors of the state’s five largest cities and other officials be jailed for not cooperating with his subpoenas. Several mayors, including Madison Mayor Satya Rhodes-Conway, have said they are willing to meet with Gableman, but not behind closed doors.

Vos directed questions regarding the invoices and ongoing lawsuits to his spokesperson Angela Joyce, who did not respond to requests for comment this week.

Gableman has issued subpoenas to local and state election officials, the mayors of the state’s five largest cities and two companies that make vote-counting systems, Election Systems & Software and Dominion Voting Systems. Many of the subpoenaed parties have rejected Gableman’s requests for in-person meetings or documents, while the former state Supreme Court justice has also withdrawn some requests, including one filed with immigrant rights group Voces de la Frontera Action.

At the same time, Vos said last week he was “seriously considering” rescinding subpoenas issued by Gableman so that a Republican attorney general if elected in November could file criminal charges against the subpoenaed individuals. He did not provide

specifics on what criminal charges could be pursued.

Vos has already extended Gableman’s contract through the end of April, but backing off on subpoenas could drastically shorten the ongoing review. The new contract maintains Gableman’s existing budget, but does allow for the possibility of adding funds to cover the costs of legal battles related to the probe.

“The only way this doesn’t go a long time past April 30 is if the speaker ends it and he has the power to do that today,” Spreitzer said. “There’s absolutely no reason to spend even the remaining month of this contract wasting taxpayer money.”

So far, the Assembly has paid more than \$141,000 — including more than \$69,000 to Indiana lawyer James Bopp and almost \$73,000 to the Law Firm of Conway, Olejniczak and Jerry in Green Bay — in a lawsuit filed by the Wisconsin Elections Commission and the agency’s nonpartisan administrator, Meagan Wolfe, against Gableman’s demand for a private, in-person meeting with Wolfe. Kaul said in court filings that such a meeting needs to be conducted in a public setting.

Additional invoices detail more than \$18,000 in attorney payments from the Assembly budget as part of three separate lawsuits filed by liberal watchdog group American Oversight seeking public records related to the probe.

Contempt order

Dane County Circuit Judge Valerie Bailey-Rihn issued an order Wednesday holding Vos and the Assembly in contempt for failing to produce the requested records, which could include deleted or lost text messages and emails.

Vos and the chamber were given 14 days to comply with the judge’s order or each would have to

begin paying a \$1,000 daily forfeiture — costs that could fall to taxpayers. If Vos and the Assembly provide proof they have complied with the state’s public records law, the contempt ruling would be lifted. Vos and the Assembly have also been ordered to pay American Oversight’s legal fees related to the contempt motion.

Vos pushed back on Bailey-Rihn’s ruling Wednesday, saying, “it’s a liberal judge in Dane County trying to make us look bad.”

“I don’t know about you, but when you have deleted emails, how do you get deleted emails back if they’re from Gmail? We already have an expert saying they can’t be done. You have a judge who’s focused on making a name for herself, and that’s all she’s doing,” Vos said.

“We have followed the law,” Vos added. “There is no problem with what we’re doing. It’s really them trying to stop our investigation. This all focuses on them not wanting to get to the truth of what happened in 2020. ... You can’t produce emails that you don’t have.”

A recount, court decisions and multiple reviews have affirmed that President Joe Biden defeated former President Donald Trump in Wisconsin by almost 21,000 votes. Only 24 people out of nearly 3.3 million who cast ballots have been charged with election fraud in Wisconsin.

District attorneys in three counties have already declined to file charges against members of the Wisconsin Elections Commission after Racine County Sheriff Christopher Schmaling requested prosecution after the agency waived laws related to absentee voting in nursing homes in the 2020 election.

Taxes

From A1

longstanding commitment to the Burlington/Walworth community, and we look forward to that continuing.”

The property sits just west of the Racine County/Walworth County line, in a small segment of Burlington that extends into Walworth County.

Aurora Health Care announced in 2014 that the health care provider would invest \$75 million to build the new medical center. The project would transform vacant farmland into an outpatient clinic and office building totaling 160,000 square feet in size, also known as Aurora Health Center-Southern Lakes.

Walworth County land records show that Aurora paid \$2 million to purchase the property.

To spur the development, the City of Burlington and other government entities agreed to create a tax-increment financing district. Such districts capture property taxes in a small geographic area and earmark future revenue temporarily to pay for public improvements helping to advance a development.

In addition to the city, the new district around Aurora’s proposed medical center included the Burlington Area School District, Walworth County and Gateway Technical College.

The partners borrowed \$4.5 million on the municipal bond market and used the money to build roads and install utilities to serve the new Aurora complex.

The deal was based on negotiated projections that the developed property would be worth \$40 million for tax purposes. Other parts of the project worth another \$40 million would remain tax-exempt in accordance with Aurora’s status as a nonprofit corporation.

DeQuaker recalls much discussion surrounding the forecast, including possibly setting the projection much lower at \$20 million in taxable value and \$20 million tax-exempt.

“There were several numbers floating around,” he said.

Not long after the new medical center opened in 2016, it became clear that the property was not meeting expectations.

Walworth County Comptroller Jessica Conley said she made inquiries of both Aurora Health Care administrators and Burlington city officials about why the property value growth was not greater. Conley said she never got a good explanation.

“We don’t know what the reasons are,” she said.

With \$4.5 million in debt to pay back, plus interest, the taxing entities had secured a commitment from Aurora to cover any shortfall in tax revenue. The shortfalls turned out to be substantial.

According to a recent report from Burlington’s financial adviser, the special TIF district generated only \$1.3 million in new taxes. Aurora



MARK FELDMANN, JOURNAL TIMES FILE PHOTO

Employee Lora Dow looks over facilities in 2016 inside the new Aurora Health Care center in Burlington, a project once estimated at 160,000 square feet in size, but now shown as just 45,000 square feet in county tax records.

ended up writing nearly another \$3.5 million in checks over six years so that the special taxing district could pay off its debts.

The Burlington City Council agreed in December to close the TIF district, meaning that the district’s work was done and that future Aurora property taxes would go directly and entirely to the city, schools, county and technical college.

Records of the December meeting show aldermen noted that the medical center property value “fell short of what was expected.” DeQuaker assured aldermen that on any such deals in the future, city staff would verify projections to “make sure numbers are where developers say they are.”

As of 2021, Aurora’s property tax bill on Spring Valley Road is \$191,519 a year. If the property was worth four times more, as projected when the project was announced, the tax bill would be \$766,076.

The revenue is divided so that Burlington Area School District gets 44 cents of every dollar, the City of Burlington gets 35 cents, Walworth County gets 17 cents, and Gateway Technical College gets 4 cents.

Burlington School Superintendent Stephen Plank and other school district officials could not be reached for comment about the Aurora tax issue. District spokeswoman Julie Thomas issued a written statement that the district sees “a number of unknowns” surrounding the financial impact of the health care center.

“At this point, we need to wait to have some final information,” Thomas said.

Gateway Technical College officials also could not be reached for comment.

County tax records show that new construction on the Aurora property totals about 45,000 square feet — not the 160,000 square feet announced in 2014.

Aurora spokeswoman Cheri Mantz would not address the discrepancy and would not provide other data for the Burlington facility. Mantz would only say that including other operations in the

region, Aurora employs more than 500 people and serves 85,000 patients a year.

Burlington city and Walworth County officials both said they are happy to have the new Aurora facility here, despite the shortcomings in tax value.

Neither the city nor the county has set any future budgets based on the flawed tax projections, so there is no lost revenue that other taxpayers will need to make up.

Conley said she is relieved that Aurora was responsible for covering shortfalls in the revenue needed to pay off the \$4.5 million borrowed for the development. She hopes other local government officials take note and require similar safety nets on other projects.

Even at the current level of \$31,000 a year in property taxes, the county is happy to have new revenue coming from a medical center that has brought nearly \$10 million in new value to the county, Conley said.

“It didn’t grow to what was originally estimated,” she said. “But it did grow.”

Before the medical center complex was built, the farmland on Spring Valley Road was valued at about \$120,000.

Burlington City Administrator Carina Walters, who joined the city in 2015 after the Aurora deal was done, said she believes officials would have approved the development and the public assistance even if the property value projections were lower.

Aurora has brought improved health care, job creation and other benefits to the area with its new facility, Walters said.

“Absolutely it’s a quality-of-life issue,” she said.

DeQuaker said the TIF district financing worked out well, too, with the safety net that required Aurora to pay an additional \$3.5 million. That means the district paid off its debts and accomplished bringing nearly \$10 million in new value to the community.

“That’s what it’s all about,” he said. “It’s based on what we have — not what we could’ve had.”



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