

# COMPLAINT FORM

Name Virginia Pease  
Address 466 Lac La Belle Drive, Oconomowoc WI 53066  
Telephone Number 262-490-8482  
E-mail ginnypease1@gmail.com

The Complaint of Virginia Pease  
\_\_\_\_\_, Complainant(s) against  
Lori Boyer, Clerk and Tim Clark, Village President  
\_\_\_\_\_, Respondent, whose  
address is P.O. Box 443, Oconomowoc WI 53066

Virginia Pease  
I, \_\_\_\_\_, allege that:  
see attached - My reply to Boyer (Schick) and Clark Responses

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

~~ON~~ January 8 2021

Date: February

Virginia Pease  
Complainant's Signature

Virginia Pease  
I, \_\_\_\_\_, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Virginia Pease  
Complainant's Signature

STATE OF WISCONSIN

County of Waushara  
(county of notarization)

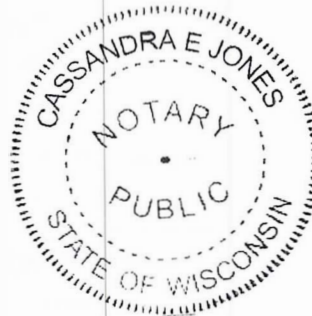
Sworn to before me this 8<sup>th</sup> day of

February, 2021.

Cassandra E Jones  
(Signature of person authorized to administer oaths)

My commission expires 10-26-2021 or is permanent.

Notary Public or N/A  
(official title if not notary)



**Please send this completed form to:**

Mail: Wisconsin Elections Commission  
P.O. Box 7984  
Madison, WI 53707-7984

Fax: (608) 267-0500

Email: [elections@wi.gov](mailto:elections@wi.gov)

**Reply:** At staff attorney Jim Witchera's direction I am providing the replies below to my complaint's responses from Attorney Hector de la Mora, Lori Schiek, and Tim Clark.

**Introduction:** I always cared that my vote and everyone else's vote mattered. When I moved to the Village I asked to be an election worker for this reason. I never set out to learn the ins and outs of election administration until election circumstances made me aware that my vote or my neighbor's vote might not count. The first event was the night that I, as an election inspector, read the voting machine totals in the June 2012 Senate District #13 recall contest. I realized that the Village voting machine was not programmed to count the votes for Lori Compas. I had voted for her so I knew my vote didn't count! Granted our machine was programmed by Waukesha County but the error should have been caught in the public test, which is something I only learned afterwards. At that time the public test wasn't publicly noticed or announced in our Village. The second event was in the Gov. Walker years when our polling place was unprepared when his supporters came to observe our election and we had no process or paperwork for the election observers. We didn't even have up to date *Election Day Manual*. I was embarrassed when the election observers told us what to do. The third event was the 2016 presidential election recount when I spend 6 full days in a room at the Waukesha County Courthouse with clerks, chief inspectors, and election workers from other municipalities. I learned that there were specific rules and administration procedures that were routinely followed. I started learning more and then started asking questions about Village election procedures. Along the way I've learned about the WEC and the public services and resources that are provided to ordinary people like me.

**Motion to Dismiss:** I have never had any training in the law and am not pretending that I can argue with Mr. de la Mora on the basis of legal training or experience, especially when it comes to terms like "discretionary or ministerial duty." However, here are my replies to his 4 assertions.

1. I understand that he wishes to use facts in the attached affidavits to support his motion.
2. To the best of my ability I demonstrated non-compliance with the statutes in my written complaint and its attachments. Lori Schiek acknowledges that she did not comply with discretionary or ministerial duty. Tim Clark argues that he alone had some discretion to the governing body's duty. The determination of non-compliance will be decided by the WEC.
- 3.a. The two responses from Lori Schiek and Tim Clark include no evidence that the issues in my complaint were promptly and properly rectified.
- 3.b. After speaking by phone with WEC staff about my 3 complaints I was advised to submit a written complaint so that the WEC staff could help to clarify and resolve the issues. I was not advised that I had to provide evidence of "wrongful intent" in order to submit the complaint. Wis. Statute 5.06 does not require evidence of "wrongful intent." As I stated in the complaint, "The purpose of the 3 complaints is to request that WEC review decisions and suggest remedies, if relevant, about recent election administration activities by the Village of Lac La Belle Municipal Clerk and the Village President of the governing body. "
- 3.c. I did not make claims of specific harm.
- 3.d. Government management of the COVID-19 pandemic is not the topic of any of the 3 complaints.

include the name of the people who move and second a motion, the motion, and the vote. There is no evidence of a motion on the item Setting the Caucus Date.

January 21, 2021 photo of Village of Lac La Belle meeting minute

Disposal Services	19792	2898.45	Garbage Collection - October 2020
Total Special Revenue Fund		2898.45	
CAPITAL PROJECTS			
Johnson and Sons Paving	19810	13360.00	Asphalt Patching
North Elliott Henrickson Inc (aggy)	19811	618.75	Golf Club Renovation
Don Briesen & Roper SC	19812	81.75	Golf Club Renovation
		14060.50	
Total Checks		54308.28	
DISCUSSION AND POSSIBLE ACTION REGARDING THE APPROVAL OF THE VILLAGE'S 2021 PROPOSED BUDGET:			
Motion made by Trustee Butendorf to approve the Village's 2021 budget with a levy of \$546,500. Seconded by Trustee Koenigs. Unanimously approved.			
SETTING THE CAUCUS DATE:			
President Clark announced the caucus date will be January 20, 2021, at 7:00 preceding the normal village meeting at 7:30 or as soon thereafter.			
DISCUSSION AND POSSIBLE ACTION REGARDING THE SALE OF THE VILLAGE'S POLICE TRUCK:			
Village Administrator Stumpf informed the Board the Village has an offer of \$32,000 from a policeman in Hartland for the Village's police truck. The plow will be sold with it. Motion made by Trustee Butendorf to approve the sale of the village's police truck. Seconded by Trustee Wille. Unanimously approved.			
VILLAGE ADMINISTRATOR'S REPORT:			
Village Administrator Stumpf informed the Board the Routes to Recovery grant was applied for through the DOA because of COVID. Unanimously approved.			
ADJOURNMENT:			
Motion made by Trustee Butendorf to adjourn. Seconded by Trustee Stormo. Unanimously approved.			
Timothy J. Clark, President		Trustee Robert Butendorf	
Trustee Mark Wille		Trustee Dean Koenigs	
Trustee Dave Stormo		Clerk, Lori Schiek	

Lori Schiek's affidavit dated January 28, 2021 has a section "In response to complaint #2" but her response does not address the topic of my complaint which was the statutory requirements that the "governing body shall decide the date" and that they "shall" do it "between December 1 and January 1. "

Schiek facts #15a, #15b, and 15c further confirm that the governing board did *not* set the date between December 1 and January 1.

In Schiek fact #15a she states "I believe President Clark did his research concerning setting the caucus date in November 2020." For Wisconsin election it is the clerk's job to know election laws and rules and "faithfully discharge the duties of the office" (WEC Official Oath). As the appointed Village clerk Lori Schiek has a contractual relationship with the Village Board and I believe the relationship is relevant to my complaints. The relationship has tended to muddy



#95 was not even published until after the November 18, 2020 meeting so it is not relevant to his justification for deciding to set the caucus date on November 18, 2020.

Governor Evers' Emergency Order #94 dated November 10, 2020 is titled **Relating to Actions Every Wisconsinite Should Take to Protect their Family, Friends, and Neighbors from COVID-19**. The order made recommendations for individuals and businesses that include "require masks," "post signage," and "to the greatest extent possible facilitate remote work, offer online or virtual services." The Village Board took no such actions. Waukesha County also did not take actions that required compliance with the Governor's Executive Order #94, or #95 when these was published. There was no public notice of COVID related mitigation requirements for the Village meetings. Monthly Village Board meetings were not online or virtual. However, other Village bodies such as the Plan Commission did meet online by telephone or by Zoom.

Fact #8 asserts that "there was no public objection to the item being on the agenda nor was there any objection raised by anyone about the action to set the date, including the complainant's husband who was present and is a trained election inspector. " I was aware of the agenda item but after the problems with setting the 2020 caucus I didn't even consider that the Board would do it wrong again this year. When I learned what had occurred I wrote an email complaint and sent it to the Trustees on November 21 2020. My husband is trained as an election inspector but he is *not* trained as an election administrator and he is not the clerk. The August 2017 WEC manual *Procedures for Nomination of Candidates by Caucus -- For Use by Clerks* make is clear who is responsible for knowing and administering the caucus.

Fact #9 Tim Clark acknowledges that after my complaint he attempted to get advice about the caucus. He did not say that he consulted with the clerk. He and Mr. de la Mora made the decision to re-affirm the November 18 decision. As he wrote to me in his December 3<sup>rd</sup> reply (his exhibit B) "Unless something changes to require a December meeting, the next scheduled session would take place after the caucus had been held."

When Tim and I spoke in person on December 4<sup>th</sup> I made the effort to tell him that something had changed. I told him that a handful of Village neighbors and I had discussed ways to carry out the caucus safely. I asked Tim if they were open to getting ideas from some of us. Among the neighbors I had volunteered to make some calls to get ideas and had already spoken with the Waukesha County Clerk and WEC staff. I learned that guidance for COVID safe procedures were not forthcoming from either agency. But I also learned from WEC staff that state law did not prohibit a community from convening a virtual caucus. For example, we could hold a drive-up caucus like area churches had done with worship services. The key issue that needed to be resolved was the privacy of the vote. The staff person encouraged our group to propose ideas to the Village clerk. He told me that there was not going to be a December meeting. He did not intend to correct the setting of the caucus date in December and had made up his mind about pursuing virtual and safe options for the caucus; one reason he told me was because he didn't figure out how voting would work in an online meeting.

these events so he knows the dates. He would have the “names” and written comments he requests in Clark fact #14 if the Village governing body’s practice was to keep an accessible and publicly available written record of public comments and expressed concerns. Another place we got questions was when working as election workers at the August 16 and November 6 2018 elections.

The essence of the “numerous questions” was “how to you get elected to be a trustee in the Village?” No one seemed to know anything about the caucus. The 2017 Village directory did not provide email and phone numbers for all of the elected and appointed officials. At that time there was no published or website list of the elected and appointed individuals’ names, contact information, or job descriptions. In mid-September 2018 I volunteered to research Village governance to get a list of who was elected and appointed to the board and committees and research about the caucus. I contacted clerk Lori Schiek and Municipal Attorney Hector de la Mora for information.

This reply also gives me a change to clarify a statement in my complaint. I wrote “I asked the Clerk and the municipal attorney to inform Village voters about the caucus procedures. Neither were interested in doing do.” To clarify, I asked the clerk for the information and help. She did not have something readily available. In his email reply to me Mr. de la Mora writes that he was directed to help me; I don’t know who gave him that direction. He responded on September 19 by referring me to the Village website (<https://villageoflaclabelle.com>) and he attached 2 files: chapter 1 of the Village ordinances and Wisconsin Statutes Chapter 61.

I asked for help from WEC staff and they referred me to the caucus manual for information.

Sometime later in September I received a list of people who were on appointed boards and in elected positions from Lori Schiek. In follow-up correspondence Mr. de la Mora carefully and respectfully explained that he had a personal interest in what I wrote and circulated but that he would not be offering any additional information as municipal attorney.

I wrote a summary document explaining the caucus and listing the names and appointments or elected terms. On November 30 I sent it to a resident who volunteered to get Village information to other interested residents who had given her their email addresses.

On December 14 2018 I wrote emails to Lori Schiek and Mr. de la Mora to thank them for their help and I attached the document file that I prepared (see attachment Exhibit) Neither one contacted me to correct what I’d written. I was thus surprised by the caucus procedures at the January 2019 caucus. As I wrote in my complaint, “Subsequently, at the 2019 caucus I challenged procedures by the President, the Clerk and an opinion by the municipal attorney.”

**Reply to complaint #3 re: Wis. Statute 10.01(2)(a)** . . . *The type A notice shall be published once by the county clerk of each county for each national, state or county election, and once by the clerk of each municipality or special purpose district for each municipal or special purpose district election, at the times designated in s. 10.06.* [10.06(3)(a) On the 4th Tuesday in

January 21, 2021



January 24, 2021





January 27, 2021 West Village sign board



**Reflection:**

The written content that makes up this complaint record is typical of the way that my questions about elections are handled in the Tim Clark and Lori Schiek with one exception. Typically, the clerk or the Village President will respond with a written answer that supports their decision/action germane to the question. When their answer is incomplete, questioned further, or challenged by me their subsequent written responses are delayed, justified, copied to others, and at times reference the opinion of the contracted attorney for the Village. The one exception you don't see in their Responses to my complaints is the suggestion of intimidation that President Clark uses. Several times in face to face discussions of my questions he has told me that he has the power under Village Ordinance 1.15 to make me pay for the attorney's time that he uses to get his questions answered. My response has been consistent and fiscally prudent --he should be seeking his answers from the clerk because election administration is her responsibility and she is paid a salary. It seems to me that because the Village clerk is appointed by the Board of Trustees and not just the President, and because of this she is not elected directly by Village voters, the Board of Trustees has a duty to learn its role, support the clerk's authority, encourage continuing education, and provide her with the oversight and conditions to succeed in the position.



December 1, 2018

Dear neighbors and voters,

Village election poll workers have been asked about elections for Village offices and how they are handled. This note is my attempt to summarize what I've learned from Clerk Lori Boyer, Hector de la Mora, Village Attorney, and pertinent Wisconsin Statutes, Village Ordinances, and the *Caucus Manual-Procedures for Nomination of Candidates by Caucus* from the Wisconsin Election Commission (<https://elections.wi.gov/publications/manuals/caucus> ).

The election for Village offices will take place in the spring election conducted on April 2, 2019. The spring election includes voting for Village President and trustees.

Village officials who are elected by Village registered voters are the Village president and trustees. Currently these are:

President	Timothy J. Clark	270 LLB Dr.	567-4991
Trustee	Mark Wille	133 Saeger Ave.	567-8279
Trustee	Chris Olson	677 LLB Dr.	569-9398
Trustee	John Evans	280 MH Dr.	569-1883
Trustee	Robert Butendorf	632 LLB Dr.	834-5830

On April 2 2019 you will be voting for 3 positions currently held by Trustee Bob Butendorf, Village president Tim Clark, and Trustee Mark Wille. The Village president and 2 trustees are elected at the spring election in odd-numbered years. Two other trustees are elected in even-numbered years, per Village ordinance 1.01.

The other individuals who participate in Village governance are appointed by the Village president or recommended to the president by the Trustees (see page 3 for a complete list).

The Village uses a nominating caucus to select candidates for elected office. Currently there are no job descriptions for these positions, according to Lori Boyer.

Between December 1 and January 1 preceding a spring election, the governing body of a town or village nominating candidates by caucus must decide the date on which the caucus will be held. The caucus must be held between January 2 and January 21. (Wis. Stat. § 8:05(1))

Nominating Caucus is January 16, 2019, according to Clerk Lori Boyer.

When and where is the caucus?

- I don't know the time or day or place for the 2019 caucus. Attend the December 19 Trustee meeting at 7:30 to find out.
- Notice of the caucus must be posted at least 5 days before the caucus.

Goal of the caucus:

- Caucus participants who are qualified electors\* will select 4 candidates for the 2 trustee positions and 2 candidates for the 1 Village president position. To be qualified for a Village office the individual must be a qualified elector and an actual resident of the village at the time of election. Wis. Stat. § 61.19.

Who is at the caucus?

- The caucus is open to the public.
- Caucus participants who may nominate and vote for individuals for Village positions must be qualified electors\*in the Village. A person is not required to be a registered voter in order to participate in the caucus.
- 

\*Who is a qualified elector?

- The Wisconsin Election Commission states that: "Any person who is a United States citizen, 18 years of age or older, who has resided within the municipality for at least 10 days before the caucus is a qualified elector. The voter list from a previous election may be used as an aid in determining if a person qualified as an elector in the municipality at the last election. Any person whose name does not appear on the voter list may be asked to provide some form of identification that lists the person's name, current address, and if necessary, date of birth."

What is the caucus process?

- The caucus is conducted by the Village president unless that person is a candidate at the spring election.
- In that case an election for officials to run the caucus will be held. The electors attending the meeting must select 2 tellers to canvass the vote for each office. [Wis. Stat. § 8.05 (1)(c).]
- Before nominations begin, the method for nominating candidates and the process for breaking a tie vote must be decided and announced. The caucus chairperson will announce the method for nominating candidates for each office before taking names in case of objections to the method used. The two methods are 1) nominations from the floor or 2) secret ballot. Nominations from the floor must receive a second. Nominations by secret ballot will be by writing the name of nominee on a paper ballot.
- Each elector at the caucus is entitled to vote for as many candidates as there are seats to be filled at the election. For example, if 2 village trustees are to be elected, each person can vote for 2 candidates. The 4 candidates who receive the most votes at the caucus will be nominated and certified to the municipal clerk by the caucus chairperson and tellers. (Wis. caucus manual p 3).

What happens after the caucus?

- After the caucus, the nominees agree to the nomination and complete in a timely manner all of the nomination requirements, guided by the Village clerk per Wisconsin law and rules.
- These individuals' names appear on the spring ballot in the order determined by a drawing of lots by the Village clerk.

Could one run as a write in candidacy for Village positions?

- Any qualified elector can run as a registered write-in\*\* candidate.
- \*\*To as a write-in candidate, you must file a Campaign Registration Statement (CF-1) must be filed with the filing officer prior to collecting or spending any money on the campaign. The **CF-1 form is available from the Wisconsin Ethics Commission's website** or the local filing officer. The deadline to register as a write-in candidate is 12:00 p.m. (noon) the Friday before the election.  
[<https://elections.wi.gov/candidates/local/non-partisan>]

Sincerely,

Ginny Pease (ginnypease1@gmail.com)

**2018  
VILLAGE OF LAC LA BELLE  
P.O. BOX 443**

<b>OFFICE</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>TELEPHONE</b>
ADMINISTRATOR	George Stumpf	524 LLB Dr.	567-0830
President	Timothy J. Clark	270 LLB Dr.	567-4991
Trustee	Mark Wille	133 Saeger Ave.	567-8279
Trustee	Chris Olson	677 LLB Dr.	569-9398
Trustee	John Evans	280 MH Dr.	569-1883
Trustee	Robert Butendorf	632 LLB Dr.	834-5830
<b>CLERK/TREASURER</b>	<b>Lori Boyer</b>	<b>W346N6679 Whittaker Road</b>	<b>569-6190</b>
<b>POLICE CHIEF</b>	<b>Paul Beal</b>		<b>560-0730</b>
BLDG. INSPECTOR	Mike Sindorf		490-4141
ASSESSOR	Mike Grota		253-1142
ENGINEER	Mark Mickelson		646-6855
MUNI. JUDGE	Timothy Kay		569-0920
<b>PLAN COMMISSION:</b>	George Stumpf	524 LLB Dr.	567-0830
	Steve Snodgrass	639 LLB Dr.	468-4889
	Mike Koehn	530 LLB Dr.	262-354-4222
	Jason Dvorak	19? LLB Dr.	262-227-
	Mark Wille	133 Saeger Avenue	567-8279
	Mike Rowe	590 LLB Dr.	262-408-8926
	Robert Butendorf	632 LLB Dr.	834-5830
<b>ZONING BOARD OF APPEALS:</b>	Dick Lutz, Chairman	534 LLB Dr.	567-3021
	Kim Peterson	622 LLB Dr.	567-2486
	John Leahy	472 LLB Dr.	569-1849
	Robert Butendorf	632 LLB Dr.	834-5830
	Timothy J. Clark	270 LLB Dr.	567-4991
<b>BOARD OF REVIEW:</b>	George Stumpf	524 LLB Dr.	567-0830
	Doug Findlay	683 LLB Dr.	567-4263
	Winnie Kile	190 MH Dr.	567-9383
	Timothy J. Clark	270 LLB Dr.	567-4991
	Steve Snodgrass	639 LLB Dr.	468-4889
	Dean Koenigs	276 LLB Dr.	630-532-2031
	Mike Grota	Assessor	253-1142
<b>Police Commission, Zoning Commission, Sewer Commission, Road Commission, Wetland and Floodplain Commission:</b>			
	George Stumpf	524 LLB Dr.	567-0830



**From:** Ginny Pease [ginny-pease@wi.rr.com](mailto:ginny-pease@wi.rr.com)  
**Subject:** VofLLB-Pease election note  
**Date:** December 14, 2018 at 1:38 PM  
**To:** Hector de la Mora [hdelamora@vonbriesen.com](mailto:hdelamora@vonbriesen.com)

Hello Hector,

Back in September you both helped me gather information and answers related to Village local elections. At the time you expressed personal interest in what I found. Attached is a .pdf file containing my spring election note.

Sincerely  
Ginny Pease



V LLB Spring  
election.pdf

**From:** Ginny Pease [ginnypease1@gmail.com](mailto:ginnypease1@gmail.com)  
**Subject:** VofLLB-Pease Spring election findings  
**Date:** December 14, 2018 at 1:41 PM  
**To:** Lori Boyer [ljbvllb@yahoo.com](mailto:ljbvllb@yahoo.com)




Hi Lori

This is a short note to say thank you for your help last September as I was trying to gather information and answers related to Village local elections. Hector also helped. Attached is my election note containing what I learned.

Ginny Pease



V LLB Spring  
election.pdf

**From:** Ginny Pease [ginnypease1@gmail.com](mailto:ginnypease1@gmail.com)   
**Subject:** spring election note  
**Date:** November 30, 2018 at 10:16 AM  
**To:** Gail Bryant [bryant.gail@gmail.com](mailto:bryant.gail@gmail.com)



Hi Gail

Attached is a .pdf file to share via email with our Village neighbors. It is my attempt to explain the 2019 spring election of the Village president and trustees. My email address is below in case anyone has questions or corrections.

Thanks for all of your good work on behalf of the Village,

Ginny Pease  
[ginnypease1@gmail.com](mailto:ginnypease1@gmail.com)



V LLB Spring  
election.pdf