

# Complaints and Investigations under Wisconsin's Ethics Code

*Wisconsin Statutes*, during the period 1985 through 1989, authorized the Ethics Board to investigate possible violations of the Ethics Code whenever warranted and to file complaints alleging violations whenever the Board concluded there was probable cause to do so.

During this period the Board investigated the following matters pertaining to possible violations of the statutorily prescribed standards of conduct for state officials.

**MISUSE OF CONFIDENTIAL INFORMATION.** The Board investigated to determine if officers or employees of the Investment Board used their public positions to obtain information not available to the public for campaign purposes. The Board concluded the investigation, having found that there was insufficient evidence to file a complaint alleging a violation of the Ethics Code. [EB-86-02]

**ATTORNEY GENERAL'S MISUSE OF POSITION.** The Board authorized an investigation of Attorney General Bronson LaFollette which culminated in the Attorney General's admitting to a violation of the Ethics Code arising from his using his public position to procure private legal services from an assistant attorney general, such private legal work being in violation of the rules of the Department of Justice. Attorney General LaFollette forfeited \$500, and the Ethics Board reprimanded him. Under the settlement that concluded this matter, the Board made public a substantial body of information. [EB-86-04]

**UNIVERSITY RECREATION FACILITIES.** In response to a complaint from representatives of Common Cause, the Board investigated to see if there was probable cause to believe Senator Gary George had violated the Ethics Code by using his public position improperly to obtain access to the University of Wisconsin's recreation facilities and if so, whether a violation could be proved "beyond a reasonable doubt." At the conclusion of its investigation, the Board decided to take no further action. [EB-88-01]

**CAMPAIGN BENEFIT.** The Board investigated to determine if an official had violated the Ethics Code by using his or her public position to obtain supplies or services for the benefit of the official's campaign committee or to obtain financial gain for the official by submitting inappropriate claims for expense

reimbursements. The Board found that there was insufficient evidence to file a complaint alleging a violation of the Ethics Code. [EB-88-16]

**RELATIONSHIP BETWEEN LOBBYISTS AND LEGISLATORS.** As noted below, the Board investigated to determine whether certain lobbyists violated the Ethics Code by offering or giving to state public officials anything of value that could reasonably be expected to influence the officials' votes, official actions, or judgment, or could reasonably be considered a reward for official action or inaction on the officials' part, and whether certain public officials violated the Ethics Code in connection with their solicitation or acceptance of benefits from lobbyists. [EB-88-17]

**SPORT FISHING TRIP.** The Board found Representative Thomas Hauke violated the Ethics Code by using his state position to obtain hotel accommodations and a sport fishing trip for the private benefit of himself and his family as part of a family holiday weekend in Door County and following a public hearing ordered him to pay a forfeiture of \$1,418. Thomas Hauke filed a petition for judicial review of the Ethics Board's decision. The Ethics Board's decision was upheld in Circuit Court. Thomas Hauke forfeited \$1,418.

**AIR FARE.** The Board found Representative John Robinson violated the Ethics Code by using his state position in a way that produced a substantial benefit, namely round-trip transportation by commercial airline between Wausau, Wisconsin and Chicago, Illinois and hotel accommodations for himself and his family, paid by Pfizer, Inc., an organization that employed a lobbyist. Robinson acknowledged violation of the Ethics Code and forfeited \$1,000. He had previously paid Pfizer for the cost of the air fare for his family.

**MONEY FROM LOBBYIST.** The Board found there was probable cause to believe that Senator Richard Shoemaker violated the Ethics Code while a member of the Assembly by failing to disclose a \$8,500 loan and by soliciting and receiving cash from a registered lobbyist. The Board referred the matter to the District Attorney for Dane County with a recommendation of criminal prosecution. In a plea bargain agreement, Richard Shoemaker pleaded guilty to five misdemeanor counts for stealing campaign funds, pressuring a lobbyist for \$3,600, running up a \$3,000 bill on a lobbyist's account at a Madison restaurant, and filing false election and ethics reports. Senator Shoemaker resigned from office and was sentenced to 60 days in jail.

**PACKERS GAME.** The Board found Senator Gary George, Senator Richard Kreul, Senator Marvin Roshell, and Senator Joseph Strohl each violated the Ethics Code by failing to report the receipt of lodging, food and drink and other items of substantial value in connection with their attendance at a Green Bay Packers football game in November 1987. Senators George, Kreul, Roshell, and Strohl acknowledged violation of the Ethics Code and each forfeited \$350.

**HOTEL LODGING.** The Board found there was insufficient evidence to file a complaint alleging a violation of the Ethics Code in connection with an official's failure to report the receipt of lodging at a hotel.

**CHICAGO TRIP.** The Board found Representative Scott Fergus, Representative Walter Kunicki, and Representative Richard Shoemaker each violated the Ethics Code by failing to report the receipt of lodging and food from the Wisconsin Utilities Association and its lobbyists in connection with the legislators' visit to Chicago in January 1987. Representatives Fergus and Kunicki, and Senator Shoemaker (formerly Representative Shoemaker) acknowledged violation of the Ethics Code and each forfeited \$500. In addition, Representative Kunicki reimbursed the Wisconsin Utilities Association for expenses it incurred on his behalf. The Board withdrew its authority to investigate a fourth individual for accepting and failing to report receipt of lodging and food in connection with a trip to Chicago after determining that the individual was not subject to the reporting requirements of the Ethics Code.

**NEPOTISM AND SPECIAL TREATMENT.** The Board investigated to determine if the chief executive of a state regulatory agency had violated the Ethics Code by using public position to obtain employment for a family member and to obtain favorable treatment from an institution regulated by the official's agency. The Board found that there was insufficient evidence to file a complaint alleging a violation of the Ethics Code. [EB-88-18]

**INFORMATION FOR CAMPAIGN.** Upon receipt of a complaint, the Board investigated to determine if a state agency official violated the Ethics Code by using his or her public position to secure information from the official's agency for the benefit of a campaign committee. The Board found that there was insufficient evidence for it to file a complaint alleging a violation of the Ethics Code. [EB-88-19]

**USE OF POSITION FOR PRIVATE GAIN.** The Board investigated to determine if an official violated the Ethics Code by using the official's position to obtain financial gain through several actions, including endorsement of a political candidate in exchange for the promise of employment of a family member. The Board found that there was insufficient evidence to file a complaint alleging a violation of the Ethics Code. [EB-88-20]

**LEGISLATIVE AIDE.** The Board investigated and found that there was probable cause to believe that a legislative aide violated the Ethics Code by incurring and not properly accounting for travel expenses paid by a lobbyist in connection with a trip to Baltimore. The Board referred the matter to the Dane County District Attorney with a recommendation of criminal prosecution. The District Attorney's office filed charges. In a plea bargain agreement, Charles Glynn paid \$1,276, admitted 2 civil violations, and agreed to 200 hours of community service and participation in a deferred prosecution program. [EB-89-08]

**BENEFITS FROM LOBBYIST.** The Board investigated to determine if Senator Richard Shoemaker violated the Ethics Code by using his position to obtain financial gain by accepting benefits from a lobbyist. Because Senator Shoemaker had pled guilty to violating the Ethics Code, as noted under EB-88-17 above, had resigned from office, and had been sentenced to jail, the Ethics Board ended this inquiry without making specific findings. [EB-89-09]

**TRAVEL EXPENSES.** The Board investigated and found there was probable cause to believe that a legislator violated the Ethics Code by incurring and not properly accounting for travel expenses paid by a lobbyist in connection with a trip to Baltimore. The Board referred the matter to the Dane County District Attorney with a recommendation of criminal prosecution. The District Attorney's office filed charges against Senator Barbara Ulichny. In a plea bargain agreement, Senator Ulichny agreed to pay \$6,137 in forfeitures on 5 civil violations. [EB-89-10]

**MONEY FROM LOBBYISTS.** The Board investigated and found there was probable cause to believe that a legislator violated the Ethics Code by soliciting and accepting money from lobbyists and by failing to identify a lobbyist on the official's Statement of Economic Interest as the donor of a gift. The Board referred the matter to the Dane County District Attorney with a

recommendation for criminal prosecution. The Dane County District Attorney elected not to file a charge under the Ethics Code. [EB-89-11]

**ADMINISTRATIVE RULES.** The Board investigated to determine if members of a state board violated the Ethics Code by conspiring to promulgate administrative rules to benefit themselves, their families, or organizations with which they were associated. The Board found there was insufficient evidence to file a complaint alleging a violation of the Ethics Code. [EB-89-12]

**PERSONAL PHONE CALLS.** The Board investigated and found there was probable cause to believe that Charles Smith, state treasurer, violated the Ethics Code by billing personal telephone calls to the state. Charles Smith acknowledged violation of the Ethics Code and paid a forfeiture of \$1,000 plus \$679.30, the adjusted cost of the phone calls. [EB-89-13]

During this period the Ethics Board initiated 70 investigations pertaining to the filing of late or incomplete Statements of Economic Interests. In 11 instances the official filed a Statement and the Board sought no penalty. In 36 instances, the investigation was concluded when the official filed a Statement and paid a forfeiture for lateness. Those forfeitures ranged from \$10 to \$60. In 14 instances the investigation led to a public hearing, following which the Board modified or adopted the hearing examiner's decision as its final decision, and individuals paid forfeitures ranging from \$50 to \$500. VTAE district official Carolyn Brady paid 2 forfeitures of \$500 each following judicial review upholding the Board's decision. In one instance the Board granted an indefinite extension. In 8 instances, the Board determined either that an individual need not file a Statement or had already done so.