



# Wisconsin Elections Commission

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(608) 266-8005 | [elections@wi.gov](mailto:elections@wi.gov) | [elections.wi.gov](http://elections.wi.gov)

February 3, 2025

Gene Hibbler  
6585 South Crane Drive  
Oak Creek, WI 53154

Sent via email: [gene@up4oc.com](mailto:gene@up4oc.com)

**Re:** Complaint Filed with Wisconsin Elections Commission  
Gene Hibbler v. Daniel Thielen et al (EL 25-12)

Dear Ms. Hibbler,

I am in receipt of your complaint filed with the Wisconsin Elections Commission (“the Commission”), received on January 31, 2025, against the Oak Creek-Franklin Joint School District Superintendent Daniel J. Thielen, School Board President Frank Carini, and Jerry Krist. Your complaint appears to allege that President Krist violated the Oak Creek-Franklin Joint School District Board of Education Policy by serving as both a school board member and the Advisor of the Oak Creek High School STEM Clube and the Coach of the High School Robotics Team.

The administrative rules governing the Commission’s processing of Wis. Stat. § 5.06 complaints require that I review the complaint and determine within 10 business days whether the complaint is timely, is sufficient as to form, and states probable cause. Wis. Admin. Code EL § 20.04(1). While your complaint is timely and sufficient as to form, it does not make allegations that could lead to a finding of probable cause. Therefore, I am returning the complaint to you without prejudice pursuant to Wis. Stat. § 5.06 and Wis. Admin. Code § EL 20.04(1) and (2).

## Issues of Probable Cause:

You indicated on your complaint form that you are filing this complaint under Wis. Stat. § 5.06. Complaints filed under this provision allege that an election official has taken action, or failed to do so, in a manner contrary to law, or that they exercised an abuse of discretion.

There are two issues with your filing with respect to the finding of probable cause. First, you have not alleged or explained how Superintendent Thielen, President Carini or Mr. Krist meet the definition of an election official for the purposes of the complaint type you filed under Wis. Stat. § 5.06(1). Second, your complaint does not indicate which provisions of chapters 5 through 10 and 12 of state law any of the Respondents are alleged to have violated.

As explained above, § 5.06 complaints can only be brought against election officials, who are defined as “individual[s] who [are] charged with any duties relating to the conduct of an election.” Wis. Stat. § 5.02(4e). Although it appears as if the named Respondents may be *elected* officials, your complaint does not explain what

*Wisconsin Elections Commissioners*

Ann S. Jacobs, chair | Marge Bostelmann | Don M. Millis | Carrie Riepl | Robert Spindell | Mark L. Thomsen

Administrator  
Meagan Wolfe

duties they are charged with relating to the conduct of an election. Accordingly, it does not appear as if any of the named Respondents can be proper Respondents for this type of administrative complaint.

Furthermore, based on the allegations in your complaint, it is not clear what statute the Respondents are alleged to have violated. It is not even clear to me that the allegations in your complaint pertain to any election conduct or statutes at all. The Commission is charged with interpreting and administering chapters 5 through 10 and 12 of state law. Your complaint will need to specifically identify a provision of election law with which the Respondents failed to comply. If you do not cite specific provisions of law, the Respondents cannot be properly noticed of what statutes they are alleged to have violated.

Since your complaint does not appear to be brought against any election officials, and since it also does not specify which provision of law the Respondents violated, it does not make allegations that could lead to a finding of probable cause.

**Conclusion:**

I am returning the complaint, without prejudice, pursuant to Wis. Admin. Code § EL 20.04(2), after specifying that it is not sufficient as to probable cause. I am also required to send a copy of this letter to Clerk Catherine Roeske, the Clerk of the City of Oak Creek. Wis. Admin. Code § EL 20.04(2).

Should you choose to refile the complaint, you must ensure that your complaint names election officials as Respondents, and states the specific provisions of law that the Respondents violated. Accordingly, the Commission now considers this complaint to be disposed of pursuant to Wis. Stat. § 5.06(2).

Please feel free to contact our office if you have any additional questions regarding this complaint.

Sincerely,

A handwritten signature in black ink that reads "Meagan L.M. Wolfe". The signature is written in a cursive style with a large initial "M".

Meagan Wolfe  
Administrator

**WISCONSIN ELECTIONS COMMISSION**

Cc: Commission Members