



Informational Memorandum

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WISCONSIN LEGISLATORS CHARGED WITH CRIMES AND VIOLATIONS OF ETHICS AND CAMPAIGN FINANCE LAWS, 1939-2010

Of the almost 6,000 persons who have served in the Wisconsin Legislature since statehood in 1848, relatively few have become involved with legal problems while serving in office. This listing of Wisconsin legislators accused of wrongdoing includes only publicly reported incidents since 1939 involving incumbents and does not purport to be comprehensive. It was primarily compiled from news articles contained in the LRB Theobald Legislative Library clippings collection (Call Number 328.14). The listing begins with 1939 because reliable information is not available for prior years. It summarizes, in reverse chronological order, the offense and disposition of cases involving felony and misdemeanor crimes or of violations of ethics and campaign finance laws. The listing includes incidents of driving while under the influence of alcohol or drugs (Operating While Intoxicated, or OWI), but omits minor traffic offenses. Felony and misdemeanor convictions are in bold.

Removal From Office Upon Felony Conviction; Ineligibility for Elected Office. The Wisconsin Constitution in Article XIII, Section 3, and the Wisconsin Statutes, in Section 17.03 (5), provide that a legislator is ineligible for public office and the office is vacant when the incumbent is convicted of and sentenced for a felony in a state or federal court. No action on the part of the legislature is required to remove the legislator from office.

In addition, this section of the constitution, as well as Section 8.21, Wisconsin Statutes, provides that, unless pardoned, a person convicted of any felony, or of a misdemeanor involving a violation of public trust, is ineligible to hold any elected or other office of "trust, profit or honor."

Legislators to be Tried in Home County. 2007 Wisconsin Act 1 created the Government Accountability Board (GAB), which assumed the duties of the former Ethics Board and Elections Board. Act 1 provided that elected officials, including legislators, who are charged with violations of elections, ethics, or lobbying laws will be tried in the circuit court for the county in which the defendant resides.

Summary of the "Caucus Scandal." Partisan caucus organizations, staffed by state employees, were created in the late 1960s to perform public policy research, speechwriting, and other duties for what were generally part-time legislators who had minimal staff support. There was one caucus staff for each party in the Senate and Assembly.

Over the years, the caucuses became increasingly involved with activities related to election campaigns, including the solicitation and tracking of campaign contributions, the design and production of election materials, and the management of political campaigns. These activities were performed by state employees using state time, offices, and equipment in apparent violation of state law and legislative policies.

Although questionable campaign-related activities had become more or less an open secret, a series of articles appearing in the *Wisconsin State Journal* beginning in May 2001, and picked up by other news outlets, prompted the Dane County district attorney to convene a secret John Doe investigation in 2001. Numerous caucus employees, legislative aides, and lobbyists were called to testify, with some receiving immunity in return for their cooperation.

The partisan caucuses were disbanded in 2001, and work rules were tightened for legislative staff regarding accounting for hours of work and leave taken to work on election campaigns.

Criminal charges were filed in 2002, with cases prosecuted by the offices of the Dane County and Milwaukee County District Attorneys, with assistance from the state Department of Justice. Prosecutions resulted in the convictions in 2005 and 2006 of five incumbent or former legislators and several legislative staff members. The final case was resolved in 2010 with a plea agreement in Waukesha County Circuit Court resulting in a misdemeanor conviction.

REPRESENTATIVE SCOTT JENSEN

Convicted in March 2006 of three felonies for misconduct in public office and one misdemeanor for intentional misuse of public position. He was sentenced in May 2006 to 15 months in prison, an additional 45 months of extended supervision, and was restricted from frequenting the State Capitol building for five years. The violations involved directing state employees to perform election campaign contribution fundraising and other campaign-related work while on state time and using state resources. Originally charged in 2002, the former Speaker of the Assembly resigned his assembly seat on March 21, 2006. The felony convictions were overturned on appeal in 2007, based on improper jury instruction and other grounds, and a new trial ordered. In May 2010, the Wisconsin Supreme Court reversed circuit and appellate court rulings, deciding that the venue provisions of 2007 Wisconsin Act 1 were applicable, and that Jensen's trial be moved to Waukesha County, his county of residence.

In December 2010, a plea agreement was reached. The Waukesha County Circuit Court approved dismissing two felony charges, reducing one felony to a civil forfeiture of \$5,000, and allowing **one misdemeanor conviction** to stand. As part of the agreement, Jensen agreed to repay \$67,174 to the state to reimburse the legal costs spent on his defense prior to his original convictions, and stipulated that he would not appeal the misdemeanor conviction, thus making him ineligible to hold public office again.

REPRESENTATIVE JEFFREY WOOD

Convicted of OWI in 1991 and 1992.

Convicted in 2009 of third offense OWI and possession of drug paraphernalia. Lost his driver's license and spent 45 days in jail.

Convicted in 2010 of fourth offense driving with a controlled substance. Sentenced to 60 days in jail with work-release privileges.

An additional charge of operating under the influence and bail jumping as a result of an October 2009 arrest is pending.

In April 2010, the Assembly voted to censure Representative Wood after a move to expel him failed. He did not seek reelection in November 2010.

SENATOR DAN KAPANKE

Cleared by the Government Accountability Board in August 2009 of complaints regarding two forums hosted by the senator in the spring of 2009. The senator asked the board to review the actions of his office after it was claimed that senator violated the law by using state staff and resources for the economic forums in La Crosse. The board concluded that while no law was broken, office funds or personal funds should have been more appropriately used, rather than campaign funds, to cover the costs of the events.

SENATOR CHARLES CHVALA

Convicted in October 2005 of two felonies: one for misconduct in public office for directing a Senate staff member to run a legislative campaign on state time and using state resources, and one for exceeding campaign contribution limits. Sentenced to nine months in jail (with work

release privileges), two years of probation, a fine of \$5,500, and was barred from working as a lobbyist while on probation.

As part of a plea agreement, 17 other charges of misconduct and campaign finance violations were dismissed, including allegations of extortion by asking lobbyists for campaign contributions in exchange for scheduling floor votes on their favored bills. Had been charged in October 2002 with 20 felonies, although one was dropped prior to the plea deal.

The former Senate Majority Leader did not run for reelection in November 2004.

REPRESENTATIVE STEVEN FOTI

Convicted in January 2006 of a misdemeanor ethics violation for keeping a campaign fundraiser on his legislative payroll. Sentenced in March 2006 to 60 days in jail, with work release privileges, two years of probation, and ordered to perform 240 hours of community service. He was also fined \$1,000, ordered to pay court costs, and repay \$27,981 in state-paid legal fees. The prosecutor also asked that the judge order him to repay \$306,675 for the entire salary and benefits paid to aide Sherry Schultz over four years while she performed illegal campaign work.

As part of a plea agreement in which the charge was reduced from a felony count of misconduct in public office, he agreed to testify in the trials of Schultz and former Assembly Speaker Scott Jensen.

Charged in 2002, the former Assembly Majority Leader won reelection in November 2002 and did not run for reelection in November 2004.

REPRESENTATIVE BONNIE LADWIG

Convicted in December 2005 of a misdemeanor ethics violation for using legislative staff to obtain private benefit for an organization to which she belonged, the Republican Assembly Campaign Committee, which was the political and fundraising arm of Assembly Republicans. As part of a plea agreement, she agreed to testify in the trials of former Assembly Speaker Scott Jensen and former Assembly Majority Leader Steven Foti and was sentenced in May 2006 to 30 days in jail with work release privileges and possible home confinement with electronic monitoring. She was also fined \$1,000 and ordered to pay restitution of \$3,500.

The former Assembly Assistant Majority Leader did not run for reelection in 2004.

SENATOR BRIAN BURKE

Convicted in October 2005 of one felony for misconduct in public office for directing his office staff to perform campaign work while on state time and **one misdemeanor** for obstructing an officer by withholding documents. Sentenced to six months in jail (primarily served in home confinement), two years of probation, and fines and court costs totaling \$3,200. Also required to pay back to the state \$9,947 in state-paid legal fees, \$880 he illegally received for legislative per diem payments, and \$75,000 in restitution to the state for the time his staff was paid by taxpayers while working on his 2002 campaign for the democratic nomination for state attorney general.

He was initially charged in June 2002 with 13 felonies and five misdemeanors. As part of a plea agreement, the misdemeanor for which he was convicted was reduced from a felony charge of withholding or altering documents subject to a subpoena, and 11 felonies and five misdemeanors for misconduct in office, intentional misuse of public office, tampering with public documents, and destruction of documents were dismissed.

He did not run for reelection in November 2002.

SENATOR JON ERPENBACH

Fined \$500 in 2005 by State Elections Board for an improper loan his campaign made to the State Senate Democratic Committee.

SENATOR RUSSELL DECKER

Convicted in 2005 of OWI.

REPRESENTATIVE FRANK BOYLE

Convicted in 2004 of OWI.

REPRESENTATIVE SHIRLEY KRUG

Convicted in 2005 of OWI for an incident which occurred in 2004.

SENATOR MICHAEL ELLIS

Convicted in 2003 of OWI.

REPRESENTATIVE DAVID TRAVIS

Convicted in 2001 of OWI for an incident which occurred in 2000.

REPRESENTATIVE LORRAINE SERATTI

Convicted in 2000 of OWI.

REPRESENTATIVE CHUCK SCHAFER

Cleared in 1998 by the State Office of the Commissioner of Insurance of allegations that he misled a senior citizen to sign documents.

SENATOR ROGER BRESKE

In 1997, the State Ethics Board dismissed a complaint filed by a Republican Party official who accused the senator of improperly accepting lodging at a Madison hotel from a lobbyist.

Convicted in 1996 of OWI.

REPRESENTATIVE DAVID PLOMBON

Jailed in June 1995 for allegedly violating conditions of probation stemming from a previous conviction for marijuana possession. At his request probation was revoked and he was resentenced in July 1995 for misdemeanor possession of marijuana. Sentenced to 16 days in jail which was satisfied by 12 days time served and 4 days credit for good behavior.

Was arrested after failing drug test ordered by probation officer in December 1994. Pled no contest to **misdemeanor** possession of marijuana and was sentenced to 18 months probation and \$1,812 in fines and court costs.

Convicted in 1994 of OWI.

Pled no contest to **misdemeanor** disorderly conduct in May 1994 stemming from incident involving his car and estranged wife. Sentenced to one year probation and ordered to undergo assessment for chemical dependency.

SENATOR GARY GEORGE

Fined \$750 by State Elections Board in March 1995 for failure to disclose about \$4,500 in political contributions and payments in the period 1991-1993.

Convicted in 2004 of federal felony conspiracy charges and sentenced to four years in prison. Lost his seat in the Senate in a November 2003 recall election.

Acquitted in 1991 of charge of misdemeanor battery and disorderly conduct in domestic incident.

Agreed in February 1990 to pay \$1,222 fine and perform 200 hours of community service in lieu of formal prosecution resulting from accusation of ethics law violations for accepting money and an airline ticket from a lobbyist in 1989.

Accused in 1988 of violating ethics laws by asking for and receiving a free pass to University of Wisconsin-Madison exercise facilities in a complaint filed with the Ethics Board by Common Cause of Wisconsin. Investigation was dropped by the Ethics Board.

Forfeited \$350 in 1987 for violating ethics laws by illegally accepting lodging, food and drink from a lobbyist in conjunction with a November 1987 Green Bay Packers game.

SENATOR BARBARA ULICHNY

Paid \$6,137 in fines and court costs in July 1990 for five civil offenses resulting from ethics law violations for accepting illegal gifts from a lobbyist in 1989-90.

SENATOR RICHARD SHOEMAKER

Convicted in 1990 of five misdemeanors for violations of ethics, election, and lobbying laws. As part of a plea agreement, the charges were reduced to misdemeanors from felonies. Sentenced to 60 days in jail and resigned from the legislature as part of plea agreement.

Forfeited \$500 in 1987 for violating ethics law by accepting food and lodging in connection with a visit to Chicago in January 1987.

REPRESENTATIVE DAVID LEPAK

Convicted in 1988 of OWI.

REPRESENTATIVE SCOTT FERGUS

Forfeited \$500 in 1987 for violating ethics law by accepting food and lodging in connection with visit to Chicago in January 1987.

SENATOR RICHARD KREUL

Forfeited \$350 in 1987 for violating ethics law by accepting lodging, food, and drink in conjunction with a November 1987 Green Bay Packers game.

Convicted in 1986 for a hit-and-run accident. Fined \$300.50.

REPRESENTATIVE WALTER KUNICKI

Forfeited \$500 in 1987 for violating ethics law by accepting lodging and food in connection with visit to Chicago in January 1987.

SENATOR MARVIN ROSHELL

Forfeited \$350 in 1987 for violating ethics law by accepting lodging, food, and drink in conjunction with a November 1987 Green Bay Packers game.

SENATOR JOSEPH STROHL

Forfeited \$350 in 1987 for violating ethics law by accepting lodging, food, and drink in conjunction with a November 1987 Green Bay Packers game.

REPRESENTATIVE THOMAS HAUKE

Paid \$1,418 in fines and court costs in 1986 for violating ethics law by accepting Door County fishing trip.

Convicted in 1976 of OWI.

REPRESENTATIVE JOHN ROBINSON

Forfeited \$1,000 in 1985 for violating ethics law by accepting an airline ticket to Chicago.

REPRESENTATIVE DAVID OPITZ

Fined \$356 in 1983 for a hit-and-run accident.

REPRESENTATIVE ROBERT BEHNKE

Charged in 1982 with two counts of second-degree sexual assault. Charges dropped.

Convicted in 1982 of disorderly conduct stemming from an argument over a State Capitol parking spot. Fined \$25 and assessed \$13 in court costs.

SENATOR DAVID BERGER

Convicted in 1981 of OWI.

Convicted in 1981 of disorderly conduct.

REPRESENTATIVE WALTER WARD

Convicted in 1981 of a felony and a misdemeanor for the sexual assault of his legislative aide which occurred in June 1980. Sentenced to four years in prison. He was defeated for reelection in September 1980 primary.

Convicted in 1980 of OWI.

Convicted in 1980 of two misdemeanors for election law violations relating to misuse of campaign funds. Sentenced to 30 days in Milwaukee House of Corrections.

REPRESENTATIVE RICHARD PABST

Charged in 1980 with misdemeanor fourth-degree sexual assault. Case dismissed. He lost bid for reelection while awaiting trial.

REPRESENTATIVE R. MICHAEL FERRALL

Convicted in 1979 of OWI.

Charged in 1978 with misdemeanor misuse of state telephone credit card. Case dismissed.

REPRESENTATIVE JAMES LEWIS

Convicted of felony in 1979 and removed from office for false swearing to a federal grand jury.

REPRESENTATIVE JOHN SHABAZ

Convicted in 1979 of OWI.

SENATOR JAMES DEVITT

Convicted of felony in 1978 and removed from office as a result of false testimony about campaign contributions.

SENATOR HENRY DORMAN

Charged in 1978 with misdemeanor misuse of state telephone credit card. Case dismissed.

REPRESENTATIVE JOSEPH LOOBY

Charged in 1978 with misdemeanor misuse of state telephone credit card. Case dismissed.

SENATOR BRUCE PELOQUIN

Charged and acquitted in 1978 of misdemeanor for alleged theft of bricks.

SENATOR MONROE SWAN

Convicted of felony and misdemeanor in 1978 and removed from office for misuse of federally paid Comprehensive Employment and Training Act workers in unsuccessful campaign for Lieutenant Governor. Sentenced to 60 days in jail, two years probation, and \$2,000 fine.

REPRESENTATIVE MARCEL DANDENEAU

Convicted in 1977 of misdemeanor violation of campaign finance laws. Paid \$500 fine and \$10 court costs.

Charged in 1976 with felony misconduct on public office. Case dismissed.

REPRESENTATIVE PAUL ALFONSI

Convicted of a felony in July 1967 for bribery in Dane County Circuit Court. He was removed from office upon sentencing on July 27, 1966. He was reelected in November 1966 while the case was on appeal. The Wisconsin Supreme Court, in *State v. Alfonsi*, 33 Wis. (2d) 469, reversed the trial court judgment in January 1967 and remanded the case for a new trial, in which he was acquitted in July 1968. He served during most of the 1967 legislative session and won reelection in November 1968.

REPRESENTATIVE WILLIS HUTNIK

Charged with felony bribery. Acquitted in 1968.

REPRESENTATIVE EARL ELFERS

Charged in 1966 with assault and battery. Charges dismissed.

REPRESENTATIVE GLEN POMMERENING

Convicted in 1965 of OWI.

REPRESENTATIVE FRED SCHLEUTER

Convicted in 1965 of OWI. Had been charged in 1963, but case was delayed due to legislative immunity. Defeated for reelection in 1964.

REPRESENTATIVE MARK CATLIN, JR.

Found by the Board of State Bar Commissioners in 1957 with violating attorney standards of professional conduct by using personal influence and improperly accepting fees to secure the pardon or parole of inmates of the state prison in 1955. Was fined \$1,500 and disbarred by the Wisconsin Supreme Court for six months. Defeated for reelection in the September 1956 primary.

REPRESENTATIVE CECIL BROWN, JR.

Charged with larceny in 1956 after being accused of taking \$75 insurance policy payment. Case dismissed.

REPRESENTATIVE RAY KUHLMAN

Convicted in 1956 of OWI.

REPRESENTATIVE ROBERT LYNCH

Convicted in 1954 of careless operation of a motor vehicle resulting in a 4-car crash. Fined \$10 and court costs.

REPRESENTATIVE HAROLD GADE

Convicted in 1952 of six felony counts of embezzling over \$36,000 entrusted to him as treasurer of a credit union. Sentenced to concurrent one-to-five year prison terms on each count. Resigned his seat the week prior to conviction.

REPRESENTATIVE RICHARD STEFFENS

Charged in 1949 with intentionally making false statements about election campaign opponent. Charge found groundless by state attorney general.

SENATOR EVERETT LAFOND

Convicted in 1948 of obstructing and resisting conservation wardens in the performance of their duties. Sentenced to fine of \$100 or 30 days in jail.

REPRESENTATIVE FRANK SCHAEFFER, JR.

Charged in 1946 with violating corrupt practices act. Charges dismissed.

SENATOR JAMES CARROLL

Convicted in 1942 of assault and battery while attempting to evict a squatter and destroying personal property (household furniture.) Fined \$50 and court costs or 30 days in jail on first count and fine of \$5 or five days in jail on second count.

SENATOR A.J. CONNORS

Convicted in 1939 of OWI.