

# State of Wisconsin\Government Accountability Board

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JUDGE MICHAEL BRENNAN  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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August 13, 2009

Senator Dan Kapanke  
State Capitol, Room 3 South  
Madison, WI INTER-D

Dear Senator Kapanke:

On June 16, 2009, we met at your request to discuss an economic forum that you had sponsored on June 5, 2009 in La Crosse. You were concerned about the way you had handled payment of conference costs and the fact that your campaign committee ultimately sponsored what you had originally conceived to be an office-sponsored forum. You asked the Government Accountability Board to advise you on whether we saw any problems with the way you handled the event and, if so, what steps you should take to rectify the situation.

As you explained it, and as substantiated by documents you have made available to the Board as well as interviews with two professors at the University of Wisconsin – La Crosse, we understand the following to be the facts:

- You originally contemplated that you would sponsor an economic forum in April 2009 in your official capacity as a state-related event (similar to a town hall meeting with constituents).
- The Senate Chief Clerk agreed with you that it was appropriate to use state resources in connection with the event but indicated he did not believe that the Senate Committee on Organization would approve an anticipated expenditure of \$400.
- As a result, you used campaign funds to underwrite some of the costs of the event.
- The University of Wisconsin – La Crosse political science department approached you to co-sponsor a second economic forum in June.
- You invited both Democrat and Republican lawmakers to participate with you in moderating the forum.
- Your University contact subsequently informed you that the forum was scheduled on the same day as a statewide track meet at the University which would have made it virtually impossible for attendees to find parking at the proposed site of the conference.
- As a result, you found another site – the Days Inn Hotel in La Crosse.
- You considered using your office funds to pay the costs associated with using the hotel, but based on the Chief Clerk's earlier advice, decided not to.

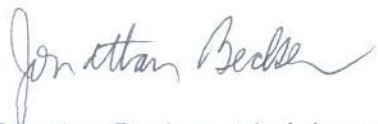
- Without University sponsorship of a site, you decided to use campaign funds to pay the costs associated with using the hotel.
- Once you made that decision, you caused an appropriate disclaimer to be placed on all materials related to the event and directed your staff not to engage in conference-related activities on state time.
- You informed us that one of your aides, who performed logistic duties on the day of the event and who took that day as a vacation day, had failed to inform the Chief Clerk in advance that she was taking that day as vacation.

Based on our understanding of the facts, the Government Accountability Board believes that, under the circumstances, you handled arrangements for the economic forum in an appropriate manner.

While a legislator should not mingle campaign funds with state resources in any communication or activity, we understand that as events unfolded you attempted to handle things as best you could. In retrospect, the Board does not believe you should have used campaign funds for the event because the forum does not appear to have had a political purpose as that term is defined in §11.01 (16), *Wisconsin Statutes*. It should more appropriately have been underwritten by your office funds or by personal funds. But the Board does not believe that any further action here is warranted.

However, because the forum was transformed into a campaign event by the use of campaign funds, the Board believes that your staffer who failed to notify the Chief Clerk in advance of taking vacation to assist at the forum should pay a forfeiture. We will be communicating directly with her on this.

Sincerely,



Jonathan Becker, Administrator  
Division of Ethics and Accountability