

STATE OF WISCONSIN  
BEFORE THE GOVERNMENT ACCOUNTABILITY BOARD

---

Democratic Party of Wisconsin &  
Alec Loftus,

Complainants,

**VERIFIED COMPLAINT**

v.

State Representative Donald Pridemore (R-Hartford),

William Savage,

James Bowers,

&

John/Jane Doe,

Respondents.

---

The Complainants, Democratic Party of Wisconsin and Alec Loftus, (collectively “the Complainants”) by their attorney Maistelman & Associates, LLC, by Attorney Michael S. Maistelman, allege and states as follows:

1. Complainant Democratic Party of Wisconsin is a state political committee with offices located at 110 King Street, Suite 203, Madison, WI 53703.
2. Complainant Alec Loftus is a resident of the State of Wisconsin, a qualified elector, and is employed by the Democratic Party of Wisconsin with an address of 110 King Street, Suite 203 Madison, WI 53703
3. Upon information and belief, Respondent Donald Pridemore (hereinafter “Pridemore”), is a State Representative from Wisconsin’s 99<sup>th</sup> Assembly District, who resides at 2277 Highway K, Hartford, Wisconsin 53027. Respondent Pridemore has ultimate responsibility for his legislative staff, including but not limited to all communications, press releases and electronic emails sent from his public office. In addition, Pridemore has charge and control of his office, which is occupied within the State Capitol.
4. Upon information and belief, Respondent William Savage (“hereafter Savage”) is

employed by the State of Wisconsin and works in the office of Pridemore. Savage's employment address is State Capitol, 318N, Madison, WI 53708

5. Upon information and belief, Respondent James Bowers ("hereafter Bowers") is employed by the State of Wisconsin and works in the office of Pridemore. Bowers' employment address is State Capitol, 318N, Madison, WI 53708.

6. Upon information and belief, Respondent John/Jane Doe ("Doe") is employed by the State of Wisconsin and works in the office of Pridemore. Doe's employment address is State Capitol, 318N, Madison, WI 53708.

## I

### **SOLICITATION FOR AND RECEIPT OF STATE RESOURCES FOR A POLITICAL PURPOSE BY PRIDEMORE, SAVAGE, BOWERS & DOE**

7. Paragraphs 1-6 above, inclusive, are restated and incorporated herein by reference.

8. Section 11.36(1), Wis. Stats., states in part as follows: "No person may solicit or receive from any state... employee any contribution or service for any political purpose while the... employee is engaged in his or her... duties."

9. Pridemore released a press release on or about March 19, 2008 which read in part "These issues alone make Tony Evers a bad choice to lead Wisconsin's Department of Public Instruction into the future" (Emphasis added). Attached hereto as Exhibit A, is a copy of the Press Release.

10. The entire press release including the phrase "These issues alone make Tony Evers a bad choice to lead Wisconsin's Department of Public Instruction into the future" contained in Exhibit A was done for purely "political purposes." Respondents were advocating for the election or defeat of a clearly identifiable candidate using state resources clearly in violation of § 11.36(5), Wis. Stats.

11. The press release and phrase "These issues alone make Tony Evers a bad choice to lead Wisconsin's Department of Public Instruction into the future" contained in Exhibit A indicates that Respondents' utilized state resources for a political purpose while Respondents were engaged in their state duties as state employees.

## II

### **USE OF STATE RESOURCES FOR A POLITICAL PURPOSE BY RESPONDENTS PRIDEMORE, SAVAGE, BOWERS & DOE**

12. Paragraphs 1-11 above, inclusive, are restated and incorporated herein by reference.

13. Section 11.24(1), Wis. Stats., states in part as follows: “No person may, directly or indirectly, make any contribution other than from funds or property belonging to the contributor... No person may intentionally accept or receive any contribution made in violation of this section.”

14. Upon information and belief, Respondents are all state employees, and made illegal political contributions of services belonging to the State of Wisconsin, in violation of §11.24(1), Wis. Stats. *See Exhibit A, attached hereto.* This is a violation of §11.24(1), Wis. Stats. *See Exhibit A, attached hereto.*

### **III VIOLATION OF § 11.36(3), WIS. STATS., BY RESPONENT PRIDEMORE**

15. Paragraphs 1-14 above, inclusive, are restated and incorporated herein by reference.

16. Respondent Pridemore is a State Representative.

17. As a State Representative, Respondent Pridemore has charge and control of his office and office equipment occupied by the State of Wisconsin.

18. Section 11.36(3), Wis. Stats., states in part as follows: “Every person who has charge or control in a building occupied for any purpose by the state... shall prohibit the entry of any person into that building... for the purpose of making a political contribution.”

19. Upon information and belief, Respondent Pridemore did not only fail to prohibit the entry into a State building to make the illegal political contribution, but, in fact, conspired in the same all in violation of §11.36(3), Wis. Stats.

### **IV CRIMINAL USE OF STATE RESOURCES FOR A POLITICAL PURPOSE BY RESPONENTS PRIDEMORE, SAVAGE, BOWERS & DOE1**

20. Paragraphs 1-19 above, inclusive, are restated and incorporated herein by reference.

---

<sup>1</sup> [Wis. Stat. § 946.12\(3\)](#) was not vague or overly broad as applied to two assembly members who were charged with hiring a third defendant to solicit money for political campaigns while being compensated as a state employee or using state resources or both; the duty that each defendant allegedly violated was adequately delineated, in part by [Wis. Stat. § 11.36](#), which specifically prohibited public officials from soliciting or receiving contributions or services while engaged in their official duties. [State v. Jensen, 2004 WI App 89, 272 Wis. 2d 707, 681 N.W.2d 230, 2004 Wisc. App. LEXIS 276 \(2004\)](#), affirmed by [2005 WI 31, 279 Wis. 2d 220, 694 N.W.2d 56, 2005 Wisc. LEXIS 140 \(2005\)](#).

21. Section 946.12(3), Wis. Stats., states in part as follows: “Any... public employee who does any of the following is guilty of a Class I felony:

Whether by act of commission... in the employee’s capacity as such... employee exercises a discretionary power in a manner inconsistent with the duties of the... employee’s... employment or the rights of others... with the intent to obtain a dishonest advantage for the... employee or another.”

22. Respondents Pridemore, Savage, Bowers and Doe exercised a discretionary power in a manner inconsistent with Respondents’ duties as state employees with the intent to obtain a dishonest advantage for another by using state resources for political purposes, all in violation of § 946.12(3), Wis. Stats.

## V

### CRIMINAL & CIVIL PENALTIES

23. Paragraphs 1-22 above, inclusive, are restated and incorporated herein by reference.

23. Wis. Stats. Secs.11.60(1) & (3) entitled “Civil penalties” provides:

**(1) Any person, including any committee or group, who violates this chapter may be required to forfeit not more than \$500 for each violation.**

**(3) Notwithstanding sub. (1), any person, including any committee or group, who makes any contribution in violation of this chapter may be required to forfeit treble the amount of the contribution or portion thereof which is illegally contributed.**

24. Wis. Stats. Secs.11.61(1)(a) & (c) entitled “Criminal penalties prosecution” provides:

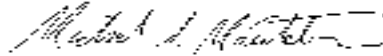
**(a) Whoever intentionally violates s. 11.05 (1), (2), (2g) or (2r), 11.07 (1) or (5), 11.10 (1), 11.12 (5), 11.23 (6) or 11.24 (1) is guilty of a Class I felony.**

**(c) Whoever intentionally violates any provision of this chapter other than those provided in par. (a) and whoever intentionally violates any provision under par. (b) where the intentional violation concerns a specific figure which does not exceed \$100 in amount or value may be fined not more than \$1,000 or imprisoned not more than 6 months or both.**

**WHEREFORE**, Complainants' respectfully request that the Government Accountability Board commence an immediate investigation and impose penalties provided for under Wis. Stats. Sec. 11.60(1) and refer the criminal portion of this Verified Complaint to the District Attorney or the Wisconsin Department of Justice - Public Integrity Unit, for criminal prosecution and for other such relief that is just and equitable.

Dated at Milwaukee, Wisconsin this 20<sup>th</sup> day of March, 2009.

MAISTELMAN & ASSOCIATES, LLC



By: \_\_\_\_\_

Michael S. Maistelman  
State Bar No. 1024681  
Counsel for Complainants

P.O. ADDRESS:  
5020 W. North Avenue  
Milwaukee, Wisconsin 53208  
(414) 908-4254  
(414) 447-0232 (Fax)