

UNDER SEAL

STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT IV

UNDER SEAL

Case No. 2013AP002504 W

STATE ex rel. THREE UNNAMED PETITIONERS,

Petitioners,

vs.

THE HONORABLE GREGORY A. PETERSON,
John Doe Judge, THE HONORABLE GREGORY POTTER,
Chief Judge and FRANCIS D. SCHMITZ, as Special Prosecutor,

Respondents.

Case No. 2013AP002505 W

STATE ex rel. THREE UNNAMED PETITIONERS,

Petitioners,

vs.

THE HONORABLE GREGORY A. PETERSON,
John Doe Judge, THE HONORABLE JAMES P. DALEY,
Chief Judge and FRANCIS D. SCHMITZ, as Special Prosecutor,

Respondents.

Case No. 2013AP002506 W

STATE ex rel. THREE UNNAMED PETITIONERS,

Petitioners,

vs.

THE HONORABLE GREGORY A. PETERSON,
John Doe Judge, THE HONORABLE GREGORY POTTER,
Chief Judge and FRANCIS D. SCHMITZ, as Special Prosecutor,

Respondents.

Case No. 2013AP002507 W

STATE ex rel. THREE UNNAMED PETITIONERS,

Petitioners,

vs.

THE HONORABLE GREGORY A. PETERSON,
John Doe Judge, THE HONORABLE JAMES J. DUVALL,
Chief Judge and FRANCIS D. SCHMITZ, as Special Prosecutor,

Respondents.

Case No. 2013AP002508 W

STATE ex rel. THREE UNNAMED PETITIONERS,

Petitioners,

vs.

THE HONORABLE GREGORY A. PETERSON,
John Doe Judge, THE HONORABLE JEFFREY A. KREMERS,
Chief Judge and FRANCIS D. SCHMITZ, as Special Prosecutor,

Respondents.

AFFIDAVIT IN SUPPORT OF THE RESPONSE
OF THE SPECIAL PROSECUTOR
(FILED UNDER SEAL)

STATE OF WISCONSIN)

) ss.

MILWAUKEE COUNTY)

Francis D. Schmitz, being first duly sworn on oath, deposes and says
that:

1. I am the Special Prosecutor appointed to the John Doe investigation challenged in the Supervisory Writ proceedings identified in the captions above.

2. I make this Affidavit in support of a Response to the Petition for a Supervisory Writ filed in the court of appeals.

3. Attached to this Affidavit is a true and correct copy of papers filed in the Milwaukee County John Doe Proceedings in Case No. 2012JD000023:

- a. The file stamped Order assigning the Honorable Barbara A. Kluka as the John Doe Judge. Exhibit 1.1
- b. The Petition for Commencement of a John Doe Proceeding (Exhibit 1.2); and
- c. The Affidavit in Support of Petition to Commence the Milwaukee John Doe Proceedings (Exhibit 1.3);

I am advised that the Order (Exhibit 1.1) was submitted to Chief Judge Jeffrey A. Kremers with the Petition and the Affidavit attached. Only the Order was file stamped by the Deputy Clerk.

4. Attached to this Affidavit are true and correct file stamped copies of the Petitions to Commence John Doe Proceedings in the Counties of:

- a. Columbia (Exhibit 2);
- b. Dane (Exhibit 3);
- c. Dodge (Exhibit 4); and
- d. Iowa (Exhibit 5).

5. Attached to this Affidavit as Exhibit 6 is a true and correct file stamped copy of the Affidavit dated December 10, 2012 submitted in the Milwaukee John Doe Proceedings in Case No. 2102JD000023. It is submitted here without exhibits. It is included herewith because this

Affidavit (without exhibits) was incorporated by reference in the proceedings commenced in the Counties of Columbia, Dane, Dodge and Iowa.

6. I have attached true and correct file stamped copies of the Affidavit in Support of Petitions to Commence John Doe Proceedings in the Counties of:

- a. Columbia (Exhibit 7);
- b. Dane (Exhibit 8);
- c. Dodge (Exhibit 9); and
- d. Iowa (Exhibit 10).

Because the Milwaukee County Affidavits dated August 10, 2012 and December 10, 2012 are duplicated in all of these filings, they have not been included as part of the exhibits to my Affidavit. They are, however, on file in each of the counties named above, except I am advised that Exhibit 5 was inadvertently omitted from the copies filed in these counties.

7. Attached to this Affidavit is a true and correct copy of the Applications and Orders for Specific Judicial Assignment for the Honorable Barbara A. Kluka in the Counties of:

- a. Columbia (Exhibit 11);
- b. Dane (Exhibit 12);
- c. Dodge (Exhibit 13);
- d. Iowa (Exhibit 14); and
- e. Milwaukee (Exhibit 15).

8. Attached to this Affidavit as Exhibit 16 is a true and correct file stamped representative copy of the letter signed by the District Attorneys of Columbia, Dane, Dodge, Iowa and Milwaukee Counties dated August 21 /

22, 2013 to John Doe Judge Barbara Kluka. This representative copy (Exhibit 16) was filed in Columbia County. The same letter was filed in the Counties of Dane, Dodge, Iowa and Milwaukee.

9. Attached to this Affidavit are true and correct file stamped copies of the Orders Appointing a Special Prosecutor in the Counties of:

- a. Columbia (Exhibit 17);
- b. Dane (Exhibit 18);
- c. Dodge (Exhibit 19);
- d. Iowa (Exhibit 20); and
- e. Milwaukee (Exhibit 21).

Under date of August 26, 2013, the State Prosecutors Office was forwarded a copy of these Orders by United States Mail.

10. On October 23, 2013, in the context of the Milwaukee County proceedings, I learned that the Honorable Barbara A. Kluka had recused herself. I received formal notice of the recusal on October 29, 2013. See Exhibit 22.

11. The Honorable Gregory A. Peterson was subsequently assigned to continue with the John Doe proceedings. See Exhibit 22. Attached to this Affidavit are true and correct copies of the Applications and Orders for Specific Judicial Assignments relating to the Honorable Gregory A. Peterson in the Counties of:

- a. Columbia (Exhibit 23);
- b. Dane (Exhibit 24);
- c. Dodge (Exhibit 25);
- d. Iowa (Exhibit 26); and
- e. Milwaukee (Exhibit 27).

12. A record of these John Doe proceedings is being maintained by the Clerks of Court for all five counties. Except for the most recent of John Doe papers that have been filed, I certify that I have either filed or caused to be filed all John Doe papers with each of the five Clerks of Court and a complete record of the John Doe proceedings exists in all five counties.

13. Because the John Doe Judges conducting these proceedings live (and lived) a significant distance from the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee, with the approval of the John Doe Judge, I have submitted papers in this proceeding to the John Doe Judge prior to filing. After the John Doe Judge acted upon the papers, I caused them to be filed with the five counties. There have in fact been delays in submitting papers to all five counties. After his appointment, I asked Judge Gregory A. Peterson to designate one primary county for the filing of papers. Judge Peterson chose Dane County. He further ordered that from "time to time" the remaining four counties shall be provided with copies of the papers that have been filed in the primary county, viz., Dane County.

14. I act with the prior permission, consent and authorization of the District Attorneys from Columbia, Dane, Dodge, Iowa and Milwaukee Counties, the prosecutors who originally commenced the proceedings in their respective counties. While I have assumed the responsibility for the investigatory decisions made in the John Doe proceedings, I myself have not made application for any form of subpoena, subpoena duces tecum or search warrant from the John Doe Judge. I have not appeared before the John Doe Judge to take oral testimony. To the extent that such activities have taken place in the John Doe proceedings since my appointment, investigators have submitted sworn statements to the John Doe Judge in all

but one instance. In that one instance, Milwaukee County Assistant District Attorney David Robles submitted an Affidavit to the John Doe Judge.

15. Attached to this Affidavit are true and correct copies of the Orders Commencing the John Doe proceedings signed by Judge Barbara A. Kluka:

- a. Columbia (Exhibit 28);
- b. Dane (Exhibit 29);
- c. Dodge (Exhibit 30);
- d. Iowa (Exhibit 31); and
- e. Milwaukee (Exhibit 32).

Dated this ____ day of December 2013.

Francis D. Schmitz
Special Prosecutor
State Bar No. 1000023

Subscribed and sworn to before
me at Milwaukee, Wisconsin on
this ____ day of December 2013

Notary Public, Milwaukee County
State of Wisconsin
My commission is permanent.

THIS PAGE INTENTIONALLY LEFT BLANK

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 2012JD

ORDER

FILED

AUG 23 2012

WHEREAS THE COURT, having received the Petition for Commencement of a John Doe Proceeding signed by Assistant District Attorney David Robles dated August 10, 2012, and the Affidavit of Investigator Robert Stelter dated August 10, 2012 in support of said Petition, having reviewed these documents and having found cause to assign this matter for review;

WHEREAS, having been informed that the John Doe will require the testimony of witnesses from the Office of the Governor of the State of Wisconsin, as well as other witnesses concerning the campaign finance violations contrary to Wisconsin Statutes §§ 11.10(4), 11.26, 11.27, 11.61(1)(b) and Chapter 11, the court has selected the Honorable BARBARA KLUKA, Judge, to hear this matter.

NOW THEREFORE THE COURT orders that the Petition for Commencement of a John Doe Proceeding be assigned and forwarded to the Honorable BARBARA KLUKA, Reserve Judge, for resolution pursuant to Wisconsin Statutes sec. 968.26.

Dated at Milwaukee, Wisconsin, this 23rd day of August 2012.

BY THE COURT:



Jeffrey A. Kremers
Honorable Jeffrey A. Kremers
Chief Judge
Milwaukee County, Wisconsin

EXHIBIT 1.1

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 008

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 2012JD 000023

PETITION FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

WHEREAS, I, David Robles, Assistant District Attorney in and for the County of Milwaukee have been assigned to an investigation in the County of Milwaukee, State of Wisconsin, relating to potential crimes including, but not limited to, violations of Wisconsin Statutes §§11.27(1), 11.26(2)(a), 11.61(1)(b), 11.36, 939.31 and 939.05, viz. Filing a False Campaign Report or Statement (PTAC); Conspiracy to File a False Campaign Report and other violations of Chapter 11.

WHEREAS, based upon the investigation as set forth in the attached Affidavit of Investigator Robert Stelter, I have reason to believe that violations of §§11.27(1), 11.26(2)(a), 11.61(1)(b), 11.36, 939.31 and 939.05, viz. Filing a False Campaign Report or Statement (PTAC); Conspiracy to File a False Campaign Report and other violations of Chapter 11 have taken place and further, I have reason to believe these violations have been committed within the jurisdiction of this court; and

WHEREAS, I believe based upon these investigations that further information concerning this criminal violation can be revealed via a John Doe proceeding;

NOW, THEREFORE, based upon the information contained in the attached Affidavit of Investigator Robert Stelter showing evidence that a criminal violation of Wisconsin Statutes §§11.27(1), 11.26(2)(a), 11.61(1)(b), 11.36, 939.31 and 939.05, viz. Filing a False Campaign Report or Statement (PTAC); Conspiracy to File a False Campaign Report and other violations of Chapter 11 may have been committed in Milwaukee County, I hereby request that a John Doe proceeding, pursuant to Wis. Stats. Sec. 968.26, be conducted and that witnesses be subpoenaed and questioned under oath relating thereto.

FURTHER, I request that these John Doe proceedings be secret for the following reasons. This investigation will focus on violations of Wisconsin Chapter 11, and in particular the coordination of personal political campaign committees and "501(c)(4)" organizations for the purpose of circumventing the restrictions of Wisconsin Chapter 11. Consequently, it is expected that this investigation will lead to an examination of e-mail, correspondence and documents maintained by the Office of the Governor for the State of

EXHIBIT 1.2

2013AP002504-W –
2013AP002508-W

Wisconsin, Governor Scott Walker, Friends of Scott Walker personal campaign committee, Wisconsin Club for Growth, and other related organizations. Likewise, I anticipate subpoenaing Wisconsin state officials, Wisconsin senate candidates, campaign contributors, and contributors to "501(c)(4)" organizations during the course of the investigation to identify the purpose of the contributions, and any coordination between personal political campaign committees and the political activity of "501(c)(4)" organizations, as referenced in the affidavit in support of the commencement of the John Doe. If held publicly, an investigation into this matter will likely be the subject of significant publicity in the print and broadcast media, making it difficult to approach and potentially interview witnesses, as well as precipitating the destruction of evidence. It is therefore my opinion that the formality and the secrecy of a John Doe proceeding will increase the likelihood of complete and truthful statements without the influence of publicity, that may not exist in an informal non-secret setting.

FURTHER, for these reasons, I respectfully submit that the balance between – on the one hand - the public's right to be informed about this John Doe proceeding, and – on the other hand - the legitimate need to maintain the secrecy of these proceedings, must be struck, at this juncture, in favor of a secret proceeding. *In re John Doe Proceeding*, 2003 WI 30, 260 Wis.2d 653, 660 N.W.2d 260 at ¶166.

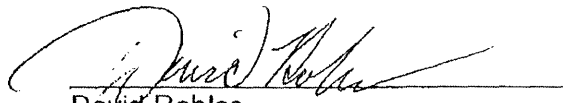
FURTHER, notwithstanding any secrecy order, I request that the court allow the following classes of persons to have access to the record of the John Doe proceedings to the extent necessary to perform their duties: all prosecutors, support staff and investigative staff of the Milwaukee County District Attorney's Office. I anticipate individuals from the investigative staff of the District Attorney's Office will assist during the John Doe investigation and will conduct work both in support of the John Doe investigation and in response to information gathered at the John Doe hearings.

FURTHER, notwithstanding any secrecy order, I request the court to allow prosecutors and investigators acting in support of the John Doe proceeding to use the information, transcripts, documents and other materials that will be gathered in this investigation for all appropriate law enforcement purposes, including but not limited to the interview of witnesses in support of this investigation.

FINALLY, as to the scope of the secrecy order, I request that the court order that

secrecy be maintained during this John Doe proceedings as to court docket and activity records, court filings, process issued by the court, information concerning the questions asked and the answers given during a John Doe hearing, transcripts of the proceedings, exhibits and other papers produced during the proceedings, as well as to all other matters observed or heard in the John Doe proceeding. See, generally, *In re John Doe Proceeding*, 2003 WI 30 at ¶62.

Dated this 10th day of August, 2012.


David Robles
Assistant District Attorney
State Bar Number 01009608
david.robles@da.wi.gov

P.O. Address
Safety Building Room 405
821 West State Street
Milwaukee, Wisconsin 5323
(414) 278-3035 - Voice
(414) 223-1955 - Fax

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 2012JD 000023

**AFFIDAVIT IN SUPPORT OF PETITION FOR
COMMENCEMENT OF A JOHN DOE PROCEEDING**

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

ROBERT STELTER, being first duly sworn on oath, deposes and says that:

1. I am an Investigator in the Milwaukee County District Attorney's Office. I submit this Affidavit in support of a petition to commence a John Doe investigation.

2. I have 27 years of experience as a law enforcement officer. I have held the rank of Detective and Lieutenant of Detectives within the City of Milwaukee Police Department. For two years, I worked at the Milwaukee High Intensity Drug Trafficking Area Task Force, (hereafter HIDTA), a state/federal task force with law enforcement officers from the City of Milwaukee Police Department, Federal Bureau of Investigation, Drug Enforcement Administration, West Allis Police Department, Wisconsin Department of Justice, Wisconsin State Patrol, and other jurisdictions. That experience included the investigation of and supervision of the investigation of complex and large scale organized crime in the Metropolitan Milwaukee, Wisconsin area. Over these last 10 years, I have overseen multiple investigations and been involved in the supervision of investigations that involved federal court authorized wiretaps of wire and electronic communications as defined in the Federal Code. I also have participated in investigations involving individuals and organized group activity related to the distribution of drugs and controlled substances, and the laundering of drug proceeds and the concealment of assets purchased with drug proceeds. In the past two years I have been involved with the investigation of violations of Wisconsin election laws, campaign finance laws, use of government employees for the purpose of political service, and ethics violations. The investigations have resulted in prosecutions for theft, campaign finance violations, as well as political service involving governmental employees.

3. The purposes and goals of this John Doe investigation would be to:

- a. Determine the nature and extent of an agreement or understanding related to the solicitation by Scott Walker, gubernatorial candidate, and Friends of

EXHIBIT 1.3

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 012

Scott Walker (FOSW), the personal campaign committee of Scott Walker in the 2011 and 2012 recall elections, for contributions to organizations regulated by Title 26 U.S.C. 501(c)4 contrary to Wisconsin Stats sec. 11.10(4), 11.26, 11.27 and 11.61(1)(b);

- b. Determine whether the circumstances under which the solicitation and use of said campaign contributions were to circumvent the provisions of Wisconsin Stats sec. 11.26 and 11.27(1) by individuals and others identified above, for a criminal purpose in order to avoid the requirements of Wisconsin Stats. sec. 11.06(1) and 11.27(1).

4. The following principals of law apply to this request to commence this John Doe investigation:

- a. Wisconsin Statutes section 11.05(2g) provides that each candidate shall file a registration statement, with the filing officer providing information related to the name, mailing address and information required under §11.05(3). A personal campaign committee, or other entity registered under Wis. Stats. Sec. 11.05, shall make a full report of all contributions received, contributions or disbursements made, and obligations incurred, on a form prescribed by the registrant. A personal campaign committee registered under Wis. Stats. Sec. 11.05(2g) is such a committee. Friends of Scott Walker (FOSW) was the personal campaign committee of Scott Walker, gubernatorial candidate. Additionally, the personal campaign committees for Republican Senate candidates David VanderLeest, Robert Cowles, Alberta Darling, Sheila Harsdorf, Luther Olsen, Randy Hopper, Dan Kapanke, Kim Simac and Jonathan Steitz would be such a committee.
- b. Wisconsin Statutes sec. 11.10(4) provides: "No candidate may establish more than one personal campaign committee. Such committee may have subcommittees provided that all subcommittees have the same treasurer, who shall be the candidate's campaign treasurer. The treasurer shall deposit all funds received in the campaign depository account. Any committee which is organized or acts with the cooperation of or upon consultation with a candidate or agent or authorized committee of a candidate, or which acts in concert with or at the request or suggestion of a candidate or agent or authorized committee of a candidate is deemed a subcommittee of the

candidate's personal campaign committee." A "personal campaign committee" is defined in Wisconsin Stats. Sec. 11.01(15) and a "committee" or "political committee" is defined in Wis. Stats. Sec. 11.01(4). Accordingly, by operation of law, any "committee" acting in concert with or with the cooperation of or consultation with Scott Walker or FOSW, or the personal campaign committees of the above Wisconsin State Senate candidates are deemed by operation of law to be a subcommittee of the candidate's personal campaign committee.¹

- c. Wisconsin Stats. Sec. 11.06(1) provides that the report shall include an itemized statement giving the date, full name and street address of each contributor who has contributed in excess of \$20. If the cumulative contributions for the year exceed \$100, the occupation, name and address and principal place of employment of the contributor must be included. For example, FOSW is obligated to report all the source's of contributions exceeding \$20 to FOSW or any subcommittee acting in concert with or with the cooperation of, or consultation with Scott Walker or FOSW.
- d. Wisconsin Stats. Sec. 11.27(1) provides that, "No person may prepare or submit a false report or statement to a filing officer under this chapter." A person who intentionally violates Wis. Stats. Sec. 11.27 (1) by the filing of a false report, that involves more than \$100 or does not involve a specific figure is guilty of a Class I felony, pursuant to Wisconsin Stats. sec. 11.61(1)(b). Accordingly, the intentional failure of FOSW to report to the Wisconsin Government Accountability Board all the sources of contributions exceeding \$20 to FOSW or any subcommittee acting in concert with or with the cooperation of or consultation with Scott Walker or FOSW would be a violation of Wis. Stats. sec. 11.27(1).
- e. Wisconsin Statutes section 939.31 provides that "...whoever, with intent that a crime be committed, agrees or combines with another to commit that crime may, if one or more of the parties to the conspiracy does an act to effect its

¹ In 2005, former Wisconsin State Senator Charles "Chuck" Chvala was convicted in Dane County Circuit Court Case No. 2002CF2451 of violating Wisconsin Stats. §§ 946.12(2) and 11.26(2)(b). The violations of Wis. Stats. §11.26(2)(b) arose out of the campaign coordination involving Chvala, personal campaign committees and "independent interest groups" that is analogous to the potential violations here.

object, be fined or imprisoned or both not to exceed the maximum provided for the completed crime."

- f. Wisconsin Statutes section 939.05 provides that "Whoever is concerned in the commission of a crime is a principal and may be charged with and convicted of the commission of the crime although the person did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other degree of the crime or of some other crime based on the same act." Additionally, they may be convicted under Wisconsin Stats. Sec. 939.05 if the person aided or abetted or conspired to commit the criminal offense.

5. As a preliminary matter, I know that Scott Walker resides at [REDACTED] Wauwatosa, Wisconsin in Milwaukee County since 2009 and in the Executive Mansion in Dane County, Wisconsin since January 2011, during the timeframe when the alleged offenses were committed.² The court has jurisdiction over the above offenses pursuant to Wisconsin Stats. §978.05(1) that provides in pertinent part that the District Attorney of the prosecutorial district has the authority to prosecute all criminal violations that occur within that prosecutorial unit, as well as "all criminal actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be committed by a resident of his or her prosecutorial unit . . ." I would note that Scott Walker did publicly vote in the City of Wauwatosa, Milwaukee, Wisconsin with respect to the June 5, 2012 recall election.

B. BACKGROUND

6. Scott Walker was the Milwaukee County Executive from 2002 to 2010. In 2006 and 2010, Walker was a candidate for the office of Governor of the State of Wisconsin. Scott Walker was elected to the office of the Governor on November 2, 2010. On January 17, 2012, petitions to recall Scott Walker as Governor were filed. As a result of the filing of the

² Venue and jurisdiction can be established with a simple phone call, or an single act in furtherance of a conspiracy, which is one of the constituent elements of the charge. In State v. Anderson, 280 Wis.2d 104, 122 (p. 24), 395 N.W.2d 731 (2005), the Court found that a phone call (an overt act evincing the intent to kill) which occurred in Jefferson County established venue and jurisdiction in a prosecution for first degree intentional homicide.

recall petitions, the Government Accountability Board ordered elections for the office of Governor and Lt. Governor be held on June 5, 2012.

7. John Hiller was treasurer of the Friends of Scott Walker (hereafter FOSW), the personal campaign committee for the gubernatorial campaign of Scott Walker for Governor. Shortly after Walker took office as Governor in 2011, Kate Lind became treasurer for FOSW according to filings with the Government Accountability Board.

8. R.J. Johnson was a paid advisor to the Friends of Scott Walker and was also involved with the Wisconsin Club for Growth (WiCFG), an organization under Title 26 U.S.C. 501(c)(4).

9. Kate Doner was a fundraiser with Doner Fundraising working on behalf of FOSW in conjunction with the Wisconsin Club for Growth in 2011 and 2012. Camille Moughon and Jennifer Bannister also worked for Doner Fundraising.

10. Kelly Rindfleisch is presently employed by an independent company performing work for the Friends of Scott Walker. Rindfleisch was actively involved in coordinating fundraising by Scott Walker on behalf of the WiCFG organization. Rindfleisch previously was employed as deputy chief of Staff for then Milwaukee County Executive Scott Walker. During the timeframe of that employment in 2010, Rindfleisch was an active fundraiser for then Lt. Governor candidate Brett Davis. Rindfleisch was subsequently charged with four counts of Misconduct in Public Office in Milwaukee County Circuit Court case no. 12CF000438.

11. A review of e-mail obtained as a result of a John Doe search warrant issued on May 3, 2012 in Milwaukee County John Doe case no. 2010JD000007 for particular private e-mail accounts reflect a communication on March 25, 2011 at 11:48 a.m. In that communication, Nick Ayers (former executive director of the Republican Governors Association) wrote Governor Walker, indicating that he spoke with Earl Gillespie (Chairman of the Republican State Leadership Committee). The e-mail lays the groundwork for a meeting to coordinate the efforts of at least two 501(c)(4) organizations, Americans for Prosperity (AFP) and Club for Growth (CFG) with that of other political organizations, Wisconsin Republican Party (WIGOP), Republican State Leadership Committee (RSLC) and Republican Governors Association (RGA). (Exhibit 1)

From: Nick Ayers [REDACTED]
Sent: Friday, March 25, 2011 11:48 AM
To: Scott Walker
Cc: Reince Priebus - Chairman's Office
Subject: WI

Spoke to Gillespie this morning. My sense is that everyone's heart (AFP, WIGOP, RSLC, RGA, CFG) is in the right place but no one is clear on the entire battle plan, and that is leaving very vulnerable gaps in both the planning and execution of a winning strategy.

Stating the obvious: it is crucial that if we provide the air cover in the coming few months that someone else has a top-notch absentee ballot and GOTV plan. It is crucial that if those two things are happening some other entity has total responsibility for collecting the petitions in the 3-4 targeted democratic senate seats. It is equally crucial that someone is providing talking points and a daily message to all the Party's talking heads. It is crucial that all these groups are reporting in on their progress and hitting their metrics for success. And it is crucial that we have a legal plan in place to challenge erroneous petitions and prevent voter fraud.

The point I am trying to make is that losing at any of these levels: GOTV plan; paid advertising; earned media; collecting petitions; legal strategy, means losing at all levels.

To resolve this we recommend getting together face to face on Wednesday or Friday of next week in WI to bring everyone together to assign responsibility and create a command structure. Does this sound correct to you? Ed and I are available by phone if you want to discuss.

(Exhibit1)

12. This coordination is discussed in an e-mail sent by Kate Doner, a fundraiser for Scott Walker, to R.J. Johnson and Jay Rosser on April 28, 2011 at 12:03 p.m. Doner explains:

"As the Governor discussed with Mr. Pickens, he wants all the issue advocacy efforts run thru one group to ensure correct messaging. We had some past problems with multiple groups doing work on "behalf" of Gov. Walker and it caused some issues. In Wisconsin, a 501(c)(4) is the **legal** vehicle that runs the media/outreach/GOTV campaign. The Governor is encouraging all to invest in the Wisconsin Club for Growth. Wisconsin Club for Growth can accept Corporate and Personal donations without limitations and no donors disclosure. We are a separate group from the national Club for Growth and do not have any Koch money involvement."

(see attached, emphasis in original) (Exhibit 2)

13. On June 20, 2011 at 10:48 a.m. Kelly Rindfleisch using the e-mail address [REDACTED] sent an e-mail to Ryan Murray and Scott Walker. The e-mail forwarded a communication from Kate Doner to Rindfleisch regarding a fundraising trip in New York City from June 20 to June 21, 2011. The itinerary for the fundraising trip is attached to the e-mail. Included in the itinerary was a meeting with Chris Lofgren,

identified in the e-mail as the CEO of Schneider National, the nation's largest privately owned truckload carrier. The talking points related to fundraising include Walker asking Lofgren to reach out to "his peers" and assist with raising \$200,000; a request for a \$50,000 donation from Chris Lofgren; and a note to "(S)tress that donations to WiCFG are not disclosed and can accept Corporate donations without limits.³ I believe WiCFG to refer to the "Wisconsin Club for Growth." (Exhibit 3)

14. The itinerary described in ¶12 included a meeting with Mark Schwabero of Mercury Marine, based in Fond Du Lac, Wisconsin; the talking points included a request for Schwabero to have his company make a contribution, and to recruit other companies to make a contribution. Walker was to let Schwabero know that companies are contributing between \$10,000 and \$1,000,000. Walker was to ask Schwabero for a \$25,000 contribution, and for Schwabero to "...ask two other guys to match your donation to your 501c4." Walker was to let Schwabero know that corporate contributions can be accepted and it is not reported.

15. The itinerary described in ¶12 included a meeting with "BLACKROCK," an investment firm with \$3.65 trillion equity according to the summary. The talking points included, "the business aspects of the recall effort and why it's important to keep the Senate. We are rallying the business community's support with such a short timeline. Unlike the unions, we don't have access to that much cash to be competitive. We are hoping to count on their support." The talking points concluded with a request by Walker for a contribution of \$100,000 to "your" (referring to Walker) "501c4."

16. A review of State of Wisconsin online records related to incorporation reflects that "Wisconsin Club for Growth" (hereafter WiCFG) is a "non-stock" corporation. According to media accounts, WiCFG is a organization whose board members have extensive ties to "Wall Street" and energy companies. R.J. Johnson has been identified as a organizer and key adviser for WiCFG.⁴ R.J. Johnson was a general consultant to FOSW in 2010 according to John Doe testimony.⁵ Based upon information and belief, WiCFG is a

³ Wisconsin Statutes prohibit contributions from corporations; Scott Walker acknowledged that on March 22, 2012 during an interview. When asked about fundraising by the FOSW finance committee, and a discussion of donors, Scott Walker stated, "... It wouldn't be corporate donors." (See Exhibit 4, Interview of Scott Walker, March 22, 2012, Pgs 83 to 85)

⁴ See Milwaukee Journal-Sentinel article dated February 22, 2011. (Exhibit 5)

⁵ See John Doe testimony of R.J. Johnson dated October 6, 2011, pg. 19 (Exhibit 6)

"501(c)4 organization, meaning that it is a tax exempt social organization formed or created under Title 26 U.S.C. 501(c)(4).⁶

17. In 2011, WiCFG sponsored ads supporting Walker (see Stay the Course ad at http://www.youtube.com/watch?v=SbflkDCcb_o&feature=plcp).

18. On August 30, 2011 at 11:53 p.m., Scott Walker sent an e-mail to R.J. Johnson and Mary Stitt, asking if he sent out thank you notes to "all of our c(4) donors?". Mary Stitt replied on August 30, 2011 at 5:22 a.m. to Walker, advising him, "I think you had a few final ones to sign. Ted Kellner, San Orr, Fred Kasten. I will work with Keith for times to set up calls for Diane and John Menard." (Exhibit 8) Based upon this e-mail, I believe Ted Kellner, San Orr, Fred Kasten, and Diane and John Menard made donations to a 501(c)(4) in response to solicitations by Scott Walker.

19. In September, 2011 after the Wisconsin Senate recall elections, a plan was proposed in preparation for the recall efforts against Governor Walker. Suggested in the e-mail was creating a new 501(c)(4) (noted in the e-mail as "c4") because of perceived issues with the name, "Club for Growth." (Exhibit 9, a portion of which appears below)

⁶ See Wisconsin Club for Growth Website, <http://wicfg.com>, that identifies it as a "501(c)(4) organization. (Exhibit 7)

From: Kate Doner [kate@donerfundraising.com]
 Sent: Wednesday, September 07, 2011 8:39 AM
 To: 'Keith Gilkes'; rj@rijohnson.org; 'Scott Walker'
 Cc: 'Jennifer Bannister, Doner'; 'Kelly Rindfleisch'
 Subject: Walker Recall Fundraising Efforts - thoughts
 Follow Up Flag: Follow up
 Flag Status: Red
 Gentlemen,

Here are my quick thoughts on raising money for Walker's possible recall efforts. I am happy to put into an official "plan".

CFG:

- Make nice with RSLC
- Lock down \$ commitments from RGA, RNC, AFP now
- Take Koch's money
- Get on a plane to Vegas and sit down with Sheldon Adelson. Ask for \$1m now.
- Corporations. Go heavy after them to give. Didn't give much to the recall effort this summer.
- Create a new c4. Club for Growth name has issues.

Walker:

- 1) Finance Chair
 - Get a kick ass finance chair who can do peer to peer asks.
 - Once Keith moves to the campaign -- have him rally the lobby/business community where Walker can't ask
- 2) PAC's
 - Only one PAC has maxed out in 2011 to Walker. Not good
 - You have raised \$237,036.75 from PAC's. Collect the other \$248,153.25 now. Invite them all to lunch with you for \$25k each and make them ham sandwiches. Get firm. No need to do anything expensive.
- 3) Corporations
 - Pulled Fortune's top 10 companies in Wisconsin. With a quick glance, only two have supported Walker (NW Mutual maxed out. American Family gave little).

1	<u>Johnson Controls</u>	83	Milwaukee	28,497.0
2	<u>Northwestern Mutual</u>	115	Milwaukee	21,602.6
3	<u>Kohl's</u>	136	Menomonie Falls	17,178.0
4	<u>Manpower</u>	143	Milwaukee	16,038.7
5	<u>American Family Insurance Group</u>	344	Madison	6,463.4
6	<u>Oshkosh</u>	386	Oshkosh	5,433.3
7	<u>Harley-Davidson</u>	430	Milwaukee	4,838.6
8	<u>Rockwell Automation</u>	476	Milwaukee	4,332.5

20. On March 20, 2012, Camille Moughon (using the e-mail address Camille@donerfundraising.com) sent an e-mail to Governor Scott Walker related to a meeting with Carl Icahn on March 20, 2012 in New York, New York for the purpose of fundraising. (Exhibit 10) The email noted that Icahn has a net worth of \$14 billion dollars. The e-mail advised Walker that, "This meeting is for WiCFG Funds." In the "talking points," Walker is to request a contribution of \$100,000 to Wisconsin Club for Growth and provide an update on the recall. (Exhibit 10)

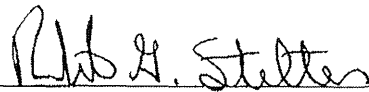
21. On March 30, 2012, Scott Walker receives a message at swalkerwi@gmail.com in which the sender indicates, "I'll find out about party limits but make sure he gives it to WiCFG." (Exhibit 11)

22. I am advised that social welfare organizations organized under Title 2 U.S.C. 501(c)(4), can involve themselves in limited political activity, provided that "supporting or

opposing candidates" does not become the organization's primary purpose. Corporations can lawfully contribute to a "501(c)(4)" organization so long as expenditures are not coordinated or made with the cooperation, consultation or at the request of a candidate or political party. The solicitation of contributions by Scott Walker to a "501(c)(4)" organization to circumvent the reporting and contributions provisions of Wisconsin Stats. secs. 11.10(4), 11.06(1), and 11.27(1) could constitute a violation of Wisconsin Stats. Sec. 11.26, 11.27 and 11.61(1)(b).

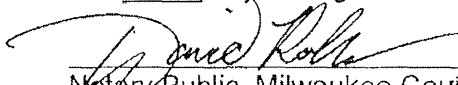
C. SUMMARY

23. As indicated above, during the review of e-mail obtained as a result of the May 3, 2012 search warrant as authorized in the Eighteenth Order Enlarging the Scope of the John Doe Investigation (in Case No. 2010JD000007), additional law violations became apparent. In order to facilitate the completion of the investigation in Milwaukee County John Doe case no. 2010JD000007, and closure of that John Doe, and as requested in the Petition for Commencement of a John Doe investigation filed by Assistant District Attorney David Robles accompanying this Affidavit, I respectfully request that the court authorize the commencement of a new John Doe investigation as outlined herein and in ¶¶3 and ¶4 above.

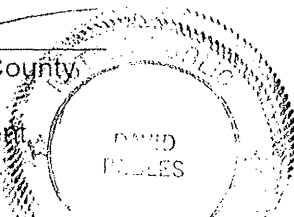


Robert Stelter
Investigator
Milwaukee County District Attorney's Office

Subscribed and sworn to before me
at Milwaukee, Wisconsin on
this 10th day of August 2012.



Notary Public, Milwaukee County
State of Wisconsin
My commission is permanent.



F:/501(c)4 information/....2012-08-07 Petition Affidavit for John Doe II Stelter.doc

EXHIBITS

[REDACTED]

From: Reince Priebus - Chairman's Office [Reince.GOP@rnchq.org]
Sent: Friday, March 25, 2011 2:02 PM
To: swalkerwi@gmail.com
Subject: FW: WI
Follow Up Flag: Follow up
Flag Status: Red

Did you meet with RJ? What was the result of that?

RRP

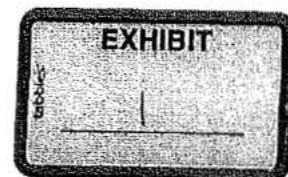
From: Nick Ayers [mailto:[REDACTED]]
Sent: Friday, March 25, 2011 11:48 AM
To: Scott Walker
Cc: Reince Priebus - Chairman's Office
Subject: WI

Spoke to Gillespie this morning. My sense is that everyone's heart (AFP, WIGOP, RSLC, RGA, CFG) is in the right place but no one is clear on the entire battle plan, and that is leaving very vulnerable gaps in both the planning and execution of a winning strategy.

Stating the obvious: It is crucial that if we provide the air cover in the coming few months that someone else has a top-notch absentee ballot and GOTV plan. It is crucial that if those two things are happening some other entity has total responsibility for collecting the petitions in the 3-4 targeted democratic senate seats. It is equally crucial that someone is providing talking points and a daily message to all the Party's talking heads. It is crucial that all these groups are reporting in on their progress and hitting their metrics for success. And it is crucial that we have a legal plan in place to challenge erroneous petitions and prevent voter fraud.

The point I am trying to make is that losing at any of these levels: GOTV plan; paid advertising; earned media; collecting petitions; legal strategy, means losing at all levels.

To resolve this we recommend getting together face to face on Wednesday or Friday of next week in WI to bring everyone together to assign responsibility and create a command structure. Does this sound correct to you? Ed and I are available by phone if you want to discuss.



6/28/2012

Schmitz Affidavit 023

From: Kate Doner (<mailto:kate@donerfundraising.com>)
Sent: Thursday, April 28, 2011 12:03 PM
To: Jay Rosser; 'R. J. Johnson'
Subject: Gov. Walker follow up

Jay,

Thanks for visiting with R.J. Johnson this morning. We truly appreciate your support. I have included RJ on this email for additional questions. Our goal is \$9m in the next 6 weeks. We have a number of people helping who are give/raise money for the effort. With the huge influx of cash from the Union's – we need add the business communities help.

As the Governor discussed with Mr. Pickens, he wants all the issue advocacy efforts run thru one group to ensure correct messaging. We had some past problems with multiple groups doing work on "behalf" of Gov. Walker and it caused some issues. In Wisconsin, a 501(c)4 is the legal vehicle that runs the media/outreach/GOTV campaign. The Governor is encouraging all to invest in the Wisconsin Club for Growth. Wisconsin Club for Growth can accept Corporate and Personal donations without limitations and no donors disclosure. We are a separate group from the national Club for Growth and do not have any Koch money involvement.

Political Background:

Eight Republican Wisconsin State Senators are facing recall elections due to their vote to end collective bargaining. Governor Walker is personally helping to raise the money to keep them in office. Walker is committed to helping all 8 State Senators – regardless of their polling numbers. Walker feels he must stand strong by his Senators and it will send a horrible message to other legislators. The Governor feels strongly that the campaign needs to be run in-state due to past fumbles by outside groups. Lots of groups are using his name to raise money - - but are not helping Walker directly.

Here is the breakdown of those who are facing recall:

16 are facing possible recalls

8 GOP

8 Dem

7 GOP seats, the numbers were good.

1 GOP seat, the numbers weren't good, but the Senator won in 2008 when Obama did better in that district than the recent liberal supreme court candidate did.

2 Dem seats, the numbers indicate a GOP candidate would beat the incumbent.

Appreciate your support and hope you can help. Let us know if you need additional information. Every dollar will be key. Thank you!

Kate Doner
[REDACTED]



6/28/2012

Schmitz Affidavit 024

[REDACTED]

From: [REDACTED]
Sent: Monday, June 20, 2011 10:48 AM
To: Ryan Murray; Scott Walker
Subject: Fw: travel documents
Attachments: NYC June 20-21 2011.docx

You can eliminate the mercury marine tp as I don't think that is what his meeting is regarding.

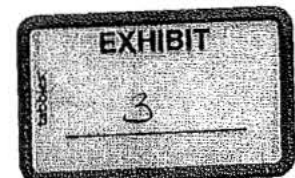
Sent from my U.S. Cellular BlackBerry® smartphone

From: "Kate Doner" <kate@donerfundraising.com>
Date: Mon, 20 Jun 2011 10:42:10 -0500
To: 'Kelly Rindfleisch' [REDACTED] <jennifer@donerfundraising.com>
Subject: travel documents

Ladies,

Here are the travel documents. I was promised that they don't contain a virus. So sorry for the delay.

Kate Doner
Doner Fundraising, Inc.
815 Brazos, Suite 701
Austin, Texas 78701
512.476.4403 office
512.233.2246 fax
[REDACTED]
kate@donerfundraising.com



6/8/2012

Monday, June 20

8:30 pm Dinner
Chris Lofgen
CEO of Schneider National
Frescos

Tuesday, June 21

6:30 am – 9:00 am SquawkBox
900 Sylvan Ave
Englewood Cliffs, NJ 07632

9:00 – 9:30 am Mark Schwabero
President
Mercury Marine
*meet on set of SquawkBox

10:30 am Goldman Sachs
200 West Street (financial district/battery park)
Attendees: Kathleen Brown (Jerry Brown's sister)
Carolos Pinelro

12:00 – 1:30 pm Lunch with BlackRock Executives
BlackRock Offices
55 East 52nd Street, 6th floor
New York, NY 10055

Attendees: Peter Hayes, Rick Rieder and Barbara Novick
Asst: Mischa Edwards, who works with Rick Rieder will greet you and
escort everyone to the conference room where a buffet luncheon will be
available.

After checking in with the security desk, all can proceed to our main
reception area on the 7th floor. It has been noted that the Governor's
security detail will not proceed onto the meeting and have therefore not
been registered.

2:00 – 3:00 pm Wall Street Journal

Date: Monday, June 20, 2011
Time: 8:30 pm
Attendees: Walker, Chris Lofgren
Location: Fresco's

Background:

Chris Lofgren is president and CEO of Schnelder National, the nation's largest privately owned truckload carrier. Headquartered in Green Bay, Wis., Schnelder National has provided expert transportation and logistics solutions for nearly 75 years. A \$3.7 billion company, Schnelder National conducts business in more than 28 countries worldwide and continues to grow its international service offerings.

Talking Points:

- Lofgren can help with the American Trucking Association members. Ask if he will reach out to his peers to assist with raising \$200k.
- Would Lofgren give \$50k?
- Lofgren might be able to reach out to the "big box" stores. Ask him if there is a company he can call to financially help with the effort.
- Stress that donations to WICFG are not disclosed and can accept Corporate donations without limits.

Date: Tuesday, June 21
Time: 9:00 – 9:30 am
Attendees: Walker, Mark Schwabero
Location: Set of SquawkBox

Background:

Mark Schwabero is President of Mercury Marine that is based in Fond du Lac, Wisconsin. Mercury Marine has engine & parts manufacturing plants in four countries and global distribution networks in more than 130 countries. A \$1.6 billion company with 5000 employees worldwide. Its parent company is Brunswick Corporation, headquartered in Lake Forest, Ill.

Schwabero holds both a bachelor's of science degree and master's of science degree in Industrial and systems engineering from Ohio State University.

Talking Points:

- Discuss that the recall efforts have been finalized and Wisconsin will have nine special state Senate elections this summer: 6 republicans and 3 democrats.
- We are rallying the business community's support with such a short timeline. Unlike the unions, we don't have access to that much cash to be competitive. We were hoping to count on your support.
- Can Schwabero help with his company and recruiting other companies to make a financial investment. Let him know companies are contributing between \$10k and \$1m.
- Would he give \$25k and ask two other guys to match your donation to your 501c4. Let him know that you can accept corporate contributions and it is not reported.

Date: Tuesday, June 21
Time: 10:30 am
Attendees: Walker, Kathleen Brown, Carolos Pinerio, Joe Dillon
Location: Goldman Sach's office 200 West Street
Contact: Joe Wall

Background:

Kathleen Brown is the sister of Governor Jerry Brown. Kathleen is chairman of Goldman Sachs Investment Banking for the Midwest Region. She joined Goldman Sachs in 2001 as a managing director.

Kathleen has extensive experience in municipal finance and government, having served as treasurer of the State of California, Democratic Party nominee for the governor of California, co-chair of the Presidential Commission on Capital Budgeting, and a Board member of the Los Angeles Unified School District.

Kathleen earned a BA in History from Stanford University and a JD from Fordham University School of Law.

Carolos Pineiro is Vice President Midwest Infrastructure Banking based in the Goldman Sachs Chicago office, where he spearheads the government and infrastructure financing efforts in the Midwest region. Mr. Pineiro has executed transactions of over \$20 billion in the areas of general obligation, transportation, economic development, and appropriation supported. In the Midwest Mr. Pineiro has worked in transactions for the State of Wisconsin, State of Illinois, State of Michigan, State of Indiana, Indianapolis Airport, the City of Chicago, Chicago Public Schools, and the Metropolitan Pier and Exposition Authority among others. Mr. Pineiro has an Engineering degree from Lehigh University, and an MBA from the University of Michigan in Ann Arbor.

Talking Points:

- Both are very involved in politics. Kathleen Brown hijacked the meeting. Joe Dillon will be attending the meeting with you and can deflect any issues. Joe worked for Pres. Bush.
- They want to see a strong financial Wisconsin and will respect you for getting your finances in order.
- Ask them to help raise \$100k.

Date: Tuesday, June 21
Time: 12:00 pm – 1:30 pm
Attendees: Walker, Peter Hayes, Rick Rieder, Barbara Novick, Joe Dillon
Location: BlackRock: 55 East 52nd Street, 6th floor
Contact: Mischa Edwards [REDACTED]

Background:

As of March 31, 2011, BlackRock's assets under management total US\$3.65 trillion across equity, fixed income, cash management, alternative investment, real estate and advisory strategies. BlackRock offers risk management, strategic advisory and enterprise investment system services to a broad base of clients with portfolios totaling approximately US\$10 trillion.

Peter Hayes, Managing Director, is head of the Municipal Bonds Group within BlackRock Fundamental Fixed Income and a member of the Fixed Income Executive Committee. He leads the Municipal Bond Management Committee, which oversees municipal bond portfolio management, research and trading activities, and is a member of the firm's Leadership and Operating Committees. Mr. Hayes earned a BA degree in economics from the College of the Holy Cross in 1981.

Barbara G. Novick, Vice Chairman, is a member of BlackRock's Global Operating Committee and Chairs the Government Relations Steering Committee. In her current role as a Senior Advisor to the Office of Chairman, Ms. Novick provides advice on strategic projects, including organizational structure and M&A transactions, and she heads the firm's efforts globally on Government Relations and Public Policy. Ms. Novick earned a BA degree, *cum laude*, in economics from Cornell University in 1981. Barbara coaches in the Westchester Youth Soccer League.

Rick Rieder, Managing Director, is BlackRock's Chief Investment Officer of Fixed Income, Fundamental Portfolios, and head of its Global Credit Business and Credit Strategies, Multi-Sector, and Mortgage Groups. He is a member of the Fixed Income Executive Committee and of BlackRock's firm wide Operating, Leadership and Capital Committees.

He also serves as Chairman of the Board of the North Star Academy Charter Public School System in Newark, New Jersey, Founder and Chairman of the Board of Graduation Generation Atlanta, and a member of the boards of the National Leadership Council for the Communities in Schools Educational Foundation.

Talking Points:

- All are very involved in politics. Can raise/give money.
- Discuss the business aspects of recall effort and why it's important to keep the Senate.
- We are rallying the business community's support with such a short timeline. Unlike the unions, we don't have access to that much cash to be competitive. We were hoping to count on their support.

- Would he give/raise \$100k to your 501c4. Let them know that you can accept corporate contributions and it is not reported.

STATE OF WISCONSIN

MILWAUKEE COUNTY

IN RE THE MATTER OF:

Case No. 10JD000007

JOHN DOE.

TRANSCRIPT OF INFORMATIONAL MEETING

March 22, 2012-Part I

Room 405, Safety Building
821 W. State Street
Milwaukee, Wisconsin

WITNESS: Governor Scott Walker

APPEARANCES:

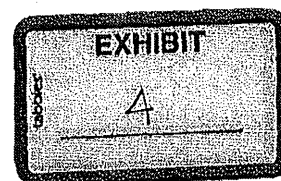
JOHN CHISHOLM, District Attorney, Milwaukee
County, appearing on behalf of the State.

BRUCE LANDGRAF, KENT LOVERN, and HANNA KOLBERG,
Assistant District Attorneys, appearing on
behalf of the State.

DAVID BUDDE, Chief Investigator, Milwaukee County
District Attorney's Office.

JOHN N. GALLO and KEES VANDENBURG, firm of Sidley
Austin, LLP, appearing on behalf of Governor
Scott Walker.

MICHAEL STEINLE, firm of Terschan, Steinle & Ness,
appearing on behalf of Governor Walker.



1 MR. BUDDE: Okay.

2 BY MR. ROBLES:

3 Q. Did any of those meetings involve David Boerke?

4 A. Not that I recall.

5 Q. Did you know Andrew Jensen to be a member of the

6 Boerke Company?

7 A. I believe that he would have represented that, but

8 I can't tell you that verbatim, but I don't have

9 any reason to believe he wouldn't have said he was

10 a part of the company.

11 Q. Did you know David Boerke prior to 2010?

12 A. Yes.

13 Q. And how did you know him?

14 A. Years ago he was a good friend and supporter for

15 U.S. Senator Bob Kasten. I knew him from that.

16 Q. How would you characterize your relationship with

17 him, someone just as a casual acquaintance or

18 personal friend or?

19 A. Supporter of mine. Someone who liked what we were

20 doing.

21 Q. And by supporter, was he someone who donated time

22 and volunteered for various things?

23 A. That I don't know.

24 Q. Did he make campaign donations?

25 A. I believe so, yes.

1 Q. Did -- or was he involved as a member of the
2 finance committee for your campaign?
3 A. I don't recall that. I do recall seeing him at
4 events, but I don't recall the committee itself.
5 Q. Do you have any recollection of any emails he may
6 have directed to your attention where he
7 referenced his role as a member of the finance
8 committee?

9 A. I don't recall.

10 Q. What is a finance committee?

11 A. Finance committee for?

12 Q. For your campaign, Friends of Scott Walker.

13 A. Individuals -- it would have been a large number
14 of individuals who helped raise resources for the
15 campaign.

16 Q. And in terms of raise resources, were they
17 basically seeking out, well, small donors, middle
18 donors, corporate donors, large donors, people on
19 the finance committee?

20 A. Yeah, it would vary. It wouldn't be corporate
21 donors.

22 MR. CHISHOLM: Couldn't be corporate
23 donors.

24 THE WITNESS: 'Cuz you can't do
25 that. You and I both thought of that. That's

1 when the red flag went up. But individuals, I
2 mean--.

3 MR. CHISHOLM: That was not a trick
4 question.

5 THE WITNESS: Yeah, I know. I say I
6 should smile when I said that. The -- actually
7 individuals who are part of that would have a
8 goal, and different people achieve that goal
9 different ways.

10 BY MR. ROBLES:

11 Q. Okay. Do you remember whether he was more active
12 than others in his position on that finance
13 committee?

14 MR. GALLO: He just -- he said he
15 could not recall he was on the finance committee.
16 That's what he said.

17 THE WITNESS: All I recall is him
18 being at events, but I had a pretty good list, a
19 long list of folks. I don't recall.

20 BY MR. ROBLES:

21 Q. Prior to 2010, did you know David Boerke to have
22 any business dealings with Milwaukee County?

23 A. With Mr. Boerke?

24 Q. Correct.

25 A. Not that I recall.



Wisconsin Club for Growth plans to stay active

By Don Walker of the Journal Sentinel
Feb. 22, 2011

R.J. Johnson, a key adviser to Wisconsin Club for Growth, a conservative group backing Gov. Scott Walker's budget-repair bill, said Tuesday that the organization will stay "actively engaged in the budget debate."

Johnson declined to say specifically how the group planned to lobby for Walker's bill, other than to say there will be "paid communications and grassroots activity."

Johnson was a former political strategist for Walker. Johnson declined to say where Wisconsin Club for Growth is getting its funding.

Wisconsin Club for Growth already has launched TV and radio ads lambasting state workers. Those ads were the subject of this PolitiFact Wisconsin story.

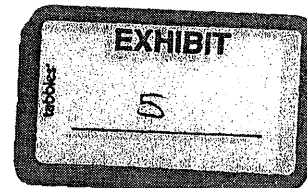
The AFL-CIO, meanwhile, has released this ad:



Find this article at:

<http://www.jsonline.com/blogs/news/116671204.html>

☐ Check the box to include the list of links referenced in the article.



<http://www.printthis.clickability.com/pt/cpt?expire=&title=Wisconsin+Club+for+Growth+plans+t...> 6/11/2012

Schmitz Affidavit 036

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN RE THE MATTER OF:

Case No. 10JD000007

JOHN DOE,

TRANSCRIPT OF PROCEEDINGS

October 6, 2011

Room 509, Courthouse
Milwaukee, Wisconsin

BEFORE:

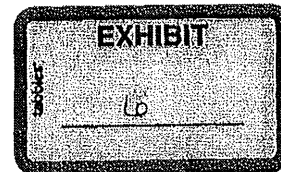
THE HONORABLE NEAL NETTESHEIM
Reserve Judge, Presiding

APPEARANCES:

BRUCE LANDGRAF, Assistant District Attorney,
appeared on behalf of the State.

ERIC WILSON, Attorney at Law, appeared on behalf
of R. J. Johnson.

Mary Povlick - Court Reporter



1 A. The non-some part is that I'm compensated for
2 media, so I don't generally charge a lot in terms
3 of consulting fees because I make a percentage on
4 the media placed, and that's a compensation for
5 me, so generally the consulting fees cover
6 expenses and things like that, but there were
7 specific consulting fees paid by Friends of Scott
8 Walker.

9 Q. Okay. And if you could just give me a little bit
10 of a better idea how the placement fees would have
11 worked in the context of your work on media for
12 Scott Walker? Have I got that general concept
13 down?

14 A. Yes.

15 Q. In other words, you do media buys -- excuse me,
16 Scott Walker does media buys, you're involved in
17 the placement, and you get paid a percentage?

18 A. I get part of the placement percentage.

19 Q. Okay. Does that kind of adequately describe how
20 that worked or would you offer greater detail?

21 A. Yes, I think that adequately describes it.

22 Q. Okay. Just as a total ballpark number for
23 calendar year 2010, not exact, how much would you
24 estimate that the Friends of Scott Walker spent on
25 media buys?

1 A. In what year?
2 Q. 2010.
3 A. Five to six million.
4 Q. Were you involved in all of those media buys?
5 A. Yes.
6 Q. What's your percentage?
7 A. Five percent.
8 Q. How would you yourself describe your role with the
9 Friends of Scott Walker campaign committee in
10 calendar year 2010?
11 A. General consultant.
12 Q. And what would that involve?
13 A. That means I advise on all aspects of the
14 campaign. I also gave then County Executive Scott
15 Walker political advice.
16 Q. How long have you been active in politics as a
17 political consultant?
18 A. As a political consultant, since 1999.
19 Q. I think I read a press release put out by the
20 Friends of Scott Walker indicating that you had 30
21 years of experience?
22 A. I do.
23 Q. And I'm sure you do. I notice, though, that 1999
24 is not 30 years ago?
25 A. Are you asking for a chronology of my career in



http://www.youtube.com/watch?v=SbflkDCcb_o&feature=plcp

Donations • Wisconsin Civil Liberties • Wisconsin Civil Liberties • (No Name)

Home • Site Map • Privacy Policy • Help

Donations • Wisconsin Civil Liberties

Enter your name and address below.

Your gift of \$10.00 or more will be appreciated.

Thank you for giving the gift.

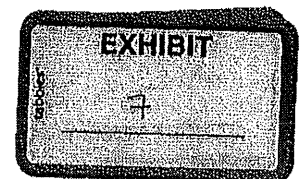
<p>Name and Address</p> <p>First Name: <input type="text"/> Last Name: <input type="text"/></p> <p>City: <input type="text"/> State: <input type="text"/> Zip: <input type="text"/></p> <p>Phone: <input type="text"/></p> <p><small>Please check the box if you are a resident of Wisconsin.</small></p>	<p>Donation Amount</p> <p>Amount: <input type="text"/></p> <p>Payment Information</p> <p>Card Type: <input type="text"/> Card Number: <input type="text"/></p> <p>Expiry: <input type="text"/> Year: <input type="text"/> Security Code: <input type="text"/></p> <p><input type="button" value="Submit"/> <input type="button" value="Cancel"/></p>
--	--

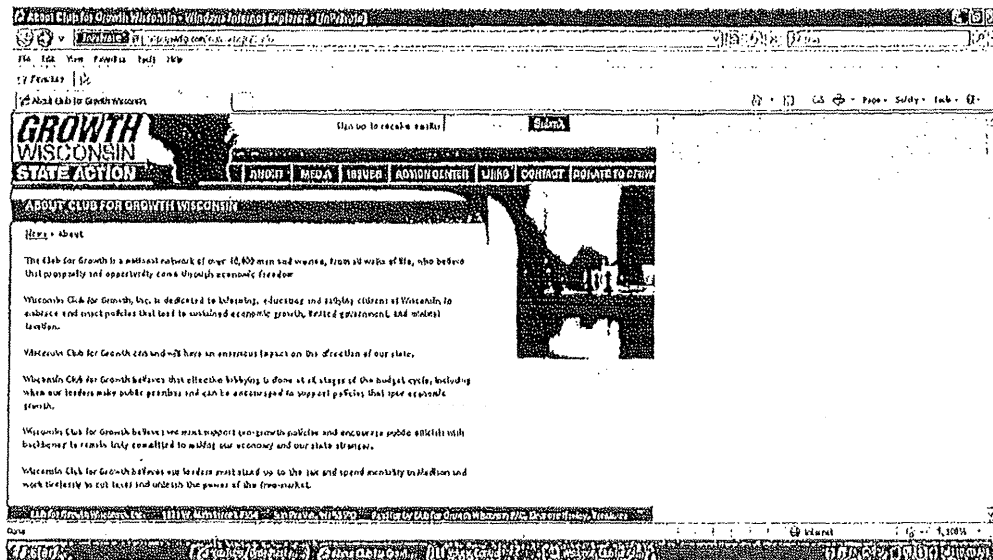
Powered by Wisconsin Civil Liberties, Inc. E-mail: info@wiscivil.org, Website: www.wiscivil.org

Wisconsin Civil Liberties, Inc. is a 501(c)(3) corporation with a non-profit status. It is dedicated to promoting, educating and training citizens in the use of the First Amendment and other civil liberties. It is a non-partisan organization and does not endorse any political candidate or party.

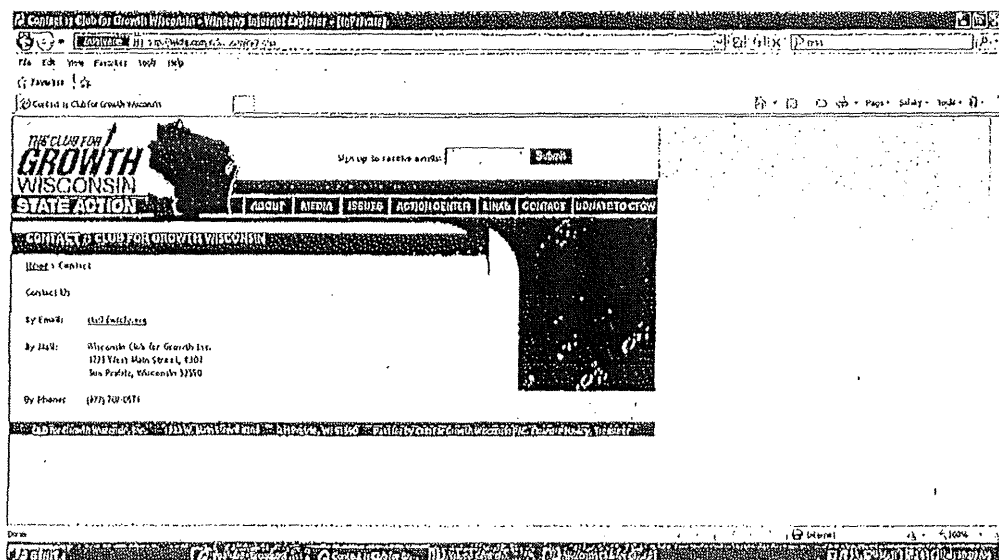
Contributions to WCL are not tax deductible as charitable contributions for federal income tax purposes.

Home





<http://wicfg.com/index.cfm/m/2.cfm>



[REDACTED]

From: Mary Stitt [REDACTED]
Sent: Tuesday, August 30, 2011 5:22 AM
To: swalkerwi@gmail.com; 'RJ Johnson'
Cc: 'Keith Gilkes'
Subject: RE: Congratulations Mary

I think you had a few final ones to sign. Ted Kellner, San Orr, Fred Kasten.
I will work with Keith for times to set up calls for Diane & John Menard.

From: swalkerwi@gmail.com [mailto:swalkerwi@gmail.com]
Sent: Monday, August 29, 2011 11:53 PM
To: Mary Stitt; RJ Johnson
Cc: Keith Gilkes
Subject: Re: Congratulations Mary

I need to set up a call with her and with Menard.

Also, did I send out thank you notes to all of our c(4) donors?

Sent from my Verizon Wireless BlackBerry

From: "Mary Stitt" [REDACTED]
Date: Wed, 10 Aug 2011 10:10:25 -0500
To: <rij@rjohnson.org>; 'Scott Walker' <swalkerwi@gmail.com>
Cc: 'Keith Gilkes' [REDACTED]
Subject: RE: Congratulations Mary

I replied to her with I've known you for almost 20 years and you've never been a LITTLE part of anything!

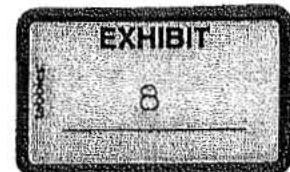
From: rij@rjohnson.org [mailto:rij@rjohnson.org]
Sent: Wednesday, August 10, 2011 9:55 AM
To: Mary Stitt; Scott Walker
Cc: 'Keith Gilkes'
Subject: Re: Congratulations Mary

More than a little part!

Sent from my U.S. Cellular Android device

----- Reply message -----

From: "Mary Stitt" [REDACTED]
Date: Wed, Aug 10, 2011 9:41 am
Subject: Congratulations Mary
To: "R. J. Johnson" <rij@rjohnson.org>, "Scott Walker" <swalkerwi@gmail.com>
Cc: "Keith Gilkes" [REDACTED]



6/8/2012

THANK GOD. Please let Scott and the team know how great I think this is.
we have overcome another huge hurdle and I'm glad I was able to be a small
part. Now we continue! Diane h
Sent via BlackBerry by AT&T

6/8/2012

From: Kate Doner [kate@donerfundraising.com]
 Sent: Wednesday, September 07, 2011 6:39 AM
 To: 'Keith Gilkes'; rj@rjohnson.org; 'Scott Walker'
 Cc: 'Jennifer Bannister, Doner'; 'Kelly Rindfleisch'
 Subject: Walker Recall Fundraising Efforts - thoughts
 Follow Up Flag: Follow up
 Flag Status: Red

Gentlemen,

Here are my quick thoughts on raising money for Walker's possible recall efforts. I am happy to put into an official "plan".

CFG:

- Make nice with RSLC
- Lock down \$ commitments from RGA, RNC, AFP now
- Take Koch's money
- Get on a plane to Vegas and sit down with Sheldon Adelson. Ask for \$1m now.
- Corporations. Go heavy after them to give. Didn't give much to the recall effort this summer.
- Create a new c4. Club for Growth name has issues.

Walker:

1) Finance Chair

- Get a kick ass finance chair who can do peer to peer asks.
- Once Keith moves to the campaign - - have him rally the lobby/business community where Walker can't ask

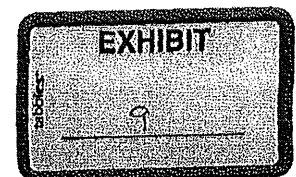
2) PAC's

- Only one PAC has maxed out in 2011 to Walker. Not good
- You have raised \$237,036.75 from PAC's. Collect the other \$248,153.25 now. Invite them all to lunch with you for \$25k each and make them ham sandwiches. Get firm. No need to do anything expensive.

3) Corporations

- Pulled Fortune's top 10 companies in Wisconsin. With a quick glance, only two have supported Walker (NW Mutual maxed out, American Family gave little).

1	<u>Johnson Controls</u>	83	Milwaukee	28,497.0
2	<u>Northwestern Mutual</u>	115	Milwaukee	21,602.6
3	<u>Kohl's</u>	135	Menomonee Falls	17,178.0
4	<u>Manpower</u>	143	Milwaukee	16,038.7
5	<u>American Family Insurance Group</u>	344	Madison	6,453.4
6	<u>Oshkosh</u>	386	Oshkosh	5,433.3
7	<u>Harley-Davidson</u>	430	Milwaukee	4,838.6
8	<u>Rockwell Automation</u>	476	Milwaukee	4,332.5



6/28/2012

Schmitz Affidavit 045

9	<u>Fisery</u>	491	Brookfield	4,224.0
10	<u>Wisconsin Energy</u>	496	Milwaukee	4,193.2

- Focus on getting CEO's working for Walker. Jobs Jobs Jobs is #1 and we want to keep Walker. Have them each personally give and get their leadership to give to Walker. Have them bundle and raise money for Walker.
- 4) Wisconsin Elected Officials - - create a Victory Fund
 - Have the statewide and legislators work to keep you in office. Helps them. Helps you. Set fundraising goals for each. Put a statewide office holder in charge of the end goal.
 - Put a WI fundraiser in charge of the end goal. Hold them accountable.
- 5) Legislative Success. Create a list of legislation that passed and benefits whom.
 - Example - National Tort Reform community. Civil Justice Reform Group, ILR, AJP etc should give significant money.
 - Lobby push
 - Associations and Professional Trade Groups need to step up and dig deep
- 6) National Groups. Lock them down and make them work for you.
 - RGA
 - RNC
 - Heritage
 - RSLC
 - AFP/Koch

Fundraising Staff:

- 1) Have them coordinate efforts. Set goals. Divide efforts.
- 2) Create a finance plan and work it.
- 3) Hold weekly or bi-weekly fundraising calls

Just my two-cents.

Kate Doner
Doner Fundraising, Inc.
815 Brazos, Suite 701
Austin, Texas 78701
512.476.4403 office
512.233.2246 fax
[REDACTED]
kate@donerfundraising.com

[REDACTED]

From: Camille Moughon [camille@donerfundraising.com]
Sent: Tuesday, March 20, 2012 11:59 AM
To: swalkerwi@gmail.com
Cc: kate@donerfundraising.com; 'Pat Hogan'; 'Andrea Boom'
Subject: Carl Icahn - 4:30 PM Meeting Briefing
Follow Up Flag: Follow up
Flag Status: Red
Monday, March 20, 2012 – New York, NY
4:30 – 5:00pm EASTERN
Meeting with Carl Icahn
767 5th Avenue, 47th Floor (Between 58th and 59th)
Staff: Kate Doner [REDACTED]
Organizer: Joe Dillon [REDACTED]
Office/Asst: Susan [REDACTED]

BACKGROUND:

This meeting is for WICFG Funds.

Carl Icahn is CEO of Icahn Enterprises investing real estate, metals, rail cars, and automotive companies.

According to Forbes, in March 2012 Carl's net worth is \$14 billion, making him the 21st richest American and the 61st richest man in the world.

Carl has been involved in stock market trading for more than 30 years. In 2011, he made \$2 billion in trading profits, ranking him as #3 among America's top traders.

Carl has publically denounced President Obama in his campaign for presidency.

Icahn was quoted in a CNBC article last year saying, *"This is not the time to be so obsessed with the deficit. We do have a problem, we spend too much money but what we first need to do is get people back to work and you have to spend money to do that."*

In 2004, he was honored by the Center for Educational Innovation - Public Education Association for his work with charter schools. In 2006, he was honored with the 100 Women in Hedge Funds Effecting Change Award for his outstanding contributions to improving education.

He has heavily invested in horse racing and has established a horse breeding operation.

Carl attended Princeton University. He is 76 years old; he and his wife have two children.

****Carl is a top RNC Donor**

6/28/2012



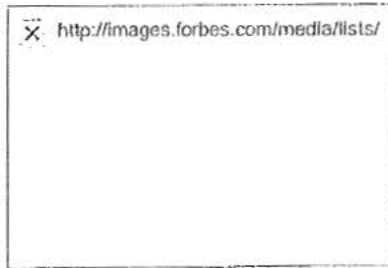
Schmitz Affidavit 047

Past Giving History to Walker:

Carl has not contributed in the past

SUGGESTED TALKING POINTS:

- Give an update on the recall
- **THE ASK:** contribute \$100k to WiCFG.



Camille Moughon
Doner Fundraising, Inc
[REDACTED]

Kolberg, Hanna

From: [REDACTED]
Sent: Friday, March 30, 2012 8:18 AM
To: swalkerwi@gmail.com

Follow Up Flag: Follow up
Flag Status: Red

I'll find out about party limits but make sure he gives it to WiCPG.



FILED

JUL 22 2013

STATE OF WISCONSIN CIRCUIT COURT COLUMBIA COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13 JD //

PETITION FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

WHEREAS, I, Jane E. Kohlwey, District Attorney in and for the County of Columbia am responsible for the review and prosecution of possible crimes occurring under Chapter 11 of the Wisconsin Statutes, which crimes may be committed by residents of Columbia County, State of Wisconsin;

WHEREAS, in pursuit of these duties, I have had occasion to review information involving a person named Kelly M. Rindfleisch (DOB 10/25/1968), a resident of the City of Columbus, Columbia County, Wisconsin; and

WHEREAS, based upon a review of information thus far gathered by prosecutors and investigators as part of a John Doe proceeding now pending in Milwaukee County, Case No. 12JD000023, I believe that further information concerning possible crimes occurring under Chapter 11 of the Wisconsin Statutes can be revealed utilizing a John Doe proceeding;

NOW, THEREFORE, based upon the information contained in my Affidavit that accompanies this Petition, showing evidence that criminal violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b), pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have been committed in Columbia County, I hereby request that a John Doe proceeding, pursuant to Section 968.26, Stats., be conducted and that witnesses be subpoenaed and questioned on oath relating thereto.

FURTHER, I request that these John Doe proceedings be secret for the following reasons. I believe it is reasonable to expect that any public filing about the existence of this investigation will generate substantial publicity, both from traditional (e.g., print and broadcast journalism) and non-traditional (e.g. Internet blog) information sources. This is because the individuals involved in this investigation are well-placed political operatives, closely tied with the current Governor of the State of Wisconsin. At this time, the investigation concerning the facts alleged in the accompanying Affidavit are not a matter of common, public knowledge. In fact, a portion of the investigation has been ongoing in

EXHIBIT 2

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 050

Milwaukee County since the Fall of 2012, and the secrecy of that proceeding has been maintained. I believe that the continued secrecy of the investigation is important to its success. For example, publicity will forewarn probable future John Doe witnesses of the State's interest in questioning them. Such warning may result in statements that are less likely to be entirely candid. Publicity arising from a public John Doe proceeding may also make it more likely that evidentiary records will be lost or destroyed before being subpoenaed. It is also my opinion that the formality of a John Doe proceeding before a judicial officer will increase the likelihood of complete and frank statements by persons who otherwise may profess a failed or an incomplete recollection to an investigating law enforcement officer in an informal interview setting. Finally, I also note that publicity surrounding a John Doe investigation may serve to unfairly publicize allegations of criminal misconduct that are in a pre-charging, investigative stage. In other words, publicity related to a public John Doe proceeding may unfairly damage the reputations of persons against whom – for whatever reason – no criminal charges will ever issue.

FOR THESE REASONS, I respectfully submit that the balance between – on the one hand - the public's right to be informed about this John Doe proceeding, and – on the other hand – the legitimate need to maintain the secrecy of these proceedings, must be struck, at this juncture, in favor of a secret proceeding. *In re John Doe Proceeding*, 2003 WI 30, 260 Wis.2d 653, 660 N.W.2d 260 at ¶¶66.

FURTHER, notwithstanding any secrecy order, I request that the court allow the following persons to have access to the record of the John Doe proceedings to the extent necessary to perform their duties because such access will materially aid the progress of this investigation:

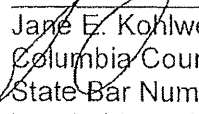
Columbia County District Attorney Jane E. Kohlwey and legal secretary Ruth E. Kaczmarek.

I request that prosecutors, investigators and others named who act in support of this John Doe proceeding be permitted to use the information, transcripts, documents and other materials that will be gathered in this investigation for all appropriate law enforcement purposes including, but not limited to, the interview of witnesses outside the context of John Doe hearings, in support of this investigation.

FINALLY, as to the scope of the secrecy order, I request that the court order that

secrecy be maintained during this John Doe proceeding as to court docket and activity records, court filings, process issued by the court, information concerning the questions asked and the answers given during a John Doe hearing, transcripts of the proceedings, exhibits and other papers produced during the proceedings, as well as to all other matters observed or heard in the John Doe proceeding. See, generally, *In re John Doe Proceeding*, 2003 WI 30 at ¶62.

Dated this 22nd day of July 2013.



Jane E. Kohlwey
Columbia County District Attorney
State Bar Number 1009323
jane.kohlwey@da.wi.gov

P.O. Address
PO Box 638
Portage, WI 53901-0638
608-742-9650 - Voice
608-742-9606 – Fax

COPY

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD0000⁹

PETITION FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

WHEREAS, I, Ismael R. Ozanne, District Attorney in and for the County of Dane am responsible for the review and prosecution of possible crimes occurring under Chapter 11 of the Wisconsin Statutes, which crimes may be committed by residents of the County of Dane, State of Wisconsin;

WHEREAS, in pursuit of these duties, I have had occasion to information involving a person named Keith A. Gilkes (DOB 06/20/1977), a resident of the County of Dane; and

WHEREAS, based upon a review of information thus far gathered by prosecutors and investigators as part of a John Doe proceeding now pending in Milwaukee County, Case No. 12JD000023, I believe that further information concerning possible crimes occurring under Chapter 11 of the Wisconsin Statutes can be revealed utilizing a John Doe proceeding;

NOW, THEREFORE, based upon the information contained in my Affidavit of that accompanies this Petition, showing evidence that criminal violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b), pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have been committed in Dane County, I hereby request that a John Doe proceeding, pursuant to Section 968.26, Stats., be conducted and that witnesses be subpoenaed and questioned on oath relating thereto.

FURTHER, I request that these John Doe proceedings be secret for the following reasons. I believe it is reasonable to expect that any public filing about the existence of this investigation will generate substantial publicity, both from traditional (e.g., print and broadcast journalism) and non-traditional (e.g. Internet blog) information sources. This is because the individuals involved in this investigation are well-placed political operatives, closely tied with the current Governor of the State of Wisconsin. At this time, the investigation concerning the facts alleged in the accompanying Affidavit are not a matter of common, public knowledge. In fact, a portion of the investigation has

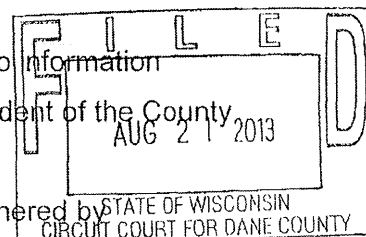


EXHIBIT 3

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 053

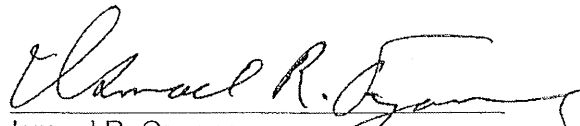
Investigatory Linda Kohlmeyer-Searls; and,

Myself.

I request that those persons who act in support of this John Doe proceeding be permitted to use the information, transcripts, documents and other materials that will be gathered in this investigation for all appropriate law enforcement purposes, including but not limited to the interview of witnesses outside the context of John Doe hearings, in support of this investigation.

FINALLY, as to the scope of the secrecy order, I request that the court order that secrecy be maintained during this John Doe proceeding as to court docket and activity records, court filings, process issued by the court, information concerning the questions asked and the answers given during a John Doe hearing, transcripts of the proceedings, exhibits and other papers produced during the proceedings, as well as to all other matters observed or heard in the John Doe proceeding. See, generally, *In re John Doe Proceeding*, 2003 WI 30 at ¶162.

Dated this 20 day of August 2013.



Ismael R. Ozanne
Dane County District Attorney
State Bar Number 1031954
Ismael.ozanne@da.wi.gov

Mailing Address

Dane County District Attorney's Office
Dane County Courthouse
215 South Hamilton Street
Room 3000
608-266-4211 - Voice
608-267-2545 - Fax

STATE OF WISCONSIN

CIRCUIT COURT

DODGE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD0000

PETITION FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

WHEREAS, I, Kurt F. Klomberg, District Attorney in and for the County of Dodge, am responsible for the review and prosecution of possible crimes occurring under Chapter 11 of the Wisconsin Statutes, which crimes may be committed by residents of the County of Dodge, State of Wisconsin;

WHEREAS, in pursuit of these duties, I have had occasion to information involving a person named R.J. Johnson (DOB 04/04/1961), a resident of the County of Dodge; and

WHEREAS, based upon a review of information thus far gathered by prosecutors and investigators as part of a John Doe proceeding now pending in Milwaukee County, Case No. 12JD000023, I believe that further information concerning possible crimes occurring under Chapter 11 of the Wisconsin Statutes can be revealed utilizing a John Doe proceeding;

NOW, THEREFORE, based upon the information contained in my Affidavit of that accompanies this Petition, showing evidence that criminal violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b), pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have been committed in Dodge County, I hereby request that a John Doe proceeding, pursuant to Section 968.26, Stats., be conducted and that witnesses be subpoenaed and questioned on oath relating thereto.

FURTHER, I request that these John Doe proceedings be secret for the following reasons. I believe it is reasonable to expect that any public filing about the existence of this investigation will generate substantial publicity, both from traditional (e.g., print and broadcast journalism) and non-traditional (e.g. Internet blog) information sources. This is because the individuals involved in this investigation are well-placed political operatives, closely tied with the current Governor of the State of Wisconsin. At this time, the investigation concerning the facts alleged in the accompanying Affidavit are not a matter of common, public knowledge. In fact, a portion of the investigation has

EXHIBIT 4

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 055

been ongoing in Milwaukee County since the Fall of 2012, and the secrecy of that proceeding has been maintained. I believe that the continued secrecy of the investigation is important to its success. For example, publicity will forewarn probable future John Doe witnesses of the State's interest in questioning them. Such warning may result in statements that are less likely to be entirely candid. Publicity arising from a public John Doe proceeding may also make it more likely that evidentiary records will be lost or destroyed before being subpoenaed. It is also my opinion that the formality of a John Doe proceeding before a judicial officer will increase the likelihood of complete and frank statements by persons who otherwise may profess a failed or an incomplete recollection to an investigating law enforcement officer in an informal interview setting. Finally, I also note that publicity surrounding a John Doe investigation may serve to unfairly publicize allegations of criminal misconduct that are in a pre-charging, investigative stage. In other words, publicity related to a public John Doe proceeding may unfairly damage the reputation of persons against whom – for whatever reason – no criminal charges will ever issue.

FOR THESE REASONS, I respectfully submit that the balance between – on the one hand - the public's right to be informed about this John Doe proceeding, and – on the other hand – the legitimate need to maintain the secrecy of these proceedings, must be struck, at this juncture, in favor of a secret proceeding. *In re John Doe Proceeding*, 2003 WI 30, 260 Wis.2d 653, 660 N.W.2d 260 at ¶66.

FURTHER, notwithstanding any secrecy order, I request that the court allow the following persons to have access to the record of the John Doe proceedings to the extent necessary to perform their duties because such access will materially aid the progress of this investigation:

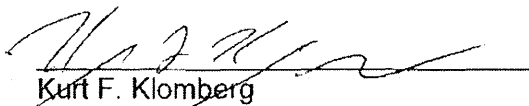
District Attorney Kurt F. Klomberg & Special Prosecutor Robert G. Barrington;

I request that those persons who act in support of this John Doe proceeding be permitted to use the information, transcripts, documents and other materials that will be gathered in this investigation for all appropriate law enforcement purposes, including but not limited to the interview of witnesses outside the context of John Doe hearings, in support of this investigation.

FINALLY, as to the scope of the secrecy order, I request that the court order that

secrecy be maintained during this John Doe proceeding as to court docket and activity records, court filings, process issued by the court, information concerning the questions asked and the answers given during a John Doe hearing, transcripts of the proceedings, exhibits and other papers produced during the proceedings, as well as to all other matters observed or heard in the John Doe proceeding. See, generally, *In re John Doe Proceeding*, 2003 WI 30 at ¶62.

Dated this 26 day of July 2013.


Kurt F. Klomberg
District Attorney
State Bar Number 1042159
kurt.klomberg@da.wi.gov

210 West Center Street
Juneau, WI 53039
(920) 386-3610 - Voice
(920) 386-3623 -- Fax

STATE OF WISCONSIN CIRCUIT COURT JUL 25 2013 IOWA COUNTY
IN THE MATTER OF A JOHN DOE PROCEEDING LIA N. GUST, CLERK
Case No. 13JD0000 1

PETITION FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

WHEREAS, I, Larry E. Nelson, District Attorney in and for the County of Iowa am responsible for the review and prosecution of possible crimes occurring under Chapter 11 of the Wisconsin Statutes, which crimes may be committed by residents of the County of Iowa, State of Wisconsin;

WHEREAS, in pursuit of these duties, I have had occasion to review information involving a person named Eric S. O'Keefe (DOB 12/14/1954), a resident of the County of Iowa; and

WHEREAS, based upon a review of information thus far gathered by prosecutors and investigators as part of a John Doe proceeding now pending in Milwaukee County, Case No. 12JD000023, I believe that further information concerning possible crimes occurring under Chapter 11 of the Wisconsin Statutes can be revealed utilizing a John Doe proceeding;

NOW, THEREFORE, based upon the information contained in my Affidavit that accompanies this Petition, showing evidence that criminal violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b), pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have been committed in Iowa County, I hereby request that a John Doe proceeding, pursuant to Section 968.26, Stats., be conducted and that witnesses be subpoenaed and questioned on oath relating thereto.

FURTHER, I request that these John Doe proceedings be secret for the following reasons. I believe it is reasonable to expect that any public filing about the existence of this investigation will generate substantial publicity, both from traditional (e.g., print and broadcast journalism) and non-traditional (e.g. Internet blog) information sources. This is because the individuals involved in this investigation are well-placed political operatives, closely tied with the current Governor of the State of Wisconsin. At this time, the investigation concerning the facts alleged in the accompanying Affidavit are not a matter of common, public knowledge. In fact, a portion of the investigation has

EXHIBIT 5

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 058

been ongoing in Milwaukee County since the Fall of 2012, and the secrecy of that proceeding has been maintained. I believe that the continued secrecy of the investigation is important to its success. For example, publicity will forewarn probable future John Doe witnesses of the State's interest in questioning them. Such warning may result in statements that are less likely to be entirely candid. Publicity arising from a public John Doe proceeding may also make it more likely that evidentiary records will be lost or destroyed before being subpoenaed. It is also my opinion that the formality of a John Doe proceeding before a judicial officer will increase the likelihood of complete and frank statements by persons who otherwise may profess a failed or an incomplete recollection to an investigating law enforcement officer in an informal interview setting. Finally, I also note that publicity surrounding a John Doe investigation may serve to unfairly publicize allegations of criminal misconduct that are in a pre-charging, investigative stage. In other words, publicity related to a public John Doe proceeding may unfairly damage the reputation of persons against whom – for whatever reason – no criminal charges will ever issue.

FOR THESE REASONS, I respectfully submit that the balance between – on the one hand - the public's right to be informed about this John Doe proceeding, and – on the other hand – the legitimate need to maintain the secrecy of these proceedings, must be struck, at this juncture, in favor of a secret proceeding. *In re John Doe Proceeding*, 2003 WI 30, 260 Wis.2d 653, 660 N.W.2d 260 at ¶¶66.

FURTHER, notwithstanding any secrecy order, I request that the court allow the following persons to have access to the record of the John Doe proceedings to the extent necessary to perform their duties because such access will materially aid the progress of this investigation:

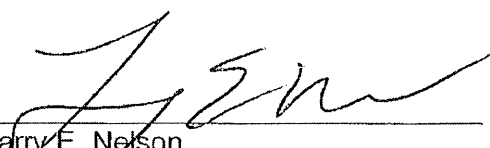
Larry E. Nelson, District Attorney;

Jennifer H. Ramsden, Legal Assistant;

I request that those persons who act in support of this John Doe proceeding be permitted to use the information, transcripts, documents and other materials that will be gathered in this investigation for all appropriate law enforcement purposes, including but not limited to the interview of witnesses outside the context of John Doe hearings, in support of this investigation.

FINALLY, as to the scope of the secrecy order, I request that the court order that secrecy be maintained during this John Doe proceeding as to court docket and activity records, court filings, process issued by the court, information concerning the questions asked and the answers given during a John Doe hearing, transcripts of the proceedings, exhibits and other papers produced during the proceedings, as well as to all other matters observed or heard in the John Doe proceeding. See, generally, *In re John Doe Proceeding*, 2003 WI 30 at ¶62.

Dated this 25 day of July 2013.



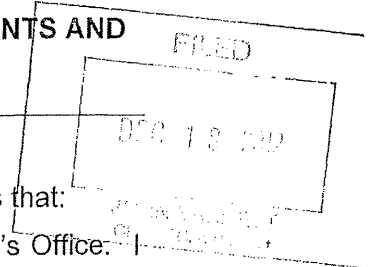
Larry E. Nelson
District Attorney
State Bar Number 1003576
larry.nelson@da.wi.gov

P.O. Address
Iowa County District Attorney's Office
222 North Iowa Street
Dodgeville, Wisconsin 53533
608-935-0393 - Voice
608-935-7928 - Fax

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING Case No. 12JD000023

**AFFIDAVIT IN SUPPORT OF A REQUEST FOR SEARCH WARRANTS AND
SUBPOENAS**



ROBERT STELTER, being first duly sworn on oath, deposes and says that:

1. I am an Investigator in the Milwaukee County District Attorney's Office. I submit this affidavit in support of a request for search warrants and subpoenas for documents related to this John Doe investigation.

2. I have 27 years of experience as a law enforcement officer. I have held the rank of Detective and Lieutenant of Detectives within the City of Milwaukee Police Department. For two years, I worked at the Milwaukee High Intensity Drug Trafficking Area Task Force, (hereafter HIDTA), a state/federal task force with law enforcement officers from the City of Milwaukee Police Department, Federal Bureau of Investigation, Drug Enforcement Administration, West Allis Police Department, Wisconsin Department of Justice, Wisconsin State Patrol, and other jurisdictions. That experience included the investigation of and supervision of the investigation of complex and large scale organized crime in the Metropolitan Milwaukee, Wisconsin area. Over these last 10 years, I have overseen multiple investigations and been involved in the supervision of investigations that involved federal court authorized wiretaps of wire and electronic communications as defined in the Federal Code. I also have participated in investigations involving individuals and organized group activity related to the distribution of drugs and controlled substances, and the laundering of drug proceeds and the concealment of assets purchased with drug proceeds. In the past two years I have been involved with the investigation of violations of Wisconsin election laws, campaign finance laws, use of government employees for the purpose of political service, and ethics violations. The investigations have resulted in prosecutions for theft, campaign finance violations, as well as political

EXHIBIT 6

2013AP002504-W -
2013AP002508-W

Schmitz Affidavit 061

service involving governmental employees. In particular I have been involved with the investigation in Milwaukee County John Doe case no. 10JD000007, which has resulted in charges against six individuals, and the conviction of five individuals to date.

3. In an order dated August 10, 2012, the Honorable Judge Neal Nettesheim authorized the use and disclosure of information in Milwaukee County John Doe proceeding case no. 2010JD000007 as may reasonably be necessary in order to conduct an investigation into the allegations outlined in this affidavit. (Exhibit 1) This separate John Doe investigation was subsequently commenced based upon information developed in 2010JD000007.

4. On September 5, 2012, Reserve Judge Barbara Kluka authorized the commencement of a John Doe proceeding related to violations of Wisconsin Statutes §946.12, 939.30, 939.31, and 939.05; viz. Misconduct in Public Office (PTAC), and Conspiracy and Solicitation to Commit Misconduct in Public Office, and other violations of Chapter 11 of the Wisconsin Statutes.

5. I incorporate by reference the Applications, Affidavits and other papers, particularly those noted within, that have been submitted to the court in these John Doe proceedings, including any matters or testimony referenced in the paragraphs that follow. I base the following affidavit upon personal knowledge; information and belief based upon statements and information from fellow law enforcement officers and citizen witnesses; review of subpoenaed documents and documents obtained via search warrants; testimony taken during the course of the John Doe proceedings in 2010JD000007, and other information as described herein believed to be reliable.

6. I have been authorized by a secrecy order to be made aware of these John Doe Proceedings.

B. ENTITIES, INDIVIDUALS, AND RECORDS SUBJECT TO REQUEST FOR SEARCH WARRANTS AND SUBPOENAS.

7. This Affidavit sets forth a basis for my belief that evidence related to violations of Wisconsin Statutes §§11.27(1), 11.26(2)(a), 11.61(1)(b), 11.36, 939.31 and 939.05, viz. Filing a False Campaign Report or Statement (PTAC);

Conspiracy to File a False Campaign Report or Statement, and Political Solicitation involving Public Employees¹ exist, and that the courts of Milwaukee County have jurisdiction over these offenses. I make this Affidavit in Support of search warrants and subpoenas pursuant to Wisconsin Stats §§968.135, 968.375, and 968.12. I would note that this request for search warrants and subpoenas relates to the individuals and entities described in the Affidavit in Support of a Request to Commence a John Doe dated August 10, 2012, for the evidence described below at the locations described below:

a. **United States Cellular – Subpoena Compliance Dept:** I

respectfully request that the court issue a subpoena for documents to United States Cellular – Subpoena Compliance Center, Custodian of Records, 1 Pierce Place, Ste 800, Itasca, Ill. 60143 for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (R.J. Johnson); [REDACTED] (John Wayne Hogan)

¹ Wis. Stats §11.36 provides:

“11.36 Political solicitation involving public officials and employees restricted.

(1) No person may solicit or receive from any state officer or employee or from any officer or employee of the University of Wisconsin Hospitals and Clinics Authority any contribution or service for any political purpose while the officer or employee is engaged in his or her official duties, except that an elected state official may solicit and receive services not constituting a contribution from a state officer or employee or an officer or employee of the University of Wisconsin Hospitals and Clinics Authority with respect to a referendum only. Agreement to perform services authorized under this subsection may not be a condition of employment for any such officer or employee.

(2) No person may solicit or receive from any officer or employee of a political subdivision of this state any contribution or service for any political purpose during established hours of employment or while the officer or employee is engaged in his or her official duties.

(3) Every person who has charge or control in a building, office or room occupied for any purpose by this state, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority shall prohibit the entry of any person into that building, office or room for the purpose of making or receiving a contribution.

(4) No person may enter or remain in any building, office or room occupied for any purpose by the state, by any political subdivision thereof or by the University of Wisconsin Hospitals and Clinics Authority or send or direct a letter or other notice thereto for the purpose of requesting or collecting a contribution.”

² This phone number was originally with U.S. Cellular and was ported to Cingular Wireless (now AT&T) at some point in time. For this reason records are requested from both service providers.

- b. **Century Link - Legal Dept:** I respectfully request that the court issue a subpoena for documents to Century Link, Custodian of Records, Law Enforcement, KSOPKJ 0402, 5454 W. 110th St., Overland Park, KS, 66211, for the records and timeframe identified below for the following telephone number for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (R.J. Johnson);
- c. **Charter Communications (D.B.A. Charter Fiberlink)- Law Enforcement Paralegal:** I respectfully request that the court issue a subpoena for documents to Charter Communications – Subpoena Compliance, Custodian of Records, 12405 Powerscourt Drive., St. Louis, Mo. 63131 for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (Eric Schutt);
- d. **Sprint – Corporate Security – Subpoena Compliance:** I respectfully request that the court issue a subpoena for documents to Sprint, Subpoena Compliance 6480 Sprint Parkway, Overland Park, KS 66251 for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (Michael Huebsch); [REDACTED] (Jennifer Bannister - Doner Fundraising)
- e. **AT&T Midwest (formerly Ameritech) – Records Custodian - Subpoena Compliance:** I respectfully request that the court issue a subpoena for documents to AT&T Midwest, Custodian of Records, 208 S. Akard St., 10th Floor, Dallas, TX. 75202 for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (Kelly Rindfleisch);
- f. **AT&T Wireless (formerly Cingular Wireless) – Records Custodian - Subpoena Compliance:** I respectfully request that the court issue a subpoena for documents to AT&T Wireless,

Custodian of Records, 11660 N. U.S. Hwy 1, North Palm Beach, FL. 33408 (fax 888-938-4715) for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED]

(Ryan Murray); [REDACTED] (Deborah Jordahl); [REDACTED]
(R.J. Johnson); [REDACTED] (Jim Villa); [REDACTED] (Kate Doner)

g. **Mid-Plains Telephone Company – Records Custodian -**

Subpoena Compliance: I respectfully request that the court issue a subpoena for documents to Mid-Plains Telephone Company, Custodian of Records, 1912 Parmenter St., Middleton, WI. 53562-3169, for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (James Buchen); [REDACTED] (Keith Gilkes).

h. **Cellco Partnership (D.B.A. Verizon Wireless) – Records**

Custodian: I respectfully request that the court issue a subpoena for documents to Cellco Partnership, Records Custodian, 180 Washington Valley Rd., Bedminster, N.J. 07921, for the records and timeframe identified below for the following telephone number(s) for the timeframe of January 1, 2011 to July 31, 2012: [REDACTED] (Gov. Scott Walker) and [REDACTED] (Keith Gilkes);

i. **GOOGLE – Legal Investigations Support / Search Warrants.** I

respectfully request that the court issue a search warrant authorizing the production of e-mail and related documents from Google c/o Google Legal Investigations Support, 1600 Amphitheatre Parkway, Mountain View, CA 94043 with respect to the following Google accounts: Brian C. Baker
[REDACTED].

- j. **Microsoft Online Services – Hotmail – Custodian of Records.** I respectfully request that the court issue a search warrant authorizing the production of e-mail and related documents from Hotmail, 1065 La Avenida, Building #4, Mountain View, CA 94043 with respect to the following Hotmail account(s): Matt Seaholm [REDACTED]
- k. **AOL (America OnLine) – Custodian of Records.** I respectfully request that the court issue a search warrant authorizing the production of e-mail and related documents from AOL, 22000 AOL Way, Dulles, Virginia 20166 with respect to the following AOL account(s); Michael Huebsch [REDACTED]
- l. **Yahoo – Custodian of Records.** I respectfully request that the court issue a search warrant authorizing the production of e-mail and related documents from Yahoo, 701 First Avenue, Sunnyvale, California 94089, with respect to the following Yahoo account(s); Michael Grebe [REDACTED]
- m. With respect to the request for search warrants described in ¶7(i) to ¶7(l) and the electronic communication service providers, I respectfully request a search warrant issue for the following timeframe (inclusive) - January 1, 2011 to July 31, 2012 or as specified, for the production of all communications stored in the account including all incoming and outgoing e-mail; subscriber names, user names, screen names or other identities associated with the account; mailing addresses, residential addresses, business addresses, other e-mail addresses, telephone numbers or other contact or identifying information for this account (in electronic or other form); billing records; contact lists, information about length of service, types of services or related information; connection logs and records of user activity, and any information related to sent and received communications, including any "chat" or "instant

messaging" or related information for said account, any calendar or documents maintained in conjunction with the named account; and other records identified herein in ¶7 above.

- n. With respect to the request for subpoenas described in ¶7(a) to ¶7(h) above, I respectfully request that the respective electronic telecommunication service providers produce for the following timeframe (inclusive) - January 1, 2011 to July 31, 2012 or as specified; any and all records including, but not limited to, any books, papers, records, computer or electronic data, and the copies of records related to the phone number(s) identified above, including but not limited to: 1) all call detail records including incoming and outgoing calls; 2) billing name and information, subscriber name and information including any application for service; 3) subscriber and/or billing address; 4) Length of service, including start date and types of service utilized; 5) Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; 6) means and source of payment for the electronic communication service or remote computing service, including any credit card or bank information;
- o. **BMO Harris / M and I Bank** - Records Custodian. I respectfully request that the court issue a subpoena duces tecum to BMO Harris (formerly M and I Bank), 180 N. Executive Drive, Brookfield, Wisconsin 53233, authorizing the production of bank records including but not limited to copies of signature cards, account application(s), periodic statements, deposit items, credit or debit items, wire or electronic transfers, withdrawals, and checks relating to the account(s) listed below for the timeframe of January 1, 2011 to July 31, 2012:

- i. Wisconsin Manufacturers and Commerce

ii. Wisconsin Manufacturers and Commerce / Issue
Mobilization Council

- p. **Free Conference Call** - Records Custodian. I respectfully request that the court issue a subpoena duces tecum and search warrant authorizing the production of records relating to the following accounts: from January 1, 2011 to July 31, 2012 for (605) 475-4700, host and participant access code 453846; from January 1, 2011 to November 30, 2011 for (530) 881-1200 access code 319841 and (218) 632-0550 access code 847249; (1) the production of all records including subscriber names, user names, or other identities associated with the account / and or phone numbers identified; mailing addresses, residential addresses, business addresses, other e-mail addresses associated with the account; telephone numbers or other contact or identifying information for the accounts (in electronic or other form); billing records; contact lists, information about length of service, types of services or related information; connection logs and records of user activity; all phone toll records related to the accounts; all records pertaining to communications between Free Conference Call, and any person regarding the accounts, including contacts with support services and records of actions taken; means and source of payment (including any credit or bank account number) and 2) all communications in electronic or digital storage with respect to the accounts. Free Conference Call is a telecommunications service company providing conference call services, listing a contact address of 110 W. Ocean Blvd., Long Beach, CA 90802-4615.
- q. **Line One Communications** - Records Custodian. I respectfully request that the court issue a subpoena duces tecum and search warrant authorizing the production of records relating to the following accounts: from January 1, 2011 to July 31, 2012 for (866) 200-9760, participant pin 6624148; (1) the production of all

records including subscriber names, user names, or other identities associated with the account / and or phone numbers identified; mailing addresses, residential addresses, business addresses, other e-mail addresses associated with the account; telephone numbers or other contact or identifying information for the accounts (in electronic or other form); billing records; contact lists, information about length of service, types of services or related information; connection logs and records of user activity; all phone toll records related to the accounts; all records pertaining to communications between Line One Communications, and any person regarding the accounts, including contacts with support services and records of actions taken; means and source of payment (including any credit or bank account number) and 2) all communications in electronic or digital storage with respect to the accounts. Line One Communications is a telecommunications service company providing conference call services, listing a contact address of 3411 Capital Medical Blvd., Tallahassee, FL. 32308.

- r. I request that the court issue a search warrant or subpoena authorizing the production of the documents and records identified in ¶7 above, as said materials may provide evidence relating to violations of sections Wisconsin Statutes §§11.27(1), 11.26(2)(a), 11.61(1)(b), 11.36, 939.31 and 939.05, viz. Filing a False Campaign Report or Statement (PTAC); Conspiracy to File a False Campaign Report or Statement, and Political Solicitation of Employees

8. With respect to jurisdiction, I know that Scott Walker resided at [REDACTED] Wauwatosa, Wisconsin in Milwaukee County and at the Executive Mansion in Dane County, Wisconsin during the timeframe of 2011-2012 when

the alleged offense(s) were committed.³ The court has jurisdiction over the above offenses pursuant to Wisconsin Stats. §978.05(1) that provides in pertinent part that the District Attorney of the prosecutorial district has the authority to prosecute all criminal violations that occur within that prosecutorial unit, as well as "all criminal actions arising from violations of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other laws arising from or in relation to the official functions of the subject of the investigation or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be committed by a resident of his or her prosecutorial unit . . ."

9. I use the terms "records" "documents" and "information" to include all items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as hard disks, jump drives, thumb drives, CDs, DVDs, external USB drives, 3.5" disks or other media that can store data); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), consistent with Wisconsin Stats sec. 968.13(2).

10. In particular, this affidavit incorporates by reference the other affidavit and exhibits in this John Doe, specifically the Affidavit of Robert Stelter dated August 10, 2012 in support of the Commencement of a John Doe, the affidavit of Robert Stelter dated September 5, 2012, and the Affidavit of Robert Stelter dated October 8, 2012.

C. LEGAL BASIS FOR THE REQUEST FOR SEARCH WARRANTS AND SUBPOENAS

³ Venue and jurisdiction can be established with a simple phone call, or an single act in furtherance of a conspiracy, which is one of the constituent elements of the charge. In State v. Anderson, 280 Wis.2d 104, 122 (p. 24), 395 N.W.2d 731 (2005), the Court found that a phone call (an overt act evincing the intent to kill) which occurred in Jefferson County established venue and jurisdiction in a prosecution for first degree intentional homicide.

11. The following principals of law apply to this request for subpoenas and search warrants:

- a. Wisconsin Statutes section 11.05(2g) provides that each candidate shall file a registration statement, with the filing officer providing information related to the name, mailing address and information required under §11.05(3). A personal campaign committee, or other entity registered under Wis. Stats. Sec. 11.05, shall make a full report of all contributions received, contributions or disbursements made, and obligations incurred, on a form prescribed by the registrant. A personal campaign committee registered under Wis. Stats. Sec. 11.05(2g) is such a committee. Friends of Scott Walker (FOSW) was the personal campaign committee of Scott Walker, gubernatorial candidate. Additionally, the personal campaign committees for Republican Senate candidates David VanderLeest, Robert Cowles, Alberta Darling, Sheila Harsdorf, Luther Olsen, Randy Hopper, Dan Kapanke, Kim Simac and Jonathan Steitz would be such a committee.
- b. Wisconsin Statutes sec. 11.10(4) provides: "No candidate may establish more than one personal campaign committee. Such committee may have subcommittees provided that all subcommittees have the same treasurer, who shall be the candidate's campaign treasurer. The treasurer shall deposit all funds received in the campaign depository account. Any committee which is organized or acts with the cooperation of or upon consultation with a candidate or agent or authorized committee of a candidate, or which acts in concert with or at the request or suggestion of a candidate or agent or authorized committee of a candidate is deemed a subcommittee of the candidate's personal campaign committee." A "personal campaign committee" is defined in Wisconsin Stats. Sec. 11.01(15) and a "committee" or "political committee" is defined in Wis. Stats. Sec. 11.01(4). Accordingly, by

operation of law, any "committee" acting in concert with or with the cooperation of or consultation with Scott Walker or FOSW, or the personal campaign committees of the above Wisconsin State Senate candidates are deemed by operation of law to be a subcommittee of the candidate's personal campaign committee.⁴

- c. Wisconsin Stats. Sec. 11.06(1) provides that the report shall include an itemized statement giving the date, full name and street address of each contributor who has contributed in excess of \$20. If the cumulative contributions for the year exceed \$100, the occupation, name and address and principal place of employment of the contributor must be included. For example, FOSW was obligated to report all the source's of contributions exceeding \$20 to FOSW or any subcommittee acting in concert with or with the cooperation of, or consultation with Scott Walker or FOSW.
- d. Wisconsin Stats. Sec. 11.27(1) provides that, "No person may prepare or submit a false report or statement to a filing officer under this chapter." A person who intentionally violates Wis. Stats. Sec. 11.27 (1) by the filing of a false report, that involves more than \$100 or does not involve a specific figure is guilty of a Class I felony, pursuant to Wisconsin Stats. sec. 11.61(1)(b). Accordingly, the intentional failure of FOSW to report to the Wisconsin Government Accountability Board all the sources of contributions exceeding \$20 to FOSW or any subcommittee acting in concert with or with the cooperation of or consultation with Scott Walker or FOSW would be a violation of Wis. Stats. sec. 11.27(1).
- e. Wisconsin Statutes section 939.31 provides that "...whoever, with intent that a crime be committed, agrees or combines with another to commit that crime may, if one or more of the parties to the

⁴ In 2005, former Wisconsin State Senator Charles "Chuck" Chvala was convicted in Dane County Circuit Court Case No. 2002CF2451 of violating Wisconsin Stats. §§ 946.12(2) and 11.26(2)(b). The violations of Wis. Stats. §11.26(2)(b) arose out of the campaign coordination involving Chvala, personal campaign committees and "independent interest groups" that is analogous to the potential violations here.

conspiracy does an act to effect its object, be fined or imprisoned or both not to exceed the maximum provided for the completed crime."

- f. Wisconsin Statutes section 939.05 provides that "Whoever is concerned in the commission of a crime is a principal and may be charged with and convicted of the commission of the crime although the person did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other degree of the crime or of some other crime based on the same act." Additionally, they may be convicted under Wisconsin Stats. Sec. 939.05 if the person aided or abetted or conspired to commit the criminal offense.

12. Scott Walker was the Milwaukee County Executive from 2002 to 2010. In 2006 and 2010, Walker was a candidate for the office of Governor of the State of Wisconsin. Scott Walker was elected to the office of the Governor on November 2, 2010. On January 17, 2012, petitions to recall Scott Walker as Governor were filed. As a result of the filing of the recall petitions, the Government Accountability Board ordered elections for the office of Governor and Lt. Governor be held on June 5, 2012. Additionally, recall petitions were filed against several Democrat and Republican Wisconsin State Senators. Recall elections for those individuals were held on July 19, August 9 and August 16, 2011.

13. John Hiller was treasurer of the Friends of Scott Walker (hereafter FOSW), the personal campaign committee for the gubernatorial campaign of Scott Walker for Governor. Shortly after Walker took office as Governor in 2011, Kate Lind became treasurer for FOSW according to filings with the Government Accountability Board.

14. R.J. Johnson was a paid advisor to the Friends of Scott Walker and was also involved with the Wisconsin Club for Growth (hereafter WiCFG), an organization formed under Title 26 U.S.C. 501(c)(4). R.J. Johnson was also involved with fundraising for another "501(c)(4) organization, Citizens for a

Strong America, as reflected in reviewed e-mail.⁵ Citizens for a Strong America (hereafter CFSA) was the recipient of substantial contributions from WiCFG. R.J. Johnson was also paid by CFSA. See Exhibit 3.

15. Deborah Jordahl worked with R.J. Johnson with respect to Wisconsin Club for Growth (WiCFG) and Citizens for a Strong America (CFSA). Jordahl was a paid employee of WiCFG and CFSA, and a signatory to the WiCFG bank account at M & I Bank.⁶ Valerie Johnson, the wife of R.J. Johnson, was the signatory for the CFSA account at M & I Bank.⁷

16. Kate Doner was a fundraiser with Doner Fundraising working on behalf of FOSW and in conjunction with the Wisconsin Club for Growth (WiCFG) in 2011 and 2012. Camille Moughon and Jennifer Bannister also worked with Kate Doner for Doner Fundraising.

17. Keith Gilkes was the campaign manager for Scott Walker when he ran for Governor of the State of Wisconsin in 2010. Gilkes then served as Chief of Staff to Governor Scott Walker from January 3, 2011 to about the end of September 2011. He then served as a campaign advisor to the Friends of Scott Walker in 2011 through the recall campaign in June 2012.

18. Kelly Rindfleisch was employed in 2011 by FOSW, and paid by the Republican Party of Wisconsin until January 2012. Rindfleisch was subsequently employed by an independent company performing work for the Friends of Scott Walker. Rindfleisch was actively involved in coordinating fundraising by Scott Walker on behalf of the WiCFG organization. Rindfleisch previously was employed as deputy chief of Staff for then Milwaukee County Executive Scott Walker. During the timeframe of that employment in 2010, Rindfleisch was an active fundraiser for then Lt. Governor candidate Brett Davis. Rindfleisch was subsequently convicted of one count of Misconduct in Public Office, with three counts dismissed and read-in in Milwaukee County Circuit Court case no. 12CF000438 related to political service and fundraising while a Milwaukee County employee.

⁵ See Exhibit 2, dated March 29, 2011.

⁶ See Exhibits 3 and 4.

⁷ See Exhibit 5.

19. The Wisconsin Club for Growth (WiCFG), is an tax exempt "social organization" formed under Title 26 U.S.C. 501(c)(4).⁸ A review of State of Wisconsin online records related to incorporation reflects that "Wisconsin Club for Growth" (hereafter WiCFG) is a "non-stock" corporation. In the 2009 and 2010 federal income tax filing for the WiCFG, Eric O'Keefe was listed as the Director, Charles Talbot was listed as the President/Director, and Eleanor Hawley as the Director / Secretary/ Treasurer. Reviewed e-mail for 2011 and 2012 reflect that Eric O'Keefe worked with R.J. Johnson and Deborah Jordahl in directing political activities of the WiCFG.⁹ Media accounts report that WiCFG is a organization whose board members have extensive ties to "Wall Street" and energy companies. R.J. Johnson is identified as a organizer and key adviser for WiCFG.¹⁰

20. R.J. Johnson was a general consultant to FOSW in 2010 according to John Doe testimony. A review of R.J. Johnson's bank records, and e-mail between the Walker recall campaign (FOSW) and R.J. Johnson establishes that after the election of Scott Walker as Governor of Wisconsin in 2010, R.J. Johnson served as a paid advisor to FOSW in 2011 and 2012.¹¹ In that same timeframe, R.J. Johnson also directed activities of WiCFG.

D. SUMMARY OF PROBABLE CAUSE

21. During 2011 and 2012, R.J. Johnson, Governor Scott Walker, Keith Gilkes, and others, conspired to use WiCFG to coordinate political activity in

⁸ See Wisconsin Club for Growth Website, <http://wicfg.com>, that identifies it as a "501(c)(4) organization, (Exhibit 6) as well in 2009 and 2010 federal tax filings. (Exhibit 7 and 8)

⁹ For example, on December 14, 2010, R.J. Johnson e-mailed Eric O'Keefe about the need to schedule a conference call for a board meeting with the "Club" via telephone. Johnson used the rj@rjjohnson.org e-mail and O'Keefe used the [REDACTED] email address. (Exhibit 9) On December 21, 2010, there was an email communication between O'Keefe and Johnson with a copy to Jordahl about no meeting because they had no response from Diane. (Exhibit 10). Later on December 21, 2010, R.J. Johnson also sent an e-mail to Keith Gilkes discussing the need to do a "quick Club meeting with Gilkes, Deb Jordahl and the "Fitzs" after the meeting on Thursday. (Exhibit 11). In a November 2010 email exchange regarding whether a Club for Growth media bill had been paid, Johnson wrote "we own CFG." Johnson also asks Deb Jordahl if she mailed a payment. (Exhibit 12) See also ¶26 and ¶39 infra. O'Keefe also used [REDACTED] as an e-mail address per a review of e-mail. R.J. Johnson also used [REDACTED]

¹⁰ See Milwaukee Journal-Sentinel article dated February 22, 2011. (Exhibit 13)

¹¹ See John Doe testimony of R.J. Johnson dated October 6, 2011, pg. 19 (Exhibit 14)

response to recall elections against Wisconsin state senators, as well as Governor Walker.

22. Because WiCFG is a social welfare organization organized under Title 2 U.S.C. 501(c)(4); it can involve itself in limited political activity, provided that "supporting or opposing candidates" does not become the organization's primary purpose. Corporations could lawfully contribute to the "501(c)(4)" organization so long as the expenditures were not coordinated or made with the cooperation, consultation or at the request of a candidate or political party. However, during 2011 and 2012, WiCFG became the means for coordinating political campaign activities of the 501(c)(4) organization with personal political campaign committee of Governor Walker, in particular coordinating activities of FOSW with WiCFG with respect to the recall of Governor Scott Walker. Contributions were personally solicited by Governor Scott Walker to WiCFG, a "501(c)(4)" organization" in order to circumvent the reporting and contributions provisions of Wisconsin Stats. secs. 11.10(4), 11.06(1), and 11.27(1) that would constitute a violation of Wisconsin Stats. Sec. 11.26, 11.27 and 11.61(1)(b). The contributions to WiCFG solicited by Governor Walker in opposition to his recall provided donors with a means to support Governor Walker through anonymous contributions and corporate contributions to WiCFG without any contribution limits. WiCFG was also involved in the response to the recall of Wisconsin Republican state senators in 2011.

E. FACTS ESTABLISHING PROBABLE CAUSE.

23. On April 28, 2009, Scott Walker announced his candidacy for the office of Governor of the State of Wisconsin. That same day, Executive Director David Keating of the national "Club for Growth" (hereafter CFG) office sent an e-mail to R.J. Johnson expressing concern over "potential legal issues that might be presented should the Wisconsin Club for Growth continue to air the previous ads or run additional advertisements or communications featuring Scott Walker."

Because of concern "about potential legal issues that might be presented should the Wisconsin Club for Growth continue to air the previous ads or run additional advertisements or communications featuring Scott Walker," the national CFG

requested that WiCFG provide a legal opinion with respect to WiCFG plans for additional ads or activities featuring Scott Walker. The national CFG asked that the legal opinion comply with a "conservative interpretation of state laws and regulations." The national CFG asked that legal counsel review any ads or communications before they were aired or disseminated to the public. In response to the national CFG concerns, R.J. Johnson replied on April 29, 2009 in an e-mail, "A phone call would have been appropriate in advance of sending an e-mail like this." R.J. Johnson continued, "We will continue to criticize and praise the behavior of our elected officials. Whether they are running for office is not relevant to us, as we only care about policy outcomes and the public debate that helps bring them about. Further, Wisconsin is not under the same restrictions of speech that you are at the federal level. Under Wisconsin law we are allowed to criticize or praise anyone in the public policy arena at any time. If those rules change, we will of course change our behavior accordingly." According to Johnson, at that time the communications that were of concern were two e-newsletter items, one in early January and a second in March about then County Executive Walker's public refusal to seek federal stimulus dollars. Additionally, there were radio ads relating to an advisory referendum on raising the sales tax in Milwaukee County. The e-mail string was then forwarded to Deborah Jordahl and Stephan Thompson. (Exhibit 15) Accordingly, R.J. Johnson was aware of concerns relating to potential legal issues that might arise with advertisements or communications featuring Scott Walker communicated by the Club for Growth, in conjunction with Scott Walker running for Governor as early as 2009.

24. A review of e-mail obtained as a result of a John Doe search warrant issued on May 3, 2012 in Milwaukee County John Doe case no. 2010JD000007 for particular private e-mail accounts reflect a communication on March 25, 2011 at 11:48 a.m. In that communication, Nick Ayers (former executive director of the Republican Governors Association) wrote Governor Walker, indicating that he spoke with Earl Gillespie (Chairman of the Republican State Leadership Committee). The e-mail lays the groundwork for a meeting to coordinate the

efforts of at least two 501(c)(4) organizations, Americans for Prosperity (AFP) and Wisconsin Club for Growth (CFG) with that of other political organizations, Wisconsin Republican Party (WIGOP), Republican State Leadership Committee (RSLC) and Republican Governors Association (RGA). (Exhibit 16- excerpt below)

From: Nick Ayers [mailto: [REDACTED]]
Sent: Friday, March 25, 2011 11:48 AM
To: Scott Walker
Cc: Reince Priebus - Chairman's Office
Subject: WI

Spoke to Gillespie this morning. My sense is that everyone's heart (AFP, WIGOP, RSLC, RGA, CFG) is in the right place but no one is clear on the entire battle plan, and that is leaving very vulnerable gaps in both the planning and execution of a winning strategy.

Stating the obvious: It is crucial that if we provide the air cover in the coming few months that someone else has a top-notch absentee ballot and GOTV plan. It is crucial that if those two things are happening some other entity has total responsibility for collecting the petitions in the 3-4 targeted democratic senate seats. It is equally crucial that someone is providing talking points and a daily message to all the Party's talking heads. It is crucial that all these groups are reporting in on their progress and hitting their metrics for success. And it is crucial that we have a legal plan in place to challenge erroneous petitions and prevent voter fraud.

The point I am trying to make is that losing at any of these levels: GOTV plan; paid advertising; earned media; collecting petitions; legal strategy, means losing at all levels.

To resolve this we recommend getting together face to face on Wednesday or Friday of next week in WI to bring everyone together to assign responsibility and create a command structure. Does this sound correct to you? Ed and I are available by phone if you want to discuss.

25. The e-mail was then sent by Reince Priebus, Chairman of the Republican National Party to Governor Walker, asking about the results of a meeting with R.J. Johnson. (Exhibit 16)

26. On March 29, 2011, R.J. Johnson sent an e-mail to Keith Gilkes with a copy to Governor Scott Walker in response to an earlier e-mail from Gilkes regarding the attendance of Governor Walker at the Republican State Leadership Committee (RSLC) conference in Washington D.C. on April 14, 2011. Johnson discusses strategy prior to Governor Walker attending the RSLC conference. Johnson advised Gilkes and Walker that he "locked in Eric O'Keefe to head up our national fundraising operations with donors we know from the Koch seminar and across the country as we discussed at the residence. I am hopeful that Nick (Ayers) will stay to his commitment to call his folks, tell them we are the group, and that they should contribute liberally to what we propose." Eric O'Keefe led the Wisconsin Club for Growth, a 501(c)(4) organization. Johnson tells Gilkes, "As far as Fitzgerald, I would tell him the Governor will be raising 5 million plus

under Wisconsin control." Johnson tells Gilkes that he will need the Governor on "7-8 trips to get us where we need to be along with some in-state stuff." The Fitzgerald reference is likely to be Scott Fitzgerald, Treasurer for Committee to Elect a Republican Senate (CERS). Johnson tells Gilkes, "If you can't wait until we have an understanding with Nick and the RSLC, you are in effect committing to their program and control of our destiny." (Exhibit 2)

27. A conference call was then held on April 6, 2011, as a result of an e-mail sent by Governor Scott Walker. In that e-mail, Walker advised Keith Gilkes and R.J. Johnson, "I think we need to bring the gang together tonight." (Exhibit 17) Records from Free Conference Call reflect that a conference call was held at approximately 8:00 p.m. using the official media conference call line of Chris Schrimpf, Communications Director for Governor Walker.¹² Participants in the conference call included phones of the following individuals (at that point in time with unidentified numbers excluded):

PHONE NUMBER	SUBSCRIBER	BACKGROUND
	Jim Villa	Advisor to Governor Walker
	Robert Welch	Lobbyist, The Welch Group
	Anthony Langel	Vice-President – Capitol Consultants
	Eric Schutt	Deputy Chief of Staff
	R.J. Johnson	Wisconsin Club for Growth / Citizens for a Stronger America
	Robert Garvin	Attorney – American Transmission Company
	Tim Sheehy	President – Metropolitan Milwaukee Association of Commerce
	Brian Fraley	MacIver Institute
	Thomas Schreiber	Staff member, Congressman James Sensenbrenner
	Mary Charnitz	City of Milwaukee employee
	Michael Huebsch	Secretary, Department of Administration
	Bryon Wornson	Vice President – Public Affairs, Pfizer
	Kelly Rindfleisch	Campaign worker, employed by FOSW, paid by Wis. GOP
	Ryan Murray	Director, Policy and Legislative Affairs
	Brett Healy	MacIver Institute, President
	Brian Schimming	Lobbyist – Midwest Strategy Group; radio host 1310 - WIBA
	Greater Milwaukee Committee	Civic Organization to contribute to economic and cultural base of Milwaukee

¹² See Exhibit 18 and below information from Free Conference Call related to the phone line used

Official Media Conference Call Line	(218) 862-1001	1023320	574146	4/25/10 7:25:59 PM
-------------------------------------	----------------	---------	--------	--------------------

	James Buchen	Senior Vice President of Government Relations for Wisconsin Manufacturers & Commerce.
	Hamilton Consulting Group	Lobbying Group-
	MGE Energies	Madison Area Utility supplying electricity and gas

28. After the April 6, 2011 conference call, a meeting and conference call was subsequently held on Thursday, April 7, 2011 in Milwaukee, Wisconsin with a call in for those who could not personally appear.¹³ Keith Gilkes sent an e-mail with meeting details and call in information to the following individuals:

NAME	ORGANIZATION	POSITION / DESCRIPTION
Ayers, Nick	Republican Governor's Association (RGA)	Former executive director of the Republican Governors Association from January 2007 to January 2011;
Walker, Scott	Friends of Scott Walker (FOSW)	Governor and Gubernatorial Candidate
Johnson, RJ	Wisconsin Club for Growth (WICFG)	Advisor, Wisconsin Club for Growth; also advisor and consultant to FOSW
Jankowski, Chris	Republican State Leadership Committee (RSLC)	President of RSLC - a "leading strategist in state elections, state policy issues and state government."
Grebe, Michael	Bradley Foundation	President and Chief Executive of Bradley Foundation;
Hogan, John	Committee to Elect a Republican Senate (CERS)	Former executive director; from January 2009 – August 2011. Present employment - Chief of Staff at State of Wisconsin - Senate Majority Leader's Office (Scott Fitzgerald)
Thompson, Stephan	Republican Party of Wisconsin (RPW)	Executive Director, Republican Party of Wisconsin
Jefferson, Mark	Republican National Committee (RNC)	Former Executive Director, RPW. Presently with RNC as the Midwest Regional Political Director.
Gilkes, Keith	Friends of Scott Walker (FOSW)	Campaign Manager, FOSW - Walker Gubernatorial Campaign; also Chief of Staff Governor Scott Walker

¹³ The call-in utilized the services of "Free Conference Call, with phone number 218-862-1001 and access code 1023320.

Schutt, Eric	Office of the Governor, State of Wisconsin	Chief of Staff - Governor Scott Walker (replacing Gilkes); former Deputy Chief of Staff
--------------	--	---

(See e-mail of April 6, 2011 from Keith Gilkes using [REDACTED] Exhibit 19.1 and 19.2)

29. This coordination was discussed in an e-mail sent by Kate Doner, a fundraiser for Scott Walker, to R.J. Johnson and Jay Rosser on April 28, 2011 at 12:03 p.m. Doner explained:

"As the Governor discussed with Mr. Pickens, he wants all the issue advocacy efforts run thru one group to ensure correct messaging. We had some past problems with multiple groups doing work on "behalf" of Gov. Walker and it caused some issues. In Wisconsin, a 501(c)(4) is the **legal** vehicle that runs the media/outreach/GOTV campaign. The Governor is encouraging all to invest in the Wisconsin Club for Growth. Wisconsin Club for Growth can accept Corporate and Personal donations without limitations and no donors disclosure. We are a separate group from the national Club for Growth and do not have any Koch money involvement."

(see attached, emphasis in original) (Exhibit 20)

30. On May 4, 2011, Kate Doner sent an e-mail to Kelly Rindfleish and R.J. Johnson regarding arrangements for a phone call to Karl Rove soliciting at least a \$1,000,000 contribution from "Crossroads," a 501(c)(4) organization. Doner indicated that Rove received a \$7 million dollar contribution from Bob Perry that Perry thought was going to be used in Wisconsin. Walker was sent "talking points" that included, 1) telling Rove that \$9 million dollars must be raised by June 15; 2) that Walker can't ask companies with lobby efforts in Wisconsin for money; 3) that Rove ask his "corporate connections" to give money to WiCFG. As part of the e-mail chain, Scott Matejov, secretary for Walker (using the [REDACTED] account) sent an e-mail to Kelly Rindfleisch with a copy to Governor Scott Walker (at swalkerwi@gmail.com) on May 4, 2011 at 11:20 a.m. Matejov advised Rindfleisch that Governor Walker should be able to do the call at about 1:30 p.m. "today." Matejov said the Governor did not have the cellular

phone number for Rove so requested that the number be sent by e-mail to the Governor. (Exhibit 21.1)

31. Governor Scott Walker sent a follow-up e-mail to Karl Rove on May 4, 2011. In that e-mail, Walker described the response to the recall election and the role of R.J. Johnson in organizing that response. Walker stated, "Bottom-line: R.J. helps us keep in place a team that is wildly successful in Wisconsin. **We are running 9 recall elections** and it will be like running 9 Congressional markets in every market in the state (and Twin Cities)." (Emphasis added) (Exhibit 21.2)

32. On Wednesday, June 1, 2011 at 8:00 a.m. Kelly Rindfleisch sent an e-mail (using the address [REDACTED]) to Scott Walker (at swalkerwi@gmail.com) and Scott Matejov (at [REDACTED]). Rindfleisch forwarded an e-mail from Kate Doner to Rindfleisch with the subject heading, "Lowry Mays talking points." The email related to a phone call from Scott Walker to Lowry Mays on June 2, 2011 at 11:00 a.m. The e-mail included the following talking points for Governor Walker:

- a. Finalization of the recall efforts with nine special state elections
- b. The "union battle and budget issues." The economics of the situation and need as Governor for pro-business legislators.
- c. The national labor movement and Democrats using this as a way to "scare other Governors and legislators from tackling public unions.
- d. The need to raise \$9 million dollars by June 15 (2011).
- e. A request for a \$250,000 contribution to Walker's "501c4." Walker was to let Mays know that they could accept corporate contributions that are not reported.

Also noted is that Mays may help with Red McCombs, who they asked to give \$100,000, as well as the friends of McCombs. (Exhibit 22)

33. On June 20, 2011 at 10:48 a.m. Kelly Rindfleisch using the e-mail address [REDACTED] sent an e-mail to Ryan Murray (and Scott Walker.) The e-mail forwarded a communication from Kate Doner to Rindfleisch regarding a fundraising trip in New York City from June 20 to June 21, 2011. The itinerary for the fundraising trip is attached to the e-mail. Included in the itinerary

was a meeting with Chris Lofgren, identified in the e-mail as the CEO of Schneider National, the nation's largest privately owned truckload carrier. The talking points related to fundraising include Walker asking Lofgren to reach out to "his peers" and assist with raising \$200,000; a request for a \$50,000 donation from Chris Lofgren; and a note to "(S)tress that donations to WiCFG are not disclosed and can accept Corporate donations without limits.¹⁴ I believe WiCFG to refer to the "Wisconsin Club for Growth." (Exhibit 23)

34. The itinerary described in ¶32 included a meeting with Mark Schwabero of Mercury Marine, based in Fond Du Lac, Wisconsin; the talking points included a request for Schwabero to have his company make a contribution, and to recruit other companies to make a contribution. Walker was to let Schwabero know that companies are contributing between \$10,000 and \$1,000,000. Walker was to ask Schwabero for a \$25,000 contribution, and for Schwabero to ". . .ask two other guys to match your donation to your 501c4." Walker was to let Schwabero know that corporate contributions can be accepted and it is not reported.

35. The itinerary described in ¶32 included a meeting with "BLACKROCK," an investment firm with \$3.65 trillion equity according to the summary. The talking points included, "the business aspects of the recall effort and why it's important to keep the Senate. We are rallying the business community's support with such a short timeline. Unlike the unions, we don't have access to that much cash to be competitive. We are hoping to count on their support." The talking points concluded with a request by Walker for a contribution of \$100,000 to "your" (referring to Walker) "501c4."

36. On July 13, 2011, R.J. Johnson directed an e-mail to Governor Scott Walker at "swalkerwi@gmail.com" that forwarded an e-mail from Chris Jankowski of RSLC. The substance of the e-mail concerned recall elections against Republican Wisconsin State Senators Alberta Darling and Luther Olsen, as well as efforts to recall Democrat Senator Jim Holperin and Dave Hansen. Jankowski

¹⁴ Wisconsin Statutes prohibit contributions from corporations; Scott Walker acknowledged that on March 22, 2012 during an interview. When asked about fundraising by the FOSW finance committee, and a discussion of donors, Scott Walker stated, ". . . It wouldn't be corporate donors." (See Exhibit 99, Interview of Scott Walker, March 22, 2012, Pgs 83 to 85)

told Johnson that “. . . we are going to do a 500k ie on broadcast and cable against holperin over 4 weeks.” Jankowski said over a month they spent “almost 500k” (\$500,000) against holperin and hansen. Jankowski then asked R.J. Johnson for the “actual plan or versions of it that add up to the 6.5 m you mentioned. . .” In response, Johnson e-mailed Jankowski, stating, “Here is the memo outlining the 1M they say they will have spent here. Again, I don’t want to fight. I just need the half million and a matter of fact retort if he says RSLC is in for a million. We’re spending like crazy. Alberta and Olsen are in trouble according to our recent polls. DO NOT REPEAT that to anyone. Thank you sir.” See Exhibit 24.1 A reasonable interpretation of the e-mail is that memos and information were exchanged between RSLC and WiCFG, consistent with the earlier discussions in April 2011. Earlier that day, R.J. Johnson exchanged e-mail with Jankowski in which Johnson said, “Need to know that you are up and the content of your spot. We are drafting radio to compliment. Also need to know if you plan to play any further in WI beyond Holperin.” Exhibit 24.2

37. On August 30, 2011 at 11:53 p.m., Governor Scott Walker sent an e-mail to R.J. Johnson and Mary Stitt, asking if he sent out thank you notes to “all of our c(4) donors?” (emphasis added) Mary Stitt replied on August 30, 2011 at 5:22 a.m. to Walker, advising him, “I think you had a few final ones to sign. Ted Kellner, San Orr, Fred Kasten. I will work with Keith for times to set up calls for Diane and John Menard.” (Exhibit 24.3) Based upon the above e-mail and a subsequent review of WiCFG Bank records, Ted Kellner, San Orr, Fred Kasten, and John Menard (thru Menard Inc.) made donations to WiCFG in response to solicitations by Governor Scott Walker. (Exhibit 25 and 26) The records of the WiCFG account at M&I Bank reflect a June 24, 2011 deposit of \$1,000,000 of a check issued by Menard Inc. The records also reflect a second deposit of \$1,000,000 into the WiCFG account at M&I Bank on April 16, 2012 of a check issued by Menard Inc. John Menard is the owner of Menards Inc. (Exhibit 26)

38. The Wisconsin state senate recall elections were completed by August 16, 2011. In an e-mail dated August 18, 2011, Kate Doner distributed an agenda for a conference call to Governor Scott Walker, Kelly Rindfleisch, Keith Gilkes,

and R.J. Johnson. The agenda was entitled, "Wisconsin Conference Call Brief." The agenda included Governor Walker providing an overview of the recall election results, political update and future ramifications that was to be lead by R.J. Johnson, and how Wisconsin Club for Growth (WiCFG) spent \$12 million, Americans for Prosperity (AFP) spent \$1 million, and the Republican State Leadership Committee spent \$500,000. The conference call was scheduled for August 18, 2011 at 9:30 a.m. (Exhibit 27) The conference call number that was used is not known.

39. On August 18, 2011, Keith Gilkes sent comments to Governor Scott Walker from R.J. Johnson for the conference call on that date after the recall election. In the remarks attributed to R.J. Johnson with reference to the state senate recall elections, Johnson remarked, "Our efforts were run by Wisconsin Club for Growth and operatives R.J. Johnson and Deb Jordahl, who coordinated spending through 12 different groups. Most spending by other groups was directly funded by grants from the Club." (Exhibit 28).

40. In 2011, WiCFG also sponsored ads supporting Walker. (see Stay the Course ad at http://www.youtube.com/watch?v=SbflKDCcb_o&feature=plcp, for example – Exhibit 29)

41. In September, 2011 after the Wisconsin Senate recall elections, a plan was proposed by Kate Doner in preparation for the recall efforts against Governor Walker. Doner suggested creating a new 501(c)(4) (noted in the e-mail as "c4") because of perceived issues with the name, "Club for Growth." (See Exhibit 30, a portion of which appears on the next page)

From: Kate Doner [kale@donerfundraising.com]
 Sent: Wednesday, September 07, 2011 8:39 AM
 To: 'Keith Gilkes'; rj@rjohnson.org; 'Scott Walker'
 Cc: 'Jennifer Bannister, Doner'; 'Kelly Rindfleisch'
 Subject: Walker Recall Fundraising Efforts - thoughts

Follow Up Flag: Follow up
 Flag Status: Red

Gentlemen,

Here are my quick thoughts on raising money for Walker's possible recall efforts. i am happy to put into an official "plan".

CFG:

- Make nice with RSLC
- Lock down \$ commitments from RGA, RNC, AFP now
- Take Koch's money
- Get on a plane to Vegas and sit down with Sheldon Adelson. Ask for \$1m now.
- Corporations. Go heavy after them to give. Didn't give much to the recall effort this summer.
- Create a new c4. Club for Growth name has issues.

Walker:

- 1) Finance Chair
 - Get a kick ass finance chair who can do peer to peer asks.
 - Once Keith moves to the campaign -- have him rally the lobby/business community where Walker can't ask
- 2) PAC's
 - Only one PAC has maxed out in 2011 to Walker. Not good
 - You have raised \$237,036.75 from PAC's. Collect the other \$248,153.25 now. Invite them all to lunch with you for \$25k each and make them ham sandwiches. Get firm, No need to do anything expensive.
- 3) Corporations
 - Puled Fortune's top 10 companies in Wisconsin. With a quick glance, only two have supported Walker (NW Mutual maxed out. American Family gave little).

1	Johnson Controls	83	Milwaukee	28,407.0
2	Northwestern Mutual	116	Milwaukee	21,602.8
3	Kohl's	135	Menomonee Falls	17,178.0
4	Manpower	143	Milwaukee	18,038.7
5	American Family Insurance Group	344	Madison	8,453.4
6	Oshkosh	386	Oshkosh	5,433.3
7	Harley-Davidson	430	Milwaukee	4,838.6
8	Rockwell Automation	476	Milwaukee	4,332.5

42. November 15, 2011 was the first day groups or individuals could register with the Wisconsin Government Accountability Board for the recall of Governor Scott Walker.¹⁵ On that date, the FOSW campaign committee could also accept contributions related to the potential election of Governor Scott Walker. My understanding is that as a result of Wisconsin Stats. sec. 11.26(3m), no contribution limits existed with respect to individuals; however, corporate

¹⁵ See Exhibit 31.1, where on November 1, 2011, Kate Doner requests help from Michael Grebe in having 1.5 million dollars in contributions ready on November 15, 2011. Michael Grebe used the e-mail [REDACTED]

contribution continued to be prohibited to personal campaign committees such as FOSW.

43. Keith Gilkes directed an e-mail to Governor Walker on November 14, 2011, wanting to discuss contributions from particular donors. Based upon a review of the e-mail and subsequent donations, a reasonable conclusion is that Gilkes wanted to discuss and vet particular campaign contributions with Governor Walker prior to the actual acceptance of the contributions and subsequent public disclosure required by campaign finance laws. The 13 page e-mail¹⁶ provided background information on several donors, including Harold Simmons, Sheldon Adelson, and Kenneth Griffin, among others. Gilkes said he wanted Walker to be aware of the donor research so Walker was aware of what he "might need to defend in terms of contributions when these are disclosed." Gilkes then asked Walker to call that afternoon; Gilkes advised Walker that it (contributions) needed to be finalized before "Kate makes final confirmations." Kate Lind was the campaign treasurer for FOSW at that time. Based upon a review of this e-mail and the contributors discussed, bank records of WiCFG, and Wisconsin GAB public campaign finance records, contributions were accepted from some of the individuals, others made no contributions, while others made contributions to WiCFG apparently in response to the vetting of the contributions from particular donors by FOSW. For example, the Wisconsin GAB public campaign finance information for the timeframe of July 1, 2011 to January 18, 2012 does not reflect any contributions to FOSW from Harold Simmons, Sheldon Adelson¹⁷, and Kenneth Griffin. However, WiCFG bank records reflect a contribution from Kenneth Griffin on November 29, 2011 for \$25,000; a \$100,000 contribution from Contran Corporation owned by Harold Simmons on December 15, 2011 as well as a \$150,000 contribution from Harold Simmons on January 4, 2012; and a \$200,000 contribution from Sheldon Adelson on May 22, 2012.¹⁸ Other individuals identified in the November 14, 2011 e-mail that were reported as contributors to FOSW, including H.R. Perot, Jack Miller, Rick Carlton, Trevor

¹⁶ See Exhibit 31.2, dated November 14, 2011 from Keith Gilkes to Governor Walker.

¹⁷ Adelson did make a \$250,000 to FOSW that was reported on 3/30/12.

¹⁸ See Exhibit 32.

Rees-Jones, Bob Perry, Lea Beaman, Foster Friess, Stanley Hubbard, John Ingram, Richard Uihlein. Several other individuals identified in that e-mail that did not make any contributions to WiCFG or to FOSW prior to January 18, 2012 were Jim Haslam II, Ray Hunt, Lee Barfield, Fred Malek, Charles Elcan, and Phil Gramm.

44. On December 16, 2011, Ciara Matthews of the FOSW campaign forwarded an e-mail to Keith Gilkes from Tom Evenson of the Governor's office that identified the public and private conference call line numbers used. The phone numbers identified in the e-mail (218-632-0550 and 530-881-1200) per public information were identified as belonging to Free Conference Call. (Exhibit 33)

45. The use of "Free Conference Call" by FOSW was evidenced by e-mail received by Keith Gilkes in April 2012. An example is an e-mail sent from "Free Conference Call" on April 16, 2012 listing the use of the service with phone number 610-214-0000 and access code 897141. (Exhibit 34.1). This conference call line was started in 2011, as evidenced in an e-mail dated May 30, 2011 from Keith Gilkes to Scott Walker. (Exhibit 34.2)

46. According to a December 19, 2011 e-mail, Governor Scott Walker was a participant in a conference call on December 22, 2011 arranged by James Buchen of Wisconsin Manufacturers and Commerce (WMC). The purpose of the conference call was to discuss the pending recall elections. The e-mail invitation to the conference call reflected that Governor Walker "will join us for the first part of the call. The rest of the call will feature a review of the latest poll results and further discussion of the recall campaign." (Exhibit 35). A review of bank records from WiCFG reflects that WMC was the recipient of over \$2.5 million dollars in 2012 from WiCFG. (Exhibit 36). WMC and WMC Issue Mobilization Council Inc. subsequently produced and aired advertisements promoting Governor Scott Walker and criticizing Mayor Tom Barrett, who was subsequently the Democratic candidate opposing Scott Walker during the gubernatorial recall campaign (see ¶¶67-68).

47. The personal fundraising by Governor Scott Walker in 2011 and 2012 on behalf of WiCFG provided the organization with the funds to contribute to groups such as WMC and CFSA.

48. On December 27, 2011, Jennifer Bannister of Doner Fundraising advised Governor Walker that she was following up with David Herro, who was identified in the e-mail as a contributor "to the senate recalls." (Exhibit 37) David Herro subsequently contributed \$30,000 to WiCFG in 2012. (Exhibit 38)

49. On December 27, 2011, Andrea Boom sent an e-mail to Governor Scott Walker with the schedule for his trip to California on December 29 and 30, 2011. Boom advised Walker that "the Doner team is working on finalizing the details and we'll get briefing papers to you as soon as we can tomorrow afternoon." The schedule included a dinner with donors on December 29, 2011 at the Balboa Bay Club; a meeting on December 30, 2011 with "New Majority Members" at the Pacific Club and a meeting with Family Action PAC members. (Exhibit 39) After the trip on March 14, 2012, the WiCFG account reflected the deposit of a check dated March 2, 2012 from Green Step Productions, LLC of Hollywood California in the amount of \$25,000. (Exhibit 40)

50. On January 24, 2012, Keith Gilkes sent an e-mail to Governor Scott Walker regarding "scheduling questions." Noted in that e-mail in the "events" section was "AEI World Forum," an event "Requested by Kate Doner as a High Dollar Conference with Key Contributors." (capitalization in original) Kate Doner included in the notes on the event, ". . . that this event has many of the remaining or outstanding donors that we are trying to connect with. As well, provides an opportunity for you to connect with some new prospects. AEI would have you speak at their Sunday Breakfast which has the highest attendance and most prominent event with their donors." (Exhibit 41) Subsequent e-mail reflects that Walker did attend the AEI conference on March 10, 2012, where Walker met individuals or representatives who made substantial contributions to WiCFG. See ¶52 to ¶56 herein. Also noted in this January 24, 2012 e-mail under the heading, "March & April" were potential future fundraising trips to Midland, Texas; New York, New York; Scottsdale, Arizona; and "Hayward, WI (Bill Johnson)."

51. On February 23, 2012, the itinerary of Governor Scott Walker reflected a conference call with David Hanna of Hanna Capitol, a private equity and investment capitol investment firm per the website of Hanna Capitol. (Exhibit 42) On February 27, 2012, the Wisconsin Club for Growth account at M&I Bank reflected a deposit (via wire) of \$50,000 from the account of the David William Hanna Trust. (Exhibit 100)

52. On March 10, 2012, the itinerary of Governor Scott Walker reflects that he was at Sea Island (Georgia), the location of the AEI World Forum.¹⁹ The itinerary included a meeting with Michael Sullivan of SAC Capital Advisors, Frank Hanna, Joe Ricketts, Barry Maclean, Harvey Golub, among others. (Exhibit 44) Per public information, SAC Capital Advisors is a hedge fund involved primarily in equity market strategies, and Stephen Cohen is a founder and manager. Bruce Kovner is the founder and chairman of Caxton Associates, an investment firm involved with hedge funds. Barry Maclean is the owner and C.E.O. of Maclean Fogg Company, a leading manufacturer of products for electric utilities, and telecommunications.

53. In a March 7, 2012 email from Kate Doner to Scott Walker and Keith Gilkes, Doner advised Walker that she will arrive at Sea Island on Friday (March 9, 2012). The email provided Walker with a schedule, as well as advice from Doner to Walker, such as "meetings to make happen while in Sea Island....Paul Singer: Grab him." Per public information, Paul Singer is the CEO of Elliot Management Corporation, a hedge fund investment firm. (Exhibit 44)

54. Scott Walker sent an email to Kate Doner on March 10, 2012 at 1:23 p.m. stating that, "Bruce and Suzie Kovner said they want to give more²⁰." (Exhibit 45)

55. On May 8, 2012, \$250,000 is deposited into the Wisconsin Club for Growth account via a wire transfer from the account of Paul Singer. (Exhibit 100) Earlier on April 7, 2011, Kelly Rindfleish sent an e-mail to Scott Walker, providing background information on Paul Singer. Singer is identified as "... the founder

¹⁹ The AEI website reflects that from March 8-11, 2012 the entire Cloister Beach Club at Sea Island Georgia would be devoted to the AEI World Forum. (Exhibit 43)

²⁰ GAB campaign finance records report Bruce Kovner gave \$100,000 to FOSW on 1/12/12.

and CEO of hedge fund Elliott Management Corporation and The Paul E. Singer Family Foundation. Billionaire who writes large checks. Chairman of the Board of the Manhattan Institute (free-market think tank). Singer gave money to your election efforts thru a number of 501c4 groups." (Exhibit 46) A review of deposits into the WiCFG account at M&I Bank from Paul Singer reflect four wire transfers in 2011 totaling \$1,150,000. (Exhibit 100)

56. On March 22, 2012, the Wisconsin Club for Growth account at M&I Bank reflects a deposit of \$50,000 from the account of Bruce Kovner, the founder and chairman of Caxton Associates. The memo line of the check reflects the check is for "501c4 – Walker." On May 17, 2012, the WiCFG account at M&I Bank reflects a deposit of \$100,000 from Maclean-Fogg Company, owned by Barry McLean. On April 13, 2012, the WiCFG account at M&I Bank reflects a deposit of \$1,000,000 from the account of Stephen (and Alexandra Cohen) via a wire transfer. Stephen Cohen is the founder and a manager at SAC Capitol Advisors. As noted above, Scott Walker met with a representative of SAC Capitol Advisors on March 10, 2012 in Georgia prior to the \$1,000,000 contribution. (Exhibit 47)

57. On March 12, 2012, the itinerary of Governor Scott Walker reflects a FOSW luncheon at Eddie Martini's in Wauwatosa, Wisconsin for Friends of Scott Walker at 8612 W. Watertown Plk Rd., Wauwatosa, Wisconsin. (Exhibit 48) On March 26, 2012, the Wisconsin Club for Growth account at M&I Bank reflects a deposit of a \$5,000 check dated March 12, 2012 from the account of DeRosa Corporation. (Exhibit 49.1) Per public information, the DeRosa Corporation is a privately held corporation owning several restaurants, including Eddie Martini's, Chancery Pub and Restaurant, and Jose's Blue Sombrero. On March 12, 2012, fundraising conference calls were scheduled for Fred Sands and Richard DeVos using "Free Conference Call" phone number (605) 475-4700 (host and participant access code 453846). See Exhibit 49.2 The campaign also used another conference call line with Line 1 Communications at (866) 200-9760 (participant pin #6624148) to conduct conference calls. (Exhibit 49.3)

58. On March 12, 2012, Scott Walker directed an e-mail to Jennifer Bannister of Doner Fundraising, advising her that he was asking Fred Sands to

do a lunch on 3/29 or 3/30. Governor Walker asked what else was he doing "on this trip?" In response, Bannister confirmed a lunch with Fred Sands on the "29th or 30th. David Hanna is doing a dinner on the 29th. The New Majority is doing a breakfast on the 30th in Orange County. We'll fill the daytime with major donor 1 on 1's." (Exhibit 50) Previously on February 24, 2012, the official "political" calendar of Governor Walker reflected a conference call with David Hanna of Hanna Capitol, an investment firm. (See Exhibit 42) WiCFG bank records reflect a \$50,000 contribution via a wire transfer from the David Hanna Trust on February 27, 2012. (See ¶51)

59. On March 19, 2012, Kate Doner sent an e-mail to Governor Scott Walker, Keith Gilkes, and others indicating that Carl Ichan wanted to meet later in the afternoon (on March 20, 2012) (Exhibit 51.1) Later on March 20, 2012, Camille Moughon sent an e-mail to Governor Walker with background for the meeting with Carl Icahn on March 20, 2012 in New York, New York for the purpose of fundraising. (See Exhibit 51.2, reproduced below) The e-mail advised Walker that "This meeting is for WiCFG Funds." The email noted that Icahn has a net worth of \$14 billion dollars. In the "talking points," Walker is to request a contribution of \$100,000 to Wisconsin Club for Growth and provide an update on the recall.

From: Camille Moughon [camille@donerfundraising.com]
 Sent: Tuesday, March 20, 2012 11:59 AM
 To: swalkerwi@gmail.com
 Cc: kale@donerfundraising.com; 'Pat Hogan'; 'Andrea Boom'
 Subject: Carl Icahn - 4:30 PM Meeting Briefing
 Follow Up Flag: Follow up
 Flag Status: Red

Monday, March 20, 2012 - New York, NY
 4:30 - 5:00pm EASTERN
 Meeting with Carl Icahn
 767 5th Avenue, 47th Floor (Between 58th and 59th)
 Staff: Kate Doner [REDACTED]
 Organizer: Joe Dillon [REDACTED]
 Office/Asst: Susan [REDACTED]

BACKGROUND:
 This meeting is for WICFG Funds.

Carl Icahn is CEO of Icahn Enterprises Investing real estate, metals, roll cars, and automotive companies.

According to Forbes, in March 2012 Carl's net worth is \$14 billion, making him the 21st richest American and the 61st richest man in the world.

Carl has been involved in stock market trading for more than 30 years. In 2011, he made \$2 billion in trading profits, ranking him as #3 among America's top traders.

Carl has publicly denounced President Obama in his campaign for presidency.

Icahn was quoted in a CNBC article last year saying, "This is not the time to be so obsessed with the deficit. We do have a problem, we spend too much money but what we first need to do is get people back to work and you have to spend money to do that."

In 2004, he was honored by the Center for Educational Innovation - Public Education Association for his work with charter schools. In 2006, he was honored with the 100 Women in Hedge Funds Effecting Change Award for his outstanding contributions to improving education.

He has heavily invested in horse racing and has established a horse breeding operation.


Carl attended Princeton University. He is 76 years old; he and his wife have two children.

**Carl is a top RNC Donor

Past Giving History to Walker:
 Carl has not contributed in the past

SUGGESTED TALKING POINTS:

- Give an update on the recall
- THE ASK: contribute \$100k to WICFG.

 <http://images.forbes.com/media/1151/>

Camille Moughon
 Doner Fundraising, Inc.
 [REDACTED]

(Exhibit 51.2)

60. The fundraising for WICFG by Governor Walker was also reflected in a March 30, 2012 communication from the phone of Jennifer Bannister²¹ in which

²¹ See Exhibit 53, reflecting [REDACTED] as Bannister's cell phone.

Walker is told, "I'll find out about party limits but make sure he gives it to WiCFG." (Exhibit 52)

61. A March 30, 2012 email from Jennifer Bannister discussed meetings in New York City on April 3, 2012. Bannister indicated that the meetings included Donald Trump, John Mack (chairman of Morgan Stanley), and a tentative meeting with Amil Henry (of Tiger Management). (Exhibit 53) The official calendar of Governor Walker included a meeting with Donald Trump on April 3, 2012. (Exhibit 54) WiCFG bank records reflect a \$15,000 contribution from the Donald Trump on April 3, 2012. (Exhibit 55).

62. On April 3, 2012, the official political calendar of Governor Scott Walker reflects a scheduled phone call to John Roberts III, CEO and President of J.B. Hunt Transportation Services Inc. (Exhibit 54) On June 5, 2012, the Wisconsin Club for Growth account at M&I Bank reflects a deposit of \$10,000 corporate contribution from the account of J.B. Hunt Transportation Services Inc. via a wire transfer. (Exhibit 100)

63. On April 10, 2012, Jennifer Bannister sent an e-mail to Governor Scott Walker regarding a phone call with Ken Langone.²² Bannister asked "How did the phone call with Langone go this morning?" (Exhibit 56) WiCFG bank records reflect that on March 23, 2012, Kenneth Langone made a \$10,000 contribution to WiCFG. On April 10, 2012, Langone made an additional \$15,000 contribution to WiCFG. (Exhibit 57)

64. On April 17, 2012, Jennifer Bannister provided Governor Scott Walker with background information regarding conference calls to potential donors. The first call was to Rex Sinquefeld. Bannister indicated that Walker was to ask for an additional \$50,000 contribution to FOSW. (Exhibit 58) Bannister advised that "Stan Herzog, David Humphreys and Sarah Humphreys are other Missouri billionaires who all gave \$250k in January. You would like Rex to make a contribution closer to their level" The second call was to Larry Nichols, Chairman

²² Public information reflects that Kenneth Langone is a venture capitalist, investment banker and financial backer of The Home Depot, and a former director of the New York Stock Exchange. On July 8, 2010, Geeknet announced that Kenneth Langone was elected Chairman of its Board of Directors and is now serving as CEO.

of Devon Energy. Bannister told Walker that, "On your call with Larry in January, you asked him for \$250k corporate to WiCFG." Bannister advised Walker to ask Nichols to contribute "\$250k *"in support of your recall"* . . ." (emphasis in original). WiCFG bank records reflect a \$50,000 contribution from Devon Energy Production Co. on May 3, 2012. (Exhibit 59)

65. On April 20, 2012, Camile Moughon sent an e-mail to Jennifer Bannister, Pat Hogan,²³ Scott Walker, Andrea Boom and Kate Doner, providing a briefing for a meeting on that day facilitated by Eric O'Keefe with the Colburn Brothers (Keith, Richard and David). Per public information, Keith and Richard Colburn are directors of Blackfriars, a private equity investment firm investing in traditional industries. Governor Walker was to attend the meeting with Jennifer Banister (of Doner Fundraising) for the solicitation of \$100,000 "in support of the recall." Included in the talking points was an "update on the recall." The recipient of the funds was not identified in the e-mail. (Exhibit 60)

66. On April 27, 2012, the Wisconsin Club for Growth account at M&I Bank reflects a deposit of \$25,000 from the account of K. Colburn (Northbrook, Illinois), believed to be Keith Colburn based upon the April 20, 2012 e-mail. Additionally, on May 7, 2012, the Wisconsin Club for Growth account at M&I Bank reflects a deposit via wire transfer of \$50,000 from the account of Richard Colburn. (Exhibit 61)

67. Based upon a review of WiCFG bank records for April and May, 2012, \$2,500,000 of the money raised by WiCFG was given to Wisconsin Manufacturers and Commerce, a lobbying group. On April 24, 2012, Deborah Jordahl, a signatory to the WiCFG account at M&I Bank, wrote check no. 1450 in the amount of \$1,000,000 to "WMC", believed to be Wisconsin Manufacturers and Commerce. The check reflects that it is negotiated at M&I Bank, with the notation on the back of the check, "For Deposit Only." In May, 2012, Deborah Jordahl, issued three checks believed to be payable to Wisconsin Manufacturers and Commerce totaling \$1,500,000 - on May 4, 2012, WiCFG issued check no. 1564 in the amount of \$1,000,000 payable to "Wisconsin Manufacturers and

²³ Pat Hogan used the e-mail address of [REDACTED] and pat@scottwalker.org.

Commerce"; on May 15, 2012, WiCFG issues check no. 1565 in the amount of \$300,000 payable to "WMC"; and on May 24, 2012, WiCFG issues check no. 1568 in the amount of \$200,000 payable to "W.M.C." (Exhibit 62)

68. Wisconsin Manufacturers and Commerce (hereafter WMC) maintains a website on the internet at www.wmc.org. The website describes WMC as "the state's chamber of commerce and largest business trade association representing more than 3,500 employers of every size and from every sector of the economy." The website also reflects that WMC is involved in issue advocacy, maintaining a webpage with "Recent WMC IMC Business Issue Advocacy." The webpage explains, "WMC Issue Mobilization Council Inc.²⁴ drives the business agenda at election time and during the legislative session to help the public understand the issues affecting business." WMC / IMC is identified as a 501(c)(4) organization in the website. (Exhibit 63) Included at the website are links to WMC advertisements in 2012, characterized as "business issue advocacy." The links are to radio and television ads. Included in the WMC/IMC advertisements are sponsored ads promoting Wisconsin Governor Scott Walker; a ad critical of the "Economic Policies" of Tom Barrett; an ad supporting the budget of Scott Walker, as well as links to radio ads preserved on audio files.²⁵ (Exhibit 64) It should be noted that James Buchen, Senior Vice President for Government Relations with WMC was a participant in the April 6, 2011 coordination conference call, as well as the December 22, 2011 conference call with Governor Scott Walker related to the recall. (See ¶46)

Accordingly, it is reasonable to believe that the \$2,500,000 provided by WiCFG to WMC funded the issue advocacy of WMC/IMC, that in turn sponsored advertisements during the 2012 recall campaign relating to Governor Scott Walker.

69. R.J. Johnson was involved in the recall campaign not only in conjunction with the activities of WiCFG, but as a paid advisor to the FOSW. He provided guidance and approval for ads; he was also involved in FOSW campaign

²⁴ Hereafter referenced as "WMC/IMC."

²⁵ Transcripts of five of the television ads are attached as Exhibit 65.

strategy. For example, the involvement of R.J. Johnson in the recall campaign conducted by Governor Scott Walker and FOSW, was exemplified by a e-mail sent on January 6, 2012 from Nonbox (a media production company) to R.J. Johnson, Deborah Jordahl and Keith Gilkes, with a copy to Bill Eisner of Nonbox. The e-mail had a preliminary ad as an attachment from Nonbox for review. (Exhibit 66) The involvement of R.J. Johnson was also evidenced by a February 29, 2012 e-mail between R.J. Johnson, Scott Walker, Keith Gilkes and Bill Eisner. Governor Walker sent an e-mail on February 29, 2012 at 12:02 p.m., containing a script. R.J. Johnson advised Governor Walker that they could talk about it at "Pro-video" and "we'll make it all work." (Exhibit 67).

70. On April 1, 2012, Kate Doner sent an e-mail to Alexandra Preate of Capital HQ. According to the website of Capitol HQ, Alexandra Preate²⁶ is the founder and principal of Capital HQ, an "independent business and public consultant." Doner stated, "Alexandra-Let me know about your support in Wisconsin with your c4. I believe we discussed between \$250k-\$100k. It is really heating up with Tom Barrett (Milwaukee Mayor) getting in the race against Walker. The polls show a tight race. We really use your support. I would like for you to visit with R.J. Johnson who is handling the ground game." (Exhibit 69). According to an article from the Center for Public Integrity dated October 12, 2011, Preate is on the board of directors of the "League of American Voters."²⁷ A reasonable interpretation of the e-mail was Doner was facilitating a meeting to coordinate involvement of the "501(c)(4) involving Preate with R.J. Johnson.

71. On April 22, 2012, Ciara Matthews of the FOSW campaign staff sent an e-mail with the conference call agenda for April 23, 2012 related to the recall campaign of Governor Scott Walker. On April 23, 2012, apparently after the meeting, R.J. Johnson sent Keith Gilkes an e-mail with the subject, "FW: Comms call agenda – 4/23/2012" stating, "It would be helpful for me if Deb was on these calls. Possible?" This related to the inclusion of Deborah Jordahl, who also

²⁶ See Exhibit 68 from the website of Capital HQ.

²⁷ The website for League of American Voters indicates that it is a non-partisan 501(c)(4) organization.

worked with WiCFG, in the campaign conference calls.²⁸ (Exhibit 70) Gilkes agreed and said she (Jordahl) would be added to the weekly agenda. (Exhibit 71)

72. On April 23, 2012, R.J. Johnson sent an e-mail to Keith Gilkes with a spreadsheet that Johnson described as his working document, "Walker Media Recall.xlsx" contained a listing of media markets and potential media buys on cable in those markets. (Exhibit 72.1)

73. On April 30, 2012, Deborah Jordahl sent an e-mail to R.J. Johnson regarding WiCFG. Jordahl said "Joe called earlier, wanted to catch you up on that and discuss the rest of our plan. We need to start moving forward with radio plans with whatever budget we have left." (Exhibit 72.2)

74. On April 30, 2012, R.J. Johnson forwards an e-mail to Keith Gilkes, Deb Jordahl, Brian Tringali, B.J. Martino and Dan Blum with a video attachment of a political piece from FOSW entitled, "Forward Backward _ REV_4.mov. The video was directed to R.J. Johnson from Mike Roz with a copy to Bill Eisner at Nonbox, a communication company working with the FOSW campaign. The e-mail string concludes with R.J. Johnson stating that the revised ad should be final unless someone "has an issue." (Exhibit 73.1) A review of e-mail reflects that R.J. Johnson with Nonbox was involved in the media buys on behalf of Wisconsin Club for Growth and Friends of Scott Walker. Wisconsin Club for Growth alone spent \$550,905.61 from January 1, 2012 to June 30, 2012. (Exhibit 73.2) Michael Huebsch was also actively involved in vetting ads, providing feedback to R.J. Johnson, Keith Gilkes, Stephan Thompson. See Exhibit 73.3; 73.4 and 73.5.

75. Throughout 2011 and 2012, the Wisconsin Club for Growth continued to solicit support for Governor Scott Walker through it's website, www.wicfg.com and e-mail sent by the 501(c)(4) organization. (See Exhibit 74.1)²⁹ This included

²⁸ It should be noted the conference call dial in number was 218-632-0550 which is serviced by Free Conference Call.

²⁹ As examples, the email from WiCFG includes a February 23, 2011 notice of an exclusive Walker ad; a November 16, 2011 e-mail advocating avoiding signing a recall petition against Governor Walker; a January 18, 2012 e-mail that included an article supporting Governor Walker written by Michael Grebe, identified as the chairman of FOSW; and an article on March 7, 2012

spending by the Club for Growth on billboards that thanked Governor Walker for reforms.³⁰ According to Republican media sources, WiCFG carried the "pro Walker message" with Americans for Prosperity from mid January 2012 to the beginning of March 2012 when Governor Walker was not "on the air."³¹

76. I am advised that social welfare organizations organized under Title 2 U.S.C. 501(c)(4), can involve themselves in limited political activity, provided that "supporting or opposing candidates" does not become the organization's primary purpose. A corporation can lawfully contribute to a "501(c)(4)" organization so long as expenditures are not coordinated or made with the cooperation, consultation or at the request of a candidate or political party. As established above, Governor Walker solicited donations to WiCFG in opposition to his recall, providing donors with a means to support Governor Walker through anonymous contributions and corporate contributions to WiCFG without any contribution limits. The solicitation of contributions by Scott Walker to a "501(c)(4)" organization to circumvent the reporting and contributions provisions of Wisconsin Stats. secs. 11.10(4), 11.06(1), and 11.27(1) constituted a violation of Wisconsin Stats. Sec. 11.26, 11.27 and 11.61(1)(b). The coordination of political campaign activities of WiCFG with FOSW by operation of Wisconsin Stats. sec. 11.10(4), would impute all WiCFG contributions to FOSW.

77. Citizens for a Strong America (CFA) was the recipient of at least 1.52 million dollars in 2012 from WiCFG. (Exhibit 74.2); Jordahl and R.J. Johnson were involved with the activities of CFA that functioned as a conduit for funded activities of other organizations in support of Governor Walker against the recall. WiCFG also made contributions to American Federation for Children and Alliance for Self Governance. (Exhibits 74.3 and 74.4)

78. In addition to the coordination of campaign activities by R. J. Johnson with FOSW and WiCFG, Doner Fundraising and Kate Doner coordinated the fundraising activities of Governor Scott Walker for FOSW and WiCFG. Kate

supporting Walker and warning of the consequences of replacing him with a Democrat who is a "Doyle clone."

³⁰ See Exhibit 75, from the website of the Republican Party of Wisconsin.

³¹ See Exhibit 76, posted by Chris Palko, described as an assistant media analyst for a Republican political media buying agency.

Doner and Doner Fundraising was involved in both the FOSW campaign as well as the activities of WiCFG. For instance, on November 29, 2011 with respect to WiCFG, Jennifer Bannister³² of Doner Fundraising sent an e-mail to Governor Scott Walker and Keith Gilkes regarding a meeting with Joe Craft, president and CEO of Alliance Holdings G.P. The company is described in the e-mail as a "limited partnership engaged in the production and marketing of coal to major U.S. utilities and industrial users." Governor Walker was to ask Craft to "give/raise \$250K and pull the coal industry together to help with your recall." (Exhibit 77) Subsequently, WiCFG was the recipient of a \$20,000 contribution from Murray Energy Corporation; per public information it is described as the largest privately owned coal company in America, headquartered in Pepper Pike, Ohio. (Exhibit 78) Joseph Craft personally contributed \$25,000 to FOSW in December, 2011.

79. Doner Fundraising was also involved in fundraising for FOSW. On December 19, 2011, Kate Doner sent an e-mail to Fred Malek, with a copy to Governor Walker, regarding a fundraising dinner. Among the invitees were several individuals who subsequently made significant contributions to FOSW.³³ Another example is on Tuesday, January 10, 2012, Kate Doner (using the e-mail account kate@donerfundraising.com) contacted Governor Scott Walker with a copy to Scott Matejov about the need to send an e-mail to Jim Francis, as he was helpful in securing another \$100,000 from Trevor Rees Jones for Friends of Scott Walker. Doner noted that Rees-Jones gave \$250,000 "this summer." (Exhibit 81). Trevor-Rees Jones was one of the subjects of the November 14, 2011 e-mail concerning donors sent by Gilkes to Walker. (See ¶43) Per GAB online records, Trevor Rees-Jones did contribute \$100,000 on January 14, 2012 to FOSW.

80. As indicated in the earlier April 6, 2011, and September 7, 2011 e-mail, there was a discussion of coordinating the campaign efforts of FOSW with other

³² Jennifer Bannister of Doner Fundraising used phone number [REDACTED] (See Exhibit 77)

³³ Per GAB records, for example, David Humphreys contributed \$250,000 on January 14, 2012 and \$10,000 on 4/17/2012 to FOSW; John Bryan contributed \$25,000 on 1/17/2012 to FOSW. See e-mail of 12/19/11, Exhibit 79. Jennifer Bannister of Doner Fundraising was also on a call with Governor Walker to John Bryan on December 27, 2011. Exhibit 80.

entities such as WiCFG, RGA, and the Republican Party of Wisconsin. (See Exhibit 19 and Exhibit 30 respectively)

81. The Republican Party National Committee was involved in developing get out the vote (GOTV) and voter contact lists with the FOSW campaign. On November 24, 2011, January 28, 2012, and April 19, 2012, voter lists were sent to the FOSW campaign. The recipients included Daniel Blum (using [REDACTED] Stephan Thompson, Keith Gilkes, Tom Dickens, and Peter Valcarce. (Exhibits 82, 83, and 84) Dan Blum was the Deputy Campaign Manager for FOSW. (Exhibit 85)

82. The Republican Party of Wisconsin was also involved in voter contact related to the gubernatorial race with FOSW. Thomas Dickens reported the efforts to campaign staff of FOSW and state Republican party officials on April 21, 2012. (Exhibit 86)

83. On April 13, 2012, Phil Musser of New Frontier Strategy (and past director of the Republican Governor's Association) sent an e-mail to Keith Gilkes and Russ Oster.³⁴ Musser stated that they met with the Republican Governor's Association (RGA) and American's For Prosperity (AFP) about the "product," receiving favorable initial responses.³⁵ Musser discusses the deployment of the fundraising units. Musser asks if he should contact Gilkes, another point of contact or someone with the "Party." (Exhibit 87)

84. On April 16, 2012, Blaise Hazelwood of Grassroots Targeting³⁶ sent an e-mail to Keith Gilkes with voter targeting information. Gilkes directed Hazelwood to send the Walker campaign two sets of the data. (Exhibit 88) An invoice for \$135,000 was also sent to FOSW for the data. (Exhibit 89) On April 17, 2012 Gilkes exchanged e-mail with Stephan Thompson³⁷ of the Republican

³⁴ Russ Oster identified himself as the CEO of Grassroots Unwired, a provider of a GPS mobile application for voter canvassing.

³⁵ With respect to contact with the RGA and AFP, Musser remarks in the e-mail, "I know you have no contact with them but just FYI." At that time, Josh Robinson was the political director at the RGA. Matt Seaholm was the director of AFP. Matt Seaholm used e-mail addresses of [REDACTED] and [REDACTED]

³⁶ Grassroots Targeting is a business providing voter targeting information.

³⁷ A review of e-mail reflects Thompson used email addresses of [REDACTED] and [REDACTED]

Party of Wisconsin regarding who would pay the \$135,000 invoice. (Exhibit 90) Gilkes advises Hazelwood that he will let her know where the check is coming from. (Exhibit 91) On April 25, 2012, Keith Gilkes asks Hazelwood to re-run the above \$135,000 invoice, billing it to the Republican Party of Wisconsin (RPW), directing it to Stephan Thompson and providing his e-mail, sthompson@wisgop.org. Gilkes stated, "They will be taking care of this invoice." (Exhibit 92) A review of FOSW campaign finance filings with the Wisconsin Government Accountability Board does not reflect any in-kind contribution for the payment of the data received by FOSW for which Grassroots Targeting was paid \$135,000 by the RPW.

85. On April 26, 2012, Stephan Thompson, Keith Gilkes and Peter Valcarce³⁸ discuss the payment of absentee "pieces". Stephan Thompson was with the Republican Party of Wisconsin (RPW) and Keith Gilkes with FOSW. Thompson indicates that RPW would pay for 3 of the invoices for postage with Gilkes indicating he would pick up the invoice for the "4th." (Exhibit 93) Copies of the proposed absentee pieces are attached as Exhibit 94.

86. According to the Wisconsin Government Accountability Board website, Scott Matejov is listed as one of the "key professional staff" in the Office of the Governor, as a "special assistant" to Governor Walker. On May 4, 2011 at 11:20 a.m., Scott Matejov sent an e-mail using the [REDACTED] addressed to Kelly Rindfleisch for the scheduling of a fundraising call to Karl Rove in which Walker was to request a \$1,000,000 contribution. (Exhibit 21)

87. On Wednesday, June 8, 2011 at 2:49 p.m., Kelly Rindfleisch³⁹ sent an e-mail to Governor Scott Walker at swalkerwi@gmail.com and Scott Matejov at [REDACTED] Rindfleisch advised Walker of a phone call on June 8, 2011 at 5:00 p.m. with Governor Haslam. Walker was to advise Governor Haslam that he would be in Tennessee on June 29 to raise money for the recall. Walker

³⁸ Through public information, Peter Valcarce identified himself as the owner of Arena Communications. The website of Arena Communications identifies itself as in the "political direct mail business."

³⁹ On April 30, 2012, Kelly Rindfleisch sent an e-mail to Andrea Boom related to a fundraiser for Scott Walker in Green Bay and Milwaukee involving the appearance of New Jersey Governor Christie. (Exhibit 95) In other email, Kelly Rindfleisch also used the email address of [REDACTED] and Andrea Boom used [REDACTED]

was requesting that Governor Haslam headline the event and be a special guest. Walker also was to ask Governor Haslam if his father, the owner of Pilot Oil Company, would give corporate money (noted as "corp \$\$" in the e-mail.) (Exhibit 96)

88. On November 15, 2011, at 11:54a.m., Tom Evenson sent Governor Walker an e-mail (using [REDACTED] with information from the Republican Party of Wisconsin that announced the start of a website, "Stand with Walker," paid for by the Republican Party of Wisconsin. The Website per the e-mail was the "official fundraising website" for Governor Walker's fight against the recall. At that time, Tom Evenson was the Deputy Communications Director for the Governor. (Exhibit 97)

89. On Thursday, April 26, 2012 at 1:52 p.m., Scott Matejov sent an e-mail to Patrick Hogan with a copy to the private e-mail of Scott Walker regarding a call to Harold Simmons.⁴⁰ (Exhibit 98) Per public information, Simmons is a billionaire and owner of the Contran Corporation, and a frequent donor to Republican politicians and causes, providing substantial financial contributions.

90. Because Scott Matejov is a state public official,⁴¹ the involvement of Matejov in coordinating calls by the Governor for the purpose of obtaining political contributions, and e-mail reflecting that activity may constitute evidence of violations of Wisconsin Stats sec. 11.36(2) and (4).

91. Nick Ayers utilized an e-mail account with the domain, "RGA.ORG." Per "WHO IS," a reliable internet source providing information about domains on the internet, the domain "RGA.ORG" is hosted is hosted by SMARTech Corp, an internet service company providing e-mail service, listing a contact address of

⁴⁰ See ¶43 and Exhibit 32; Harold Simmons made a personal contribution of \$150,000 to WiCFG on 1/4/12 and a corporate contribution was made from Contran Corporation on December 15, 2011 to WiCFG.

⁴¹ Wisconsin Statute §19.42(14) defines a "State Public Official" as any individual holding a state public office. "State Public Office" is defined in relevant part under Wisconsin Statute §19.42(13)(a) as "(a)ll positions to which individuals are regularly appointed by the governor . . ." then detailing particular exceptions to the definition relating to particular boards and districts. Included within those individuals holding a "state public office" under §19.42(13)(c) are all positions identified under §20.923(10) with the exception of clerical positions. Wisconsin Stats. §20.923(10) encompasses positions that are the "key professional staff of the office of the Governor."

801 Broad Street, Suite 200, Chattanooga, Tn. 37401 with a telephone of 866 664-7684 and fax of 423-664-7680..

92. Kate Doner, Camille Moughton, and Jennifer Bannister all utilized e-mail accounts with the domain, "DONERFUNDRAISING.COM." Per "WHO IS," a reliable internet source providing information about domains on the internet, the domain "DONERFUNDRAISING.COM" is hosted by Aiden.net, an internet service company providing e-mail service, listing a contact address of P.O. Box. 684652, Austin Tx. 78768-4652 with a telephone of 512-326-9669 and fax of 512-263-0269. Kate Doner is listed as the administrative contact for Doner Fundraising located at 815 Brazos, Suite 701, Austin, TX. 78701.

93. Eric O'Keefe utilized two e-mail accounts, [REDACTED] and [REDACTED]. Per "WHO IS," a reliable internet source providing information about domains on the internet, the domain "EOKEEFE.COM" is hosted by DomainsbyProxy.com, an internet service company providing e-mail service, listing a contact address of 14747 N. Northsight Blvd., Suite 111, PMB 309, Scottsdale, AZ 85260 with a telephone of 480-624-2599 and fax of 480-624-2598.

94. Per "WHO IS," a reliable internet source providing information about domains on the internet, the domain "MHTC.NET" is hosted by MH Telecom Inc, an internet service company providing e-mail service, listing a contact address of 200 East Main St., Mount Horeb, WI. 53472 with a telephone of 608-437-5551 and fax of 608-437-8898.

95. Kelly Rindfleisch used the e-mail account, [REDACTED] and a Google Gmail account.⁴² Per WHO IS," a reliable internet source providing information about domains on the internet, the domain "MSANETWORK.NET" is hosted by Media Systems Affiliates, LLC an internet service company providing e-mail service, listing a contact address of 1300 S. Calhoun Rd., Brookfield, Wisconsin 53005 with a telephone of 414-459-3822.

96. Reince Priebus, Republican Party chairman utilized the e-mail account

⁴² See Exhibit 95, an e-mail dated April 30, 2012 from Kelly Rindfleisch to Andrea Boom discussing Milwaukee and Green Bay attendees to a FOSW fundraiser attended by Governor Christie of New Jersey.

of Reince.GOP@rnchq.org. Per "WHO IS," a reliable internet source providing information about domains on the internet, the domain "RNCHQ.ORG is hosted by SMARTech Corp, an internet service company providing e-mail service, listing a contact address of 801 Broad Street, Suite 200, Chattanooga, Tn. 37401 with a telephone of 866 664-7684 and fax of 423-664-7680.

97. "Nonbox" is a firm that provided services to FOSW and WiCFG, with a local office at 5703 S. 92nd St., Hales Corners, Wisconsin, in which Bill Eisner maintains an office according to the website of "Nonbox." E-mail, correspondence, invoices, media buy records, and other documentation related to the 2011 Wisconsin gubernatorial recall may provide evidence with respect to illegal campaign coordination as a consequence of money raised by Governor Scott Walker on behalf of WiCFG, FOSW, and other entities funded by those groups.

98. Based upon previously subpoenaed records as well as information from Neustar⁴³ for the telephone numbers identified in ¶7(a) to ¶7(h), the telecommunication service providers identified in those paragraphs provide service to the respective phone numbers identified in those paragraphs.

99. Based upon the return of bank records from prior subpoenas issued to M and I Bank (now BMO Harris Bank), checks issued by WiCFG to "WMC" and "Wisconsin Manufacturers and Commerce" were deposited at M & I Bank. Accordingly, records of deposits and debit items for the timeframe of January 1, 2011 to July 31, 2012 (including checks, wire transfers, etc) for the account of WMC or WMC / IMC will provide evidence related to the deposit and use of funds raised by Governor Scott Walker for WiCFG and subsequently transferred to WMC for political purposes. BMO Harris Bank has an office at 770 N. Water St., Milwaukee, Wisconsin. A request is for records for the following accounts at BMO Harris Bank:

- a. Wisconsin Manufacturers and Commerce or WMC;
- b. Wisconsin Manufacturers and Commerce / Issues Mobilization

⁴³ "Neustar" is a reliable service that identifies the telecommunication service provider for telephone numbers and is utilized by law enforcement; the service also identifies whether a phone number has been "ported" – transferred to another telecommunication service provider.

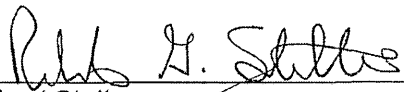
Council Inc.;

100. Based upon the review of e-mail, R.J. Johnson is involved with the approval of expenditures for the Wisconsin Club for Growth as well as Citizens for a Strong America.⁴⁴


D. CONCLUSION

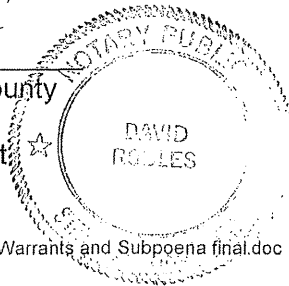
101. Based upon the information contained herein, I respectfully request that search warrants and subpoenas for documents issue authorizing the production of the phone records, e-mail communications and other documents identified in ¶7 above, as I believe probable cause exists that said documents and records may provide evidence related to the offenses described in ¶7 above.

Dated at Milwaukee, Wisconsin on this 10 day of December, 2012.


Robert Stelter
Investigator,
Milwaukee County District Attorney's Office

Subscribed and sworn to before me
at Milwaukee, Wisconsin on
this 10th day of December, 2012.


Notary Public, Milwaukee County
State of Wisconsin
My commission is permanent.



2012-11-26 Affidavit in Support of Search Warrants and Subpoena final.doc

⁴⁴ See Exhibit 2, in which R.J. Johnson discussed the need to raise funds for a campaign ad, which he describes as "up now under "Citizens for a Strong America" (CFSA).

STATE OF WISCONSIN

CIRCUIT COURT

COLUMBIA COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13 JD //

**AFFIDAVIT IN SUPPORT OF PETITION FOR
COMMENCEMENT OF A JOHN DOE PROCEEDING**

STATE OF WISCONSIN)
) ss.
COLUMBIA COUNTY)

FILED
JUL 22 2013
CIRCUIT COURT
COLUMBIA COUNTY

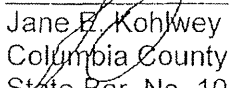
Jane E. Kohlwey, being first duly sworn on oath, deposes and says that:

1. I am the District Attorney in and for Columbia County.
2. I make this Affidavit in support of a request for commencement of a John Doe investigation concerning alleged Campaign Finance violations committed by Kelly M. Rindfleisch, DOB [REDACTED] who resides at [REDACTED] City of Columbus, Columbia County, Wisconsin. By operation of law at Wisconsin Statutes §§11.61(2), 971.19(12) and 978.05(1), the prosecutors and the courts of the defendant's county of residence have the responsibility to handle violations of Chapter 11 of the Wisconsin Statutes.
3. I incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of a Petition for Commencement of a John Doe Proceeding" dated August 10, 2012 and filed in Milwaukee County Case No. 12JD000023.
4. I also incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of Search Warrants and Subpoenas" dated December 10, 2012 and filed in Milwaukee County Case No. 12JD000023.
5. As set forth more fully in the attached Affidavit in Milwaukee County Case No. 12JD000023, Ms. Rindfleisch is believed to have coordinated political campaign advertising between the Friends of Scott Walker, a campaign committee, and a 501(c)(4) organization known as Club for Growth – Wisconsin.
6. For these reasons, I respectfully submit there is reason to suspect that a criminal violation of the Wisconsin Statutes has occurred and there is likewise reason to suspect that such violations have taken place involving a person who is a resident of Columbia County, making her subject to the jurisdiction of the Columbia County Courts and the Columbia County District Attorney's Office. See Wis. Stats. §§11.61(2), 971.19(12) and 978.05(1).

EXHIBIT 7

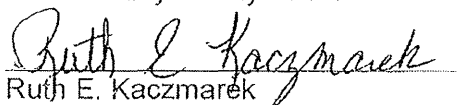
2013AP002504-W –
2013AP002508-W

Dated at Portage, Wisconsin this 22nd day of July 2013.



Jane E. Kohlwey
Columbia County District Attorney
State Bar. No. 1009323

Subscribed and sworn to before me
at Portage, Wisconsin on
this 22nd day of July 2013.



Ruth E. Kaczmarek
Notary Public, Columbia County
State of Wisconsin
My commission expires 02/26/2017

COPY

STATE OF WISCONSIN

CIRCUIT COURT

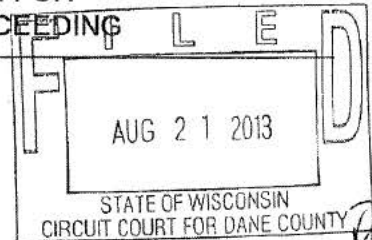
DANE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD00009

**AFFIDAVIT IN SUPPORT OF PETITION FOR
COMMENCEMENT OF A JOHN DOE PROCEEDING**

STATE OF WISCONSIN)
) ss.
DANE COUNTY)



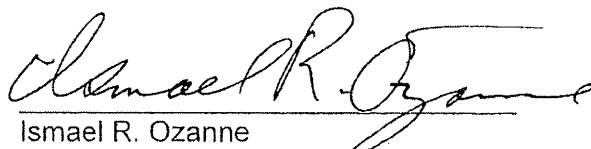
Ismael R. Ozanne, being first duly sworn on oath, deposes and says that:

1. I am the District Attorney in and for Dane County.
2. I make this Affidavit in support of a request for commencement of a John Doe investigation concerning alleged Campaign Finance violations committed by Keith A. Gilkes, [REDACTED], who resides at [REDACTED], City of Madison, Dane County, Wisconsin. By operation of law at Wisconsin Statutes §§11.61(2), 971.19(12) and 978.05(1), the prosecutors and the courts of the defendant's county of residence have the responsibility to handle violations of Chapter 11 of the Wisconsin Statutes.
3. I incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of a Petition for Commencement of a John Doe Proceeding" dated August 10, 2012 and filed in Milwaukee County Case No. 12JD000023.
4. I also incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of Search Warrants and Subpoenas" dated December 10, 2012 and filed in Milwaukee County Case No. 12JD000023.
5. As set forth more fully in the attached Affidavit in Milwaukee County Case No. 12JD000023, Mr. Gilkes is believed to have coordinated political campaign advertising between the Friends of Scott Walker, a campaign committee, and a 501(c)(4) organization known as Club for Growth – Wisconsin.
6. For these reasons, I respectfully submit there is reason to suspect that a criminal violation of the Wisconsin Statutes has occurred and there is likewise reason to suspect that such violations have taken place involving a person who is a resident of Dane County, making him/her subject to the jurisdiction of the Dane County Courts and the Dane County District Attorney's Office. See Wis. Stats. §§11.61(2), 971.19(12) and 978.05(1).

EXHIBIT 8

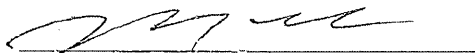
2013AP002504-W –
2013AP002508-W

Dated at Madison, Wisconsin this 2nd day of August 2013.



Ismael R. Ozanne
Dane County District Attorney
State Bar. No. 1031954

Subscribed and sworn to before me
at Madison, Wisconsin on
this 2nd day of August 2013.



Notary Public
State of Wisconsin
My commission is permanent.

STATE OF WISCONSIN

CIRCUIT COURT

DODGE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD0000 6

AFFIDAVIT IN SUPPORT OF PETITION FOR
COMMENCEMENT OF A JOHN DOE PROCEEDING

STATE OF WISCONSIN)
) ss.
DODGE COUNTY)

FILED
IN THE CIRCUIT COURT

JUL 26 2013

Dodge County WI
Lynn M. Hron
Clerk of Courts

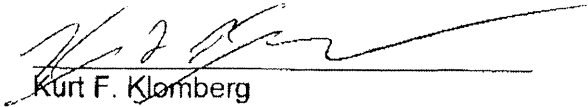
Kurt F. Klomberg, being first duly sworn on oath, deposes and says that:

1. I am the District Attorney in and for Dodge County.
2. I make this Affidavit in support of a request for commencement of a John Doe investigation concerning alleged Campaign Finance violations committed by R.J. Johnson, [REDACTED], who resides at [REDACTED], Randolph, Dodge County, Wisconsin. By operation of law at Wisconsin Statutes §§11.61(2), 971.19(12) and 978.05(1), the prosecutors and the courts of the defendant's county of residence have the responsibility to handle violations of Chapter 11 of the Wisconsin Statutes.
3. I incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of a Petition for Commencement of a John Doe Proceeding" dated August 10, 2012 and filed in Milwaukee County Case No. 12JD000023.
4. I also incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of Search Warrants and Subpoenas" dated December 10, 2012 and filed in Milwaukee County Case No. 12JD000023.
5. As set forth more fully in the attached Affidavit in Milwaukee County Case No. 12JD000023, Mr. Johnson is believed to have coordinated political campaign advertising between the Friends of Scott Walker, a campaign committee, and a 501(c)(4) organization known as Club for Growth – Wisconsin.
6. For these reasons, I respectfully submit there is reason to suspect that a criminal violation of the Wisconsin Statutes has occurred and there is likewise reason to suspect that such violations have taken place involving a person who is a resident of Dodge County, making him subject to the jurisdiction of the Dodge County Courts and the Dodge County District Attorney's Office. See Wis. Stats. §§11.61(2), 971.19(12) and 978.05(1).

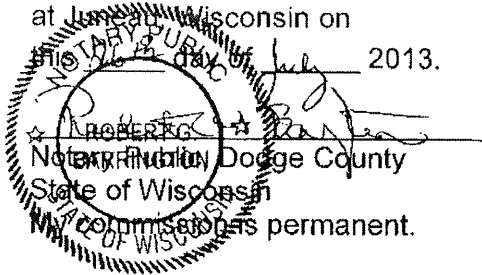
EXHIBIT 9

2013AP002504-W -
2013AP002508-W

Dated at Juneau, Wisconsin this 26 day of July 2013.


Kurt F. Klomberg
District Attorney
State Bar. No. 1042159

Subscribed and sworn to before me
at Juneau, Wisconsin on
this 26 day of July 2013.



IOWA COUNTY

Case No. 13JD0000 (

[illegible]

JUL 25 2013

LIA N. GUST, CLERK

1. I am the District Attorney in and for Iowa County.

2. I make this Affidavit in support of a request for commencement of a John Doe investigation concerning alleged Campaign Finance violations committed by Eric S. O'Keefe (DOB [REDACTED], who resides at [REDACTED], Spring Green, Iowa County, Wisconsin. By operation of law at Wisconsin Statutes §§11.61(2), 971.19(12) and 978.05(1), the prosecutors and the courts of the defendant's county of residence have the responsibility to handle violations of Chapter 11 of the Wisconsin Statutes.

3. I incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of a Petition for Commencement of a John Doe Proceeding" dated August 10, 2012 and filed in Milwaukee County Case No. 12JD000023.

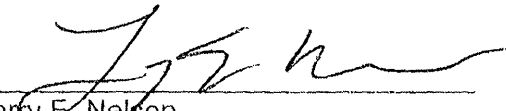
4. I also incorporate by reference the document accompanying my Affidavit, entitled "Affidavit in Support of Search Warrants and Subpoenas" dated December 10, 2012 and filed in Milwaukee County Case No. 12JD000023.

5. As set forth more fully in the attached Affidavit in Milwaukee County Case No. 12JD000023, Mr. O'Keefe is believed to have coordinated political campaign advertising between the Friends of Scott Walker, a campaign committee, and a 501(c)(4) organization known as Club for Growth – Wisconsin.

6. For these reasons, I respectfully submit there is reason to suspect that a criminal violation of the Wisconsin Statutes has occurred and there is likewise reason to suspect that such violations have taken place involving a person who is a resident of Iowa County, making him subject to the jurisdiction of the Iowa County Courts and the Iowa County District Attorney's Office. See Wis. Stats. §§11.61(2), 971.19(12) and 978.05(1).

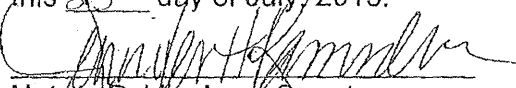
2013AP002504-W —
2013AP002508-W

Dated at Dodgeville, Wisconsin this 25 day of July, 2013.



Larry E. Nelson
District Attorney
State Bar. No. 1003576

Subscribed and sworn to before me
at Dodgeville, Wisconsin on
this 25th day of July, 2013.



Notary Public, Iowa County
State of Wisconsin
My commission expires 5/29/2017

STATE OF WISCONSIN

CIRCUIT COURT

COLUMBIA COUNTY

For Official Use Only

In the Matter of John Doe

Assignment Number: 2013SP019850

Application and Order
for Specific
Judicial Assignment

Case No. 2013JD000011

FILED
08-14-2013
Circuit Court
Columbia County, WI

Case Information

Current Court Official Daniel George	Code 1238	Branch No. 1	District No. 6
Date Case Filed 07-29-2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case No scheduled or proposed activity.	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

K R John Doe
Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Other	Description "John Doe"
-----------------	---------------------------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by:	<input checked="" type="checkbox"/> It is Ordered the Judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Explain: By: Electronically signed by Daniel S. George, Circuit Court Branch I Current Court Official August 12, 2013 Date	Shirley Abrahamson Chief Justice By: Electronically signed by A. John Voelker, Director of State Courts Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice August 14, 2013 Date Name of Judge Assigned: Barbara A. Kluka

EXHIBIT 11

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

For Official Use Only

In the Matter of John Doe

Assignment Number: 2013SP020231

Application and Order
for Specific
Judicial Assignment

Case No. 2013JD000009

FILED
08-21-2013
CIRCUIT COURT
DANE COUNTY, WI

Case Information

Current Court Official Juan B Colas	Code 2278	Branch No. 10	District No. 5
Date Case Filed 08-21-2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case No scheduled or proposed activity.	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional Information that will be helpful to the Chief Judge and the Judge to be assigned (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Other	Description per Presiding Judge Juan B. Colas
-----------------	--

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by: dknott	<input checked="" type="checkbox"/> It is Ordered the Judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Explain: By: Electronically signed by Juan B. Colas Current Court Official August 21, 2013 Date	Shirley Abrahamson Chief Justice By: Electronically signed by A. John Voelker, Director of State Courts Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice August 21, 2013 Date Name of Judge Assigned: Barbara A. Kluka

EXHIBIT 12

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT

DODGE COUNTY

For Official Use Only

In the Matter of John Doe

Assignment Number: 2013SP019548

Application and Order
for Specific
Judicial Assignment

Case No. 2013JD000006

FILED
IN THE CIRCUIT COURT

AUG 12 2013

Dodge County WI
Lynn M. Hron
Clerk of Courts

Case Information

Current Court Official John R. Storck	Code 1422	Branch No. 2	District No. 6
Date Case Filed 07-26-2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case No scheduled or proposed activity.	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.): It has been requested that Reserve Judge Barbara Kluka be appointed. She has consented to be appointed and is currently presiding over other John Doe cases in other counties concerning the same issues raised by this John Doe.	

Attorney/Party Information

Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Disqualification per Statute §757.19:	Reason Facilitate the prompt and efficient processing of this case.
---	--

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by: Lynn Hron	<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Explain: _____ _____ _____ _____ By: Electronically signed by John R. Storck Current Court Official August 5, 2013 Date	Shirley Abrahamson Chief Justice By: Electronically signed by A. John Voelker, Director of State Courts Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice August 07, 2013 Date Name of Judge Assigned: Barbara A. Kluka

EXHIBIT 13

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT

IOWA COUNTY

For Official Use Only

In the Matter of John Doe

Assignment Number: 2013SP019685

Application and Order
for Specific
Judicial Assignment

Case No. 2013JD000001

FILED

08-07-2013

Circuit Court, Iowa Co

Lia N. Gust, Clerk

Case Information

Current Court Official William D. Dyke	Code 1619	Branch No. 1	District No. 7
Date Case Filed 07-25-2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case to be determined by new judge	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input checked="" type="checkbox"/> Other: John Doe proceeding	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

E.S.O. John Doe
Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Administrative transfer	Description
-----------------------------------	-------------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by: Tari M. Engels	<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Explain: Administrative Transfer required.	Shirley Abrahamson Chief Justice
By:	By: Electronically signed by A. John Voelker, Director of State Courts Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice
Electronically signed by Hon. William D. Dyke Current Court Official	August 07, 2013 Date
August 7, 2013 Date	Name of Judge Assigned: Barbara A. Kluka

EXHIBIT 14

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

For Official Use Only

IN RE: JOHN DOE

Application and Order
for Specific
Judicial Assignment

Assignment Number: 2012SP008805

Case No. 2012JD23

FILED

SEP - 5 2012

Case Information

Current Court Official Jeffrey A. Kremers-36	Code 1324	Branch No. 1	JOHN BARRETT Clerk of District Court
Date Case Filed 08/23/2011	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned. (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Other	Description
-----------------	-------------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by:	<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (Explain): Assignment Source: September 05, 2012 Date	Shirley Abrahamson Chief Justice By: Electronically signed by A. John Voelker, Director of State Courts Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice September 05, 2012 Date
Name of Judge Assigned: Barbara A. Kluka (#0608)	

EXHIBIT 15

2013AP002504-W -
2013AP002508-W

COPY

FILED

AUG 29 2013

CIRCUIT COURT
COLUMBIA COUNTY

August 21, 2013

Honorable Barbara A. Kluka
Reserve Judge
2013 – 38 Street
Kenosha, WI 53140

Re: In The Matter of a John Doe Proceeding
Columbia County Case No. 13JD000011✓
Dane County Case No. 13JD000009
Dodge County Case No. 13JD000006
Iowa County Case No. 13JD000001
Milwaukee County Case No. 12JD000023

Dear Judge Kluka:

This letter follows the filing of a Petition to Commence a John Doe investigation in the case numbers referenced above. Of course, as you know, you have been assigned to hear John Doe proceedings in each of these five jurisdictions and you have also been appointed to act in that capacity by the Office of the Director of State Courts.

The John Doe Petition and supporting papers generally allege illegal campaign coordination between the Friends of Scott Walker, a campaign committee, and certain special interest groups organized under the auspices of IRC 501(c)(4).

By operation of §978.05(1), the responsibility for the prosecution of the crimes alleged in the John Doe Petition is fractionated across the offices of five different Wisconsin prosecutors. In reality, however, the investigation is one overall undertaking and should be managed by one prosecutor with general authority in all five counties. To proceed otherwise would unduly complicate, if not cripple, the investigation.

With this letter, we seek to apprise you of the legal and factual circumstances that make it appropriate to appoint a Special Prosecutor to handle this overall investigation. A special prosecutor is needed to review the allegations and, if charge(s) are well founded, then the Special Prosecutor should be authorized to proceed with said charge(s) through to

EXHIBIT 16

2013AP002504-W –
2013AP002508-W

Honorable Barbara A. Kluka
August 21, 2013
Page 2

disposition. We submit you have the authority to make this appointment on your own motion and as part of your authority to efficiently administer an effective John Doe investigative proceeding.¹

We begin by noting that in January of 2013, the Attorney General of the State of Wisconsin was requested to undertake the investigation and the potential prosecution of these campaign finance crimes. In a letter dated May 31, 2013, the Attorney General declined to assume responsibility for the investigation, primarily citing a conflict of interest and secondarily citing the appearance of impropriety. His letter to District Attorney John Chisholm is attached to this correspondence.

In his letter, the Attorney General states that – to the extent certain screening mechanisms might be employed to overcome the obstacles of conflict of interest and the appearance of impropriety – such devices should not be used in this investigation. He bases this conclusion on the availability of the Government Accountability Board (GAB) as a statewide agency intended to handle issues arising under the campaign finance laws. See the AG letter at page 2 (“This is because there is no necessity, at this time, for my office's involvement because there are other state officials who have equal or greater jurisdictional authority without the potential disabilities I have mentioned.”)

The Attorney General, however, does not address the fact that – to the extent this is a *criminal* investigation – the GAB is no substitute for a statewide criminal justice authority. Plain and simple, the GAB lacks authority to criminally prosecute anyone. Consequently, mindful that its investigation may compromise a related criminal inquiry by a prosecutor, the only rational course of action for the GAB (and the course actually taken here) is to involve – at the outset – the office of the affected prosecuting attorneys. Of course, the Attorney General's suggestion (*i.e.*, that a referral to the GAB is the solution) does not resolve the problem that caused Milwaukee prosecutors to refer the matter to him in the first instance. That is, the investigation was referred to avoid the fracturing of the investigation and prosecution across the offices of five local prosecutors.

John Doe investigations were never intended to be run by a committee of prosecutors. The inefficiency of a five-county investigation is well illustrated by the amount of time it has taken to get to this point after the Attorney General's May 31, 2013 refusal to act. That is, it has taken all of June, all of July and half of August to advance these five John Doe investigations to a point where a procedural matter, *i.e.*, the appointment of a centralized independent Special Prosecutor, can be addressed. This investigation cannot efficiently and effectively continue in this fashion.

Moreover, and just as the Attorney General himself recognized, the partisan political affiliations of the undersigned elected District Attorneys will lead to public allegations of impropriety. Democratic prosecutors will be painted as conducting a partisan witch hunt and Republican prosecutors will be accused of “pulling punches.” An independent Special Prosecutor having no partisan affiliation addresses the legitimate concerns about the appearance of impropriety.

For all of these reasons, the John Doe Judge should entertain, on its own motion and in the exercise of its inherent authority, the appointment of an attorney to serve in the role of a prosecutor who has authority across all involved counties. The Attorney General having disqualified himself, an attorney is required to act in his place.

¹ See *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996) (finding the John Doe judge has authority to issue search warrants and noting that the John Doe “statutes should be interpreted in a manner which support their underlying purpose.”)

The authority for the appointment of a Special Prosecutor is found at Wisconsin Statutes §978.045 and has been discussed in *State v. Carlson*, 2002 WI App 44, 250 Wis.2d 562, 641 N.W.2d 562 and *In re Bollig*, 222 Wis.2d 558, 587 N.W.2d 908 (1998). Although §§978.045(1g) and (1r) appear to limit an appointment of a Special Prosecutor to the circumstances listed in subsection (1r), these statutory sections have not been so interpreted by the courts. Rather, in *State v. Carlson*, *supra*, these statutory subsections have been liberally interpreted to allow for the appointment of Special Prosecutors in circumstances not expressly addressed by the precise terms of subsection (1r). The *Carlson* court wrote:

In the case at bar, the appointment was made by the court on its own motion. A plain reading of the statute tells us that when a court makes this appointment on its own motion, *all that is required* of the court is that it enter an order in the record “stating the cause therefor.” Wis. Stat. § 978.045(1r). Then, the appointed special prosecutor may “perform, for the time being, or for the trial of the accused person, the duties of the district attorney. An attorney appointed under this subsection shall have all of the powers of the district attorney.” *Id.* In short, if a court makes a special prosecutor appointment on its own motion, it is constrained only in that it must enter an order in the record stating the cause for the appointment.

Carlson, 2002 WI App 44 at ¶9 (emphasis in original)(footnotes omitted).

We additionally and respectfully submit that a John Doe judge has the inherent, if not express,² authority to appoint a Special Prosecutor here. Considerations of investigative efficiency and economy require an attorney to serve in the role that would otherwise have been provided by the Office of the Attorney General. Such an appointment allows for the orderly progression of the overall John Doe investigation and is justified for that reason. See *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996).

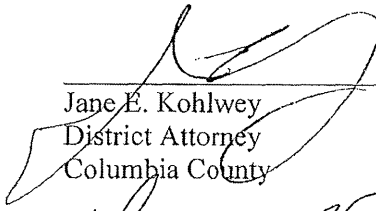
We therefore recommend the appointment of Attorney Francis D. Schmitz as Special Prosecutor. Attorney Schmitz formerly served for nearly thirty years as a federal prosecutor. He has served as the Deputy United States Attorney for the Eastern District of Wisconsin, and he has also worked in Washington D.C. on sensitive national security investigations and issues related to Homeland Security. He currently practices law as a private attorney in Waukesha County.

Attorney Schmitz should be empowered to investigate the possible crimes that are more fully described in John Doe papers filed herein. Further, Attorney Schmitz should be authorized to determine if criminal charges are appropriate and if he so determines, he should be given the authority to issue charges and proceed through to disposition with any such charges.

² §978.045(1r) grants authority to “courts of record” for the appointment of Special Prosecutors. However, John Doe judges are not courts of record. *State v. Washington*, 83 Wis.2d 808, 828, 266 N.W.2d 597, 607 (1978). On the other hand, the third sentence of §978.045(1r) provides that a “judge” (rather than a “judge of a court of record”) may appoint a Special Prosecutor at the request of a district attorney in “John Doe proceedings under 968.26.” Consequently, §978.045(1r) may be express authority for the appointment of a Special Prosecutor in John Doe investigations.

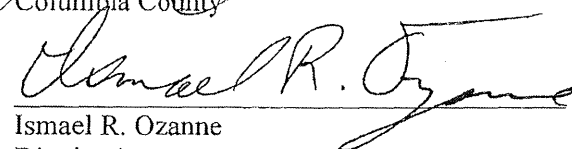
We are authorized by Attorney Schmitz to represent that, if appointed, he will accept and will serve as a Special Prosecutor. Attorney Schmitz has agreed to work for an hourly rate of \$130.

Very truly yours,



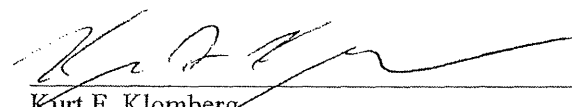
Jane E. Kohlwey
District Attorney
Columbia County

8/22/13
Date



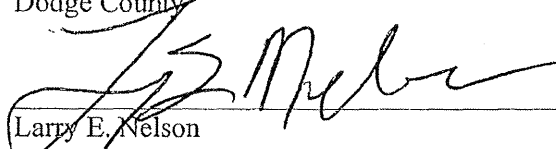
Ismael R. Ozanne
District Attorney
Dane County

8-21-13
Date



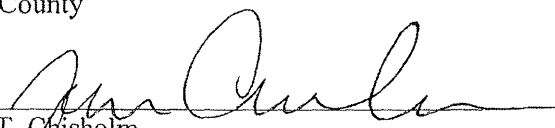
Kurt F. Klomberg
District Attorney
Dodge County

8/22/13
Date



Larry E. Nelson
District Attorney
Iowa County

8/22/13
Date



John T. Chisholm
District Attorney
Milwaukee County

8/21/2013
Date

bl

Enclosure

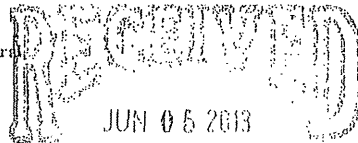


STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Kevin M. St. John
Deputy Attorney General

Steven P. Means
Executive Assistant



114 East State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

May 31, 2013

Office of District Attorney
Milwaukee, WI 53233

Mr. John T. Chisholm
District Attorney, Milwaukee County
821 West State Street, Room 405
Milwaukee, WI 53233

RE: Request for Assistance Relating To Campaign Finance Investigation

Dear District Attorney Chisholm:

Earlier this year, we met with you at your request to discuss the developments in a John Doe investigation relating to potential campaign finance violations involving campaign coordination (and thus the possibility that at least one non-candidate committee and possibly Friends of Scott Walker filed false reports with the Government Accountability Board). Deputy District Attorney Kent Lovern, Deputy Attorney General Kevin St. John, and DCI Administrator David Matthews also attended that meeting. You were concerned that the investigation was leading to subjects outside of your office's prosecutorial jurisdiction, and thus were seeking the assistance of the Department of Justice.

For the following reasons, we decline assistance at this time.

First, I am concerned about potential conflicts of interests that arise by virtue of our ongoing representation of Scott Walker in his official capacity as Governor. I have previously stated the basis of my concern in a December 3, 2010 correspondence relating to a prior investigation, and those concerns do not need to be repeated in detail here. While it is not clear that this investigation will indicate that Governor Walker has violated any Wisconsin laws, it is reasonably foreseeable that this may be a subject of the investigation. When lawyers have conflicts, client confidence that the lawyer is acting in their interest can erode and clients will be less willing to share information that is essential to providing sound legal advice.

Second, even in the absence of a true conflict by virtue of my representation of Governor Walker in his official capacity, I am concerned about the perception that my office can not act impartially, thus undermining public confidence in the investigation as a whole, particularly if the investigation does not result in an enforcement action. These perceptions may arise because of the general governmental relationship between the Administration and the Department of

Justice or because of my personal relationship with the Governor.

I know that you appreciate this concern. In the past, you have requested my office review criminal complaints that were related to actions by the Milwaukee County Executive in his personal capacity and criminal complaints involving the conduct of a former state representative with whom you were personally acquainted.

Third, beyond my relationship with the governor, this investigation is likely to involve subjects who are politically involved on the conservative side of the political spectrum. At this point, I do not know all of the potential witnesses and subjects (and these will only be known with further investigation), but suffice it to say, this is a campaign finance investigation and there are a finite number of conservative-minded political activists, campaign operatives, and major donors in Wisconsin. Therefore, it is reasonable to foresee that if this investigation develops further, it could involve additional individuals with whom I or my campaign have had significant personal or business relationships. This may exacerbate any public perception that my office's involvement in an investigation would be biased.

To be sure, the statutory responsibilities of my office, which include both the legal representation of government officials and the enforcement of certain laws against all individuals and entities (including government officials), by their nature, create the potential for conflicts. In certain cases, the rules of professional conduct might not be strictly applied in order to accommodate statutory commands. *See, e.g., SCR Chapter 20, Preamble [18]*. In some cases, conflict screens might be established to minimize the potential for conflict.

This is not a matter, however, where such devices should be employed, even if they could be employed effectively. This is because there is no necessity, at this time, for my office's involvement because there are other state officials who have equal or greater jurisdictional authority without the potential disabilities I have mentioned. The Government Accountability Board has statewide jurisdiction to investigate campaign finance violations, which may be civil or criminal in nature. Thus, there is no jurisdictional necessity to involve my office. Should the Government Accountability Board, after investigation, believe these matters are appropriate for civil enforcement, they have the statutory authority to proceed. Should the Government Accountability Board determine, after investigation, that criminal enforcement is appropriate, they may refer the matter to the appropriate district attorney. Only if that district attorney and a second district attorney declines to prosecute would my office have prosecutorial authority. *See generally Wis. Stat. § 5.05(2m)*.

In many respects, the Government Accountability Board as a lead investigator and first decisionmaker is preferable in this specific context. First, the potential violations involve statutes that the Government Accountability Board administers. The specific area of campaign finance law that may be applicable in this case, coordination, is not a model of statutory precision or consistency. *Compare Wis. Stat. § 11.06(7)(a)* (specifying nature of oath of independent expenditures to include no "cooperation or consultation" with the supported candidate) *with Wis. Stat. § 11.06(4)(a),(d)* (requiring a candidate "control" or "direct" a contribution to be reportable). The Government Accountability Board's prior involvement administering and advising on these statutes increases the likelihood that they will be applied in

this case in a manner consistent with prior interpretations. Second, this experience will better inform the discretionary determination of whether or not the civil or criminal enforcement is appropriate. Third, as a non-partisan entity, the Government Accountability Board's investigation may inspire more public confidence than an investigation led by partisan-elected officials.

This approach has precedent. Previously, my office made an initial inquiry into the actions of a high ranking Wisconsin government official relating to a potential violation of laws that the Government Accountability Board administers and enforces. The information was shared with the Government Accountability Board and we determined it was appropriate for the Government Accountability Board to conduct further inquiry while my office stepped back due to considerations similar to those expressed in this letter.

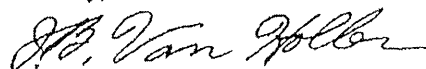
* * * * *

The decision to decline to be involved at this time is based upon the specific facts and circumstances that have been presented to me. Unlike many circumstances involving investigation of potential criminal activity that transcends multiple jurisdictions, here there is a capable agency with equal statewide jurisdiction, meaning that my decision to decline participation will not undermine the state's ability to enforce the law. Moreover, there is no indication that there is a public safety threat or that there are ongoing violations of the public trust – factors that could augur for force multiplication. In summary, there is no necessity for the Department to exercise a discretionary authority where the exercise of that authority could also disable the Department's ability fulfill its other duties and responsibilities.

Moreover, this decision is made recognizing that conflict and impartiality issues are stressed within the context of the dynamic nature of a campaign financing investigation that could foreseeably involve individuals with whom I have relationships – individuals whose involvement may very well depend on the discretionary decisionmaking of investigators. Should the investigation develop into a more concrete form and potentially require the Department of Justice exercise of a different duty or power, we will revisit the appropriateness of our involvement – as occurred when the 2010 Milwaukee County probe led to particular criminal prosecutions that my office supported in the appellate courts.

Please contact me with any questions concerning this matter or if further explanation is required.

Sincerely,



J.B. Van Hollen
Attorney General

Mr. John T. Chisholm
Page | 4

Cc: Kent Lovern, Deputy District Attorney
Kevin St. John, Deputy Attorney General
David Matthews, DCI Administrator

IN THE MATTER OF A JOHN DOE PROCEEDING

Columbia County Case No.: ~~13JD000011~~
 Dane County Case No.: 13JD000009
 Dodge County Case No.: 13JD000006
 Iowa County Case No.: 13JD000001
 Milwaukee County Case No.: 12JD000023

**APPOINTMENT OF
SPECIAL PROSECUTOR
UNDER CHAPTER 978**

FILED

AUG 29 2013

CIRCUIT COURT
COLUMBIA COUNTY**APPOINTMENT ORDER**

THE JOHN DOE JUDGE, having been apprised of facts and circumstances as set forth in a letter dated August 21, 2013 submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee, does hereby find and order that:

1. In January 2013, the Wisconsin Attorney General was requested to proceed with the investigation and prosecution of the criminal law violations as alleged in the Petitions and Affidavits filed in the above-referenced John Doe proceedings.
2. In a letter dated May 31, 2013, the Attorney General declined to assume responsibility for this investigation, primarily citing the reasons of conflict of interest and the appearance of impropriety.
3. A Special Prosecutor with jurisdiction across the severally affected counties is required for the efficient and effective conduct of the investigation, including any charging decisions that need to be made. Likewise, if charges are filed, a single prosecutor with jurisdiction across the severally affected counties is required for the efficient prosecution of such charges.
4. The Attorney General and the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee all note that their individual status as partisan elected prosecutors gives rise to the potential for the appearance of impropriety. I find that a Special Prosecutor will eliminate any appearance of impropriety.
5. For these reasons, Attorney Francis D. Schmitz is appointed Special Prosecutor for the State of Wisconsin. He is authorized to investigate the matters more fully described in John Doe papers previously filed in the above-referenced proceedings. Attorney Schmitz is further authorized to determine if criminal charges are appropriate, and if he so determines, he is authorized to issue charges and proceed through to disposition with any such charges.
6. I make this appointment in light of the facts and circumstances set forth in the August 21, 2013 letter submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee. I make this appointment under my authority as expressed in *State v. Carlson*, 2002 WI App 44, 250 Wis.2d 562, 641 N.W.2d 562. I find that a John Doe run by five different local prosecutors, each with partial responsibility for what is and should be one overall investigation and prosecution, is markedly inefficient and ineffective. Consequently, I also make this appointment as part of my inherent authority under *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996).
7. Compensation is to be paid at the rate of \$130 per hour.
8. Disbursements shall be submitted for payment, if incurred.
9. The Department of Administration shall pay the compensation ordered by the Court.
10. This Order is made as part of a secret John Doe investigation. The Order shall be sent to the State Prosecutor's Office and shall be made part of the John Doe file in the above-captioned John Doe files. This Order, however, shall remain secret. The State Prosecutor's Office is ordered to maintain the secrecy of this order.

Send a copy of this Appointment to:

1) Phil Werner, Director
 State Prosecutors Office
 Department of Administration
 P.O. Box 7869
 Madison, WI 53707-7869

2) Clerk of Court

EXHIBIT 17

2013AP002504-W -
 2013AP002508-W

BY THE COURT:

Barbara A. Kluka
 Honorable Barbara A. Kluka, Reserve Judge
August 23, 2013
 Date

OATH AND CONSENT TO SERVE

I accept this appointment and (swear) or (affirm) that I will support the constitution of the United States and the State of Wisconsin, and will faithfully discharge the duties of this office to the best of my ability (so help me God).

Subscribed and sworn to before me

on August 23, 2013.

Barbara A. Kluka

~~Notary Public, State of Wisconsin~~

Barbara A. Kluka

~~My commission expires~~

Reserve Judge

Francis D. Schmitz

Signature of Attorney

1000023 FRANCIS D. Schmitz

Bar Number & Name Printed or Typed

W240 N1221 Pewaukee Rd.

Waukesha WI 53108

Address of Principal Office

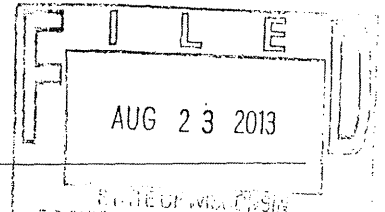
262-549-0579

Telephone Number

IN THE MATTER OF A JOHN DOE PROCEEDING

Columbia County Case No.: 13JD000011
 Dane County Case No.: ~~13JD000009~~
 Dodge County Case No.: 13JD000006
 Iowa County Case No.: 13JD000001
 Milwaukee County Case No.: 12JD000023

**APPOINTMENT OF
SPECIAL PROSECUTOR
UNDER CHAPTER 978**



APPOINTMENT ORDER

THE JOHN DOE JUDGE, having been apprised of facts and circumstances as set forth in a letter dated August 21, 2013 submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee, does hereby find and order that:

1. In January 2013, the Wisconsin Attorney General was requested to proceed with the investigation and prosecution of the criminal law violations as alleged in the Petitions and Affidavits filed in the above-referenced John Doe proceedings.
2. In a letter dated May 31, 2013, the Attorney General declined to assume responsibility for this investigation, primarily citing the reasons of conflict of interest and the appearance of impropriety.
3. A Special Prosecutor with jurisdiction across the severally affected counties is required for the efficient and effective conduct of the investigation, including any charging decisions that need to be made. Likewise, if charges are filed, a single prosecutor with jurisdiction across the severally affected counties is required for the efficient prosecution of such charges.
4. The Attorney General and the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee all note that their individual status as partisan elected prosecutors gives rise to the potential for the appearance of impropriety. I find that a Special Prosecutor will eliminate any appearance of impropriety.
5. For these reasons, Attorney Francis D. Schmitz is appointed Special Prosecutor for the State of Wisconsin. He is authorized to investigate the matters more fully described in John Doe papers previously filed in the above-referenced proceedings. Attorney Schmitz is further authorized to determine if criminal charges are appropriate, and if he so determines, he is authorized to issue charges and proceed through to disposition with any such charges.
6. I make this appointment in light of the facts and circumstances set forth in the August 21, 2013 letter submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee. I make this appointment under my authority as expressed in *State v. Carlson*, 2002 WI App 44, 250 Wis.2d 562, 641 N.W.2d 562. I find that a John Doe run by five different local prosecutors, each with partial responsibility for what is and should be one overall investigation and prosecution, is markedly inefficient and ineffective. Consequently, I also make this appointment as part of my inherent authority under *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996).
7. Compensation is to be paid at the rate of \$130 per hour.
8. Disbursements shall be submitted for payment, if incurred.
9. The Department of Administration shall pay the compensation ordered by the Court.
10. This Order is made as part of a secret John Doe investigation. The Order shall be sent to the State Prosecutor's Office and shall be made part of the John Doe file in the above-captioned John Doe files. This Order, however, shall remain secret. The State Prosecutor's Office is ordered to maintain the secrecy of this order.

Send a copy of this Appointment to:

- | | |
|---|-------------------|
| 1) Phil Werner, Director
State Prosecutors Office
Department of Administration
P.O. Box 7869
Madison, WI 53707-7869 | 2) Clerk of Court |
|---|-------------------|

BY THE COURT:

Barbara A. Kluka
 Honorable Barbara A. Kluka, Reserve Judge
August 23, 2013
 Date



OATH AND CONSENT TO SERVE

I accept this appointment and (swear) or (affirm) that I will support the constitution of the United States and the State of Wisconsin, and will faithfully discharge the duties of this office to the best of my ability (so help me God).

Subscribed and sworn to before me

on August 23, 2013.

Barbara A. Kluka
~~Notary Public, State of Wisconsin~~

Barbara A. Kluka
My commission expires

Reserve Judge

Francis D. Schmitz
Signature of Attorney

1000023 FRANCIS D. SCHMITZ
Bar Number & Name Printed or Typed

W240 N1221 Pewaukee Rd.
Waukesha WI 53102

Address of Principal Office

262-549-0579
Telephone Number

IN THE MATTER OF A JOHN DOE PROCEEDING

Columbia County Case No.: 13JD000011

Dane County Case No.: 13JD000009

~~Dodge County Case No.: 13JD000006~~

Iowa County Case No.: 13JD000001

Milwaukee County Case No.: 12JD000023

**FILED
IN THE CIRCUIT COURT**

AUG 29 2013

**APPOINTMENT OF
SPECIAL PROSECUTOR
UNDER CHAPTER 978**Dodge County WI
Lynn M. Hron
Clerk of Courts**APPOINTMENT ORDER**

THE JOHN DOE JUDGE, having been apprised of facts and circumstances as set forth in a letter dated August 21, 2013 submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee, does hereby find and order that:

1. In January 2013, the Wisconsin Attorney General was requested to proceed with the investigation and prosecution of the criminal law violations as alleged in the Petitions and Affidavits filed in the above-referenced John Doe proceedings.
2. In a letter dated May 31, 2013, the Attorney General declined to assume responsibility for this investigation, primarily citing the reasons of conflict of interest and the appearance of impropriety.
3. A Special Prosecutor with jurisdiction across the severally affected counties is required for the efficient and effective conduct of the investigation, including any charging decisions that need to be made. Likewise, if charges are filed, a single prosecutor with jurisdiction across the severally affected counties is required for the efficient prosecution of such charges.
4. The Attorney General and the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee all note that their individual status as partisan elected prosecutors gives rise to the potential for the appearance of impropriety. I find that a Special Prosecutor will eliminate any appearance of impropriety.
5. For these reasons, Attorney Francis D. Schmitz is appointed Special Prosecutor for the State of Wisconsin. He is authorized to investigate the matters more fully described in John Doe papers previously filed in the above-referenced proceedings. Attorney Schmitz is further authorized to determine if criminal charges are appropriate, and if he so determines, he is authorized to issue charges and proceed through to disposition with any such charges.
6. I make this appointment in light of the facts and circumstances set forth in the August 21, 2013 letter submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee. I make this appointment under my authority as expressed in *State v. Carlson*, 2002 WI App 44, 250 Wis.2d 562, 641 N.W.2d 562. I find that a John Doe run by five different local prosecutors, each with partial responsibility for what is and should be one overall investigation and prosecution, is markedly inefficient and ineffective. Consequently, I also make this appointment as part of my inherent authority under *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996).
7. Compensation is to be paid at the rate of \$130 per hour.
8. Disbursements shall be submitted for payment, if incurred.
9. The Department of Administration shall pay the compensation ordered by the Court.
10. This Order is made as part of a secret John Doe investigation. The Order shall be sent to the State Prosecutor's Office and shall be made part of the John Doe file in the above-captioned John Doe files. This Order, however, shall remain secret. The State Prosecutor's Office is ordered to maintain the secrecy of this order.

Send a copy of this Appointment to:

- 1) Phil Werner, Director
State Prosecutors Office
Department of Administration
P.O. Box 7869
Madison, WI 53707-7869
- 2) Clerk of Court

EXHIBIT 192013AP002504-W -
2013AP002508-W**BY THE COURT:**

Barbara A. Kluka
Honorable Barbara A. Kluka, Reserve Judge
August 23, 2013
Date

OATH AND CONSENT TO SERVE

I accept this appointment and (swear) or (affirm) that I will support the constitution of the United States and the State of Wisconsin, and will faithfully discharge the duties of this office to the best of my ability (so help me God).

Subscribed and sworn to before me

on August 23, 2013.

Barbara G. Kluka
Notary Public, State of Wisconsin

Barbara G. Kluka
My commission expires

Reserve Judge

Francis D. Schmitz
Signature of Attorney

1000023 FRANCIS D. SCHMITZ
Bar Number & Name Printed or Typed

W240 N1221 Pewaukee Rd.
Waukesha WI 53108

Address of Principal Office

262-549-0579
Telephone Number

IN THE MATTER OF A JOHN DOE PROCEEDING

Columbia County Case No.: 13JD000011
 Dane County Case No.: 13JD000009
 Dodge County Case No.: 13JD000006
 Iowa County Case No.: 13JD000001
 Milwaukee County Case No.: 12JD000023

**APPOINTMENT OF
 SPECIAL PROSECUTOR
 UNDER CHAPTER 978**

Circuit Court, Iowa County, WI
 FILED

AUG 27 2013

LIA N. GUST, CLERK

APPOINTMENT ORDER

THE JOHN DOE JUDGE, having been apprised of facts and circumstances as set forth in a letter dated August 21, 2013 submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee, does hereby find and order that:

1. In January 2013, the Wisconsin Attorney General was requested to proceed with the investigation and prosecution of the criminal law violations as alleged in the Petitions and Affidavits filed in the above-referenced John Doe proceedings.
2. In a letter dated May 31, 2013, the Attorney General declined to assume responsibility for this investigation, primarily citing the reasons of conflict of interest and the appearance of impropriety.
3. A Special Prosecutor with jurisdiction across the severally affected counties is required for the efficient and effective conduct of the investigation, including any charging decisions that need to be made. Likewise, if charges are filed, a single prosecutor with jurisdiction across the severally affected counties is required for the efficient prosecution of such charges.
4. The Attorney General and the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee all note that their individual status as partisan elected prosecutors gives rise to the potential for the appearance of impropriety. I find that a Special Prosecutor will eliminate any appearance of impropriety.
5. For these reasons, Attorney Francis D. Schmitz is appointed Special Prosecutor for the State of Wisconsin. He is authorized to investigate the matters more fully described in John Doe papers previously filed in the above-referenced proceedings. Attorney Schmitz is further authorized to determine if criminal charges are appropriate, and if he so determines, he is authorized to issue charges and proceed through to disposition with any such charges.
6. I make this appointment in light of the facts and circumstances set forth in the August 21, 2013 letter submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee. I make this appointment under my authority as expressed in *State v. Carlson*, 2002 WI App 44, 250 Wis.2d 562, 641 N.W.2d 562. I find that a John Doe run by five different local prosecutors, each with partial responsibility for what is and should be one overall investigation and prosecution, is markedly inefficient and ineffective. Consequently, I also make this appointment as part of my inherent authority under *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996).
7. Compensation is to be paid at the rate of \$130 per hour.
8. Disbursements shall be submitted for payment, if incurred.
9. The Department of Administration shall pay the compensation ordered by the Court.
10. This Order is made as part of a secret John Doe investigation. The Order shall be sent to the State Prosecutor's Office and shall be made part of the John Doe file in the above-encaptioned John Doe files. This Order, however, shall remain secret. The State Prosecutor's Office is ordered to maintain the secrecy of this order.

Send a copy of this Appointment to:

1) Phil Werner, Director
 State Prosecutors Office
 Department of Administration
 P.O. Box 7869
 Madison, WI 53707-7869

2) Clerk of Court

EXHIBIT 20

2013AP002504-W -
 2013AP002508-W

BY THE COURT:

Barbara A. Kluka
 Honorable Barbara A. Kluka, Reserve Judge
August 23, 2013
 Date

OATH AND CONSENT TO SERVE

I accept this appointment and (swear) or (affirm) that I will support the constitution of the United States and the State of Wisconsin, and will faithfully discharge the duties of this office to the best of my ability (so help me God).

Subscribed and sworn to before me

on August 23, 2013.

Barbara G. Kluka

~~Notary Public, State of Wisconsin~~

Barbara G. Kluka

~~My commission expires~~

Reserve Judge

Francis D. Schmitz

Signature of Attorney

1000023 FRANCIS D. SCHMITZ

Bar Number & Name Printed or Typed

W240 N1221 Pewaukee Rd.

Waukesha WI 53108

Address of Principal Office

262-549-0579

Telephone Number

IN THE MATTER OF A JOHN DOE PROCEEDING

Columbia County Case No.: 13JD000011

Dane County Case No.: 13JD000009

Dodge County Case No.: 13JD000006

Iowa County Case No.: 13JD000001

Milwaukee County Case No.: 13JD000023

**APPOINTMENT OF
SPECIAL PROSECUTOR
UNDER CHAPTER 978**

FILED

AUG 27 2013

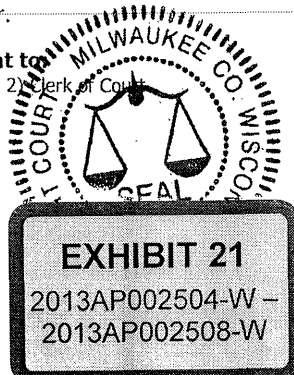
APPOINTMENT ORDER

THE JOHN DOE JUDGE, having been apprised of facts and circumstances as set forth in a letter dated August 21, 2013 submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee, does hereby find and order that:

1. In January 2013, the Wisconsin Attorney General was requested to proceed with the investigation and prosecution of the criminal law violations as alleged in the Petitions and Affidavits filed in the above-referenced John Doe proceedings.
2. In a letter dated May 31, 2013, the Attorney General declined to assume responsibility for this investigation, primarily citing the reasons of conflict of interest and the appearance of impropriety.
3. A Special Prosecutor with jurisdiction across the severally affected counties is required for the efficient and effective conduct of the investigation, including any charging decisions that need to be made. Likewise, if charges are filed, a single prosecutor with jurisdiction across the severally affected counties is required for the efficient prosecution of such charges.
4. The Attorney General and the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee all note that their individual status as partisan elected prosecutors gives rise to the potential for the appearance of impropriety. I find that a Special Prosecutor will eliminate any appearance of impropriety.
5. For these reasons, Attorney Francis D. Schmitz is appointed Special Prosecutor for the State of Wisconsin. He is authorized to investigate the matters more fully described in John Doe papers previously filed in the above-referenced proceedings. Attorney Schmitz is further authorized to determine if criminal charges are appropriate, and if he so determines, he is authorized to issue charges and proceed through to disposition with any such charges.
6. I make this appointment in light of the facts and circumstances set forth in the August 21, 2013 letter submitted by the District Attorneys for the Counties of Columbia, Dane, Dodge, Iowa and Milwaukee. I make this appointment under my authority as expressed in *State v. Carlson*, 2002 WI App 44, 250 Wis.2d 562, 641 N.W.2d 562. I find that a John Doe run by five different local prosecutors, each with partial responsibility for what is and should be one overall investigation and prosecution, is markedly inefficient and ineffective. Consequently, I also make this appointment as part of my inherent authority under *State v. Cummings*, 199 Wis.2d 721, 735, 546 N.W.2d 406, 411 (1996).
7. Compensation is to be paid at the rate of \$130 per hour.
8. Disbursements shall be submitted for payment, if incurred.
9. The Department of Administration shall pay the compensation ordered by the Court.
10. This Order is made as part of a secret John Doe investigation. The Order shall be sent to the State Prosecutor's Office and shall be made part of the John Doe file in the above-captioned John Doe files. This Order, however, shall remain secret. The State Prosecutor's Office is ordered to maintain the secrecy of this order.

Send a copy of this Appointment to:

- 1) Phil Werner, Director
State Prosecutors Office
Department of Administration
P.O. Box 7869
Madison, WI 53707-7869



BY THE COURT:

Barbara A. Kluka
Honorable Barbara A. Kluka, Reserve Judge
Date *August 23, 2013*

OATH AND CONSENT TO SERVE

I accept this appointment and (swear) or (affirm) that I will support the constitution of the United States and the State of Wisconsin, and will faithfully discharge the duties of this office to the best of my ability (so help me God).

Subscribed and sworn to before me

on August 23, 2013.

Barbara A. Kluka

~~Notary Public, State of Wisconsin~~

Barbara A. Kluka

~~My commission expires~~

Reserve Judge

Francis D. Schmitz

Signature of Attorney

1000023 FRANCIS D. SCHMITZ

Bar Number & Name Printed or Typed

W240 N1221 Pewaukee Rd.

Waukesha WI 53108

Address of Principal Office

262-549-0579

Telephone Number

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

IN THE MATTER OF A JOHN DOE
PROCEEDING

REASSIGNMENT AND EXCHANGE

Case No. 2012JD000023

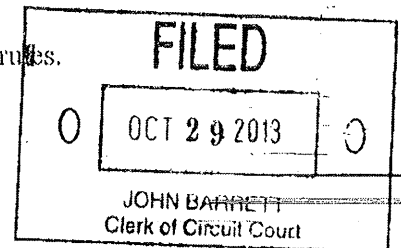
A substitution, disqualification, or recusal of Judge has been filed in this action.

Reason for Disqualification/Recusal: Conflict

The above entitled cause is to be reassigned according to the rules.


Reserve Judge Barbara Kluka

Dated: October 27, 2013

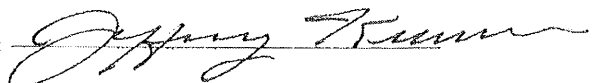


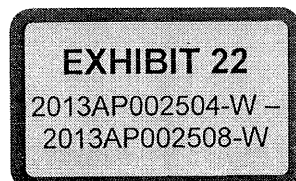
Reassigned to Reserve Judge Gregory A. Peterson according to the rules.

Dated this 28th of OCTOBER, 2013

BY THE COURT:




Honorable Judge Jeffrey A. Kremers
Chief Judge – 1st Judicial District



STATE OF WISCONSIN

CIRCUIT COURT

COLUMBIA COUNTY

In the Matter of John Doe

Application and Order
for Specific
Judicial Assignment

For Official Use Only

FILED

DEC 12 2013

CIRCUIT COURT
COLUMBIA COUNTY

Assignment Number: 2013SP023184

Case No. 2013JD000011

Case Information

Current Court Official Barbara A. Kluka	Code 0608	Branch No. 1	District No. 6
Date Case Filed 07/29/2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned. (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Disqualification per Statute §757.19:	Reason
---	--------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by:	<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (Explain):	Shirley Abrahamson Chief Justice
Assignment Source:	By: Electronically signed by Voelker, John Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice
November 12, 2013 Date	November 14, 2013 Date
Name of Judge Assigned: Gregory A. Peterson (#0847)	

EXHIBIT 23

2013AP002504-W -
2013AP002508-W

Dec. 6. 2013 3:52PM

No. 4846 P. 3

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

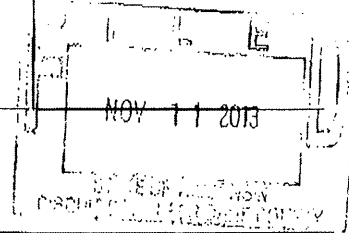
For Official Use Only

In the Matter of John Doe

**Application and Order
for Specific
Judicial Assignment**

Assignment Number: 2013SP023017

Case No. 2013JD000009



Case Information

Current Court Official Barbara A. Kluka	Code 0608	Branch No.	District No. 5
Date Case Filed 08/21/2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity In Case	Date
Next Scheduled (or to be scheduled) Activity In Case	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional Information that will be helpful to the Chief Judge and the Judge to be assigned. (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

Other Attorney(s) (and role; e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Disqualification per Statute §757.19:	Reason
---	--------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by:	<input checked="" type="checkbox"/> It is Ordered the Judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (Explain): Assignment Source: DCA Office November 06, 2013 Date	Shirley Abrahamson Chief Justice By: Electronically signed by Voelker, John Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice November 11, 2013 Date
Name of Judge Assigned: Gregory A. Peterson (#0847)	

EXHIBIT 24

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN
In the Matter of John Doe

CIRCUIT COURT

DODGE COUNTY

**Application and Order
for Specific
Judicial Assignment**

For Official Use Only

FILED
IN THE CIRCUIT COURT

NOV 15 2013

DODGE COUNTY, WIS
LYNN M. HRON
CLERK OF COURTS

Assignment Number: 2013SP023185

Case No. 2013JD000006

Case Information

Current Court Official Barbara A. Kluka	Code 0608	Branch No. 2	District No. 6
Date Case Filed 07/26/2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned. (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

Reason for Assignment Application

Reason Disqualification per Statute §757.19:	Reason
---	--------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by:	<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (Explain): Assignment Source: November 12, 2013 Date	Shirley Abrahamson Chief Justice By: Electronically signed by Voelker, John Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice November 14, 2013 Date
Name of Judge Assigned: Gregory A. Peterson (#0847)	

EXHIBIT 25

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT

IOWA COUNTY

For Official Use Only

In the Matter of John Doe

Assignment Number: 2013SP022984

Application and Order
for Specific
Judicial Assignment

Case No. 2013JD000001

FILED

11-11-2013

Circuit Court, Iowa Co

Lia N. Gust, Clerk

Case Information

Current Court Official Barbara A. Kluka	Code 0608	Branch No.	District No. 7
Date Case Filed 07-25-2013	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case Unknown	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional information that will be helpful to the Chief Judge and the Judge to be assigned (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

District Attorney	
E.S.O. John Doe	Hon. Barbara A. Kluka Other 2013 38th St. Kenosha, WI 53140-5326
Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):	

Reason for Assignment Application

Reason Other	Description Present official requests reassignment.
-----------------	--

Current Court Official Approval

Application Prepared by: Tari M. Engels
<input type="checkbox"/> Approved <input type="checkbox"/> Denied Explain: _____ _____ _____
By: Current Court Official Date

Application Order and Order of Assignment

<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
Shirley Abrahamson Chief Justice
By: Electronically signed by Voelker, John Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice
November 11, 2013 Date
Name of Judge Assigned: Gregory A. Peterson

EXHIBIT 26

2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

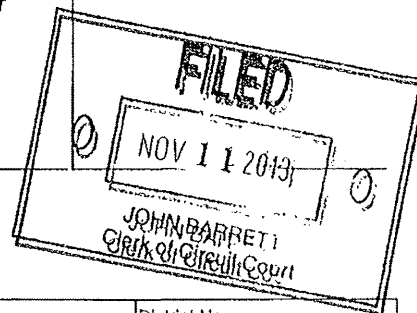
For Official Use Only

In the Matter of a John Doe Proceeding

Application and Order
for Specific
Judicial Assignment

Assignment Number: 2013SP022680

Case No. 2012JD000023



Case Information

Current Court Official Barbara A. Kluka	Code 0608	Branch No.	District No. 1
Date Case Filed 08/23/2011	Case Type John Doe	Class Code and Description 34001 - John Doe	

Case Status Information

Last Activity in Case	Date
Next Scheduled (or to be scheduled) Activity in Case	Date
<input type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial <input type="checkbox"/> Post-Judgment Case <input type="checkbox"/> Other:	
Additional Information that will be helpful to the Chief Judge and the Judge to be assigned. (e.g., time limits waived or not waived, defendant in custody, speedy trial demand, prior judicial substitutions or disqualifications, other attorneys, etc.):	

Attorney/Party Information

Other Attorney(s) (and role: e.g., GAL, Adversary Counsel, etc.):

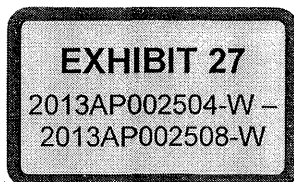
Reason for Assignment Application

Reason Disqualification per Statute §757.19:	Reason
---	--------

Current Court Official Approval

Application Order and Order of Assignment

Application Prepared by:	<input checked="" type="checkbox"/> It is Ordered the judge named below is assigned this case. <input type="checkbox"/> This assignment is denied.
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied (Explain):	Shirley Abrahamson Chief Justice
Assignment Source:	By: Electronically signed by Voelker, John Chief Judge/Deputy Chief Judge/DCA/Director/Chief Justice
October 29, 2013 Date	November 04, 2013 Date
Name of Judge Assigned: Gregory A. Peterson (#0847)	



COPY

STATE OF WISCONSIN

CIRCUIT COURT

COLUMBIA COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD000011

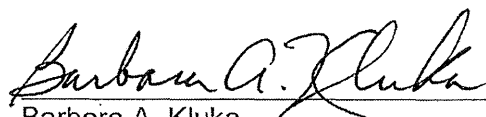
ORDER FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

Based upon the Petition of District Attorney Jane E. Kohlwey and her supporting Affidavit, I hereby find that there is reason to believe that violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b) , pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have occurred and that the crimes have been committed within the jurisdiction of Columbia County and the jurisdiction of this court;

NOW THEREFORE I hereby authorize the commencement of a John Doe proceeding, pursuant to Wis. Stats., Section 968.26.

Dated at Portage, Wisconsin, this 21st day of August 2013.

BY THE COURT:



Barbara A. Kluka
Reserve Judge
Columbia County, Wisconsin

FILED

AUG 29 2013

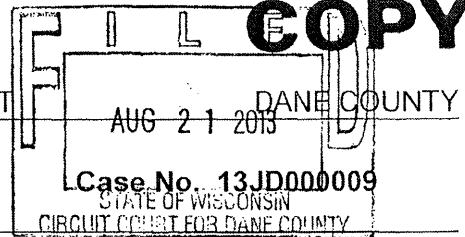
CIRCUIT COURT
COLUMBIA COUNTY

EXHIBIT 28

2013AP002504-W –
2013AP002508-W

STATE OF WISCONSIN

CIRCUIT COURT



DANE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD000009

ORDER FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

Based upon the Petition of District Attorney Ismael R. Ozanne and his supporting Affidavit, I hereby find that there is reason to believe that violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b) , pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have occurred and that the crimes have been committed within the jurisdiction of Dane County and the jurisdiction of this court;

NOW THEREFORE I hereby authorize the commencement of a John Doe proceeding, pursuant to Wis. Stats., Section 968.26.

Dated at Madison, Wisconsin, this 21st day of August 2013.

BY THE COURT:

A handwritten signature in cursive script, reading "Barbara A. Kluka".

Barbara A. Kluka
Reserve Judge
Dane County, Wisconsin

EXHIBIT 29

2013AP002504-W -
2013AP002508-W

COPY

STATE OF WISCONSIN

CIRCUIT COURT

DODGE COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD000006

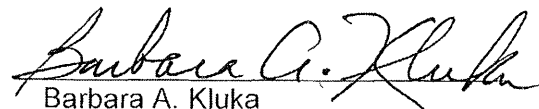
ORDER FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

Based upon the Petition of District Attorney Kurt F. Klomberg and his supporting Affidavit, I hereby find that there is reason to believe that violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b) , pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have occurred and that the crimes have been committed within the jurisdiction of Dodge County and the jurisdiction of this court;

NOW THEREFORE I hereby authorize the commencement of a John Doe proceeding, pursuant to Wis. Stats., Section 968.26.

Dated at Juneau, Wisconsin, this 21st day of August 2013.

BY THE COURT:



Barbara A. Kluka
Reserve Judge
Dodge County, Wisconsin

FILED
IN THE CIRCUIT COURT

AUG 29 2013

Dodge County WI
Lynn M. Hron
Clerk of Courts

EXHIBIT 30

2013AP002504-W -
2013AP002508-W

COPY

STATE OF WISCONSIN

CIRCUIT COURT

IOWA COUNTY

IN THE MATTER OF A JOHN DOE PROCEEDING

Case No. 13JD000001

Circuit Court, Iowa County, WI
FILED

ORDER FOR COMMENCEMENT OF A JOHN DOE PROCEEDING

AUG 27 2013

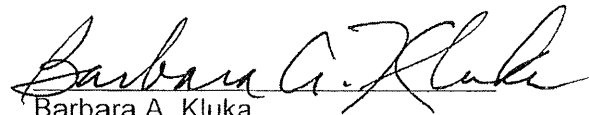
LIA N. GUST, CLERK

Based upon the Petition of District Attorney Larry E. Nelson and his supporting Affidavit, I hereby find that there is reason to believe that violations of Wisconsin Statutes §§11.26, 11.27, 11.38 and 11.61(1)(b) , pertaining to Limits on Campaign Contributions, False Campaign Reports, and Contributions by Corporations, may have occurred and that the crimes have been committed within the jurisdiction of Iowa County and the jurisdiction of this court;

NOW THEREFORE I hereby authorize the commencement of a John Doe proceeding, pursuant to Wis. Stats., Section 968.26.

Dated at Dodgeville, Wisconsin, this 21st day of August 2013.

BY THE COURT:



Barbara A. Kluka
Reserve Judge
Iowa County, Wisconsin

EXHIBIT 31

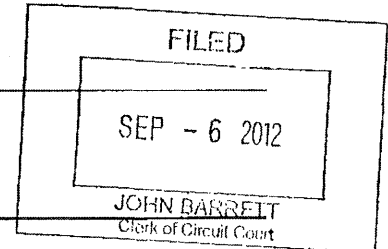
2013AP002504-W -
2013AP002508-W

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY
CRIMINAL DIVISION

IN THE MATTER OF A
JOHN DOE PROCEEDING
COMMENCED ON SEPTEMBER 5th, 2012

CASE No. 2012JD000023

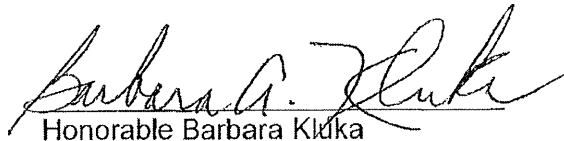
ORDER FOR COMMENCEMENT



Based upon the sworn testimony of Investigator Robert Stelter of the Milwaukee County District Attorney's Office, and the Affidavit of Robert Stelter dated August 10, 2012, I hereby find that there is reason to believe that a crime has been committed within the jurisdiction of this court, and I hereby authorize the commencement of a John Doe proceeding pursuant to Wisconsin Statutes Section 968.26.

Dated at Milwaukee, Wisconsin, this 5th day of September, 2012.




Honorable Barbara Kluka
Reserve Judge
Milwaukee County, Wisconsin

JDORDCOMM

