



# Wood County

## WISCONSIN

*Todd P. Wolf*  
DISTRICT ATTORNEY

September 2, 2008

MR JB VAN HOLLEN  
ATTORNEY GENERAL  
POST OFFICE BOX 7857  
MADISON WI 54703-7857

Re: Request for Attorney General's Opinion

Dear Attorney General Van Hollen:

I am writing to request that you provide clarification regarding who now has responsibility to enforce chapters 5-13 and chapter 19 of the Wisconsin statues in light of 2007 Wisconsin Act 1 which created the Government Accountability Board. This request is prompted by the following situation.

On December 6, 2007, I forwarded a complaint I had received from Wayne Pankratz, to the Department of Justice. This complaint contained allegations that during the period of January of 2006 through April 15, 2006, the Wisconsin Rapids School Board had set up phone banks at the Wood County Telephone Company (now doing business as Solarus) in order to place calls regarding a school referendum. The complaint further alleged that during this process tax payer monies were used and some of the individuals who staffed the phone bank at the telephone company endorsed specific candidates in the upcoming school board election. This complaint was sent directly to your office because Wood County Assistant District Attorney Craig Lambert was a member of the school board when this occurred.

DEPT. JUSTICE

On February 8, 2008, a letter was sent to Kevin Kennedy, Director and General Counsel of the Government Accountability Board by Assistant Attorney General Paul Barnett regarding this complaint. AAG Barnett felt the Government Accountability Board would be the appropriate authority to handle this complaint. In response to that letter, Jonathan Becker, Administrator for the Ethics and Accountability Division, forwarded to my office a letter on April 10, 2008, indicating that pursuant to the Board's policy, the matter was being deferred to the district attorney's office to investigate alleged violations of campaign financing laws in local elections.

Given these circumstances, I would ask that you provide a formal opinion on the following questions:

1. What is the division of authority between the Government Accountability Board and District Attorneys to enforce chapters 5-12, lobbying under chapter 13, and state ethics violations under chapter 19 of the Wisconsin Statutes? Does the Government Accountability Board have primary jurisdiction to enforce those provisions?
2. Are there provisions of chapters 5-12, 13 and 19 that can be enforced by a District Attorney independently of the Government Accountability Board? What is the applicability of Wis. Stat. s 5.05(2m)(c)15-18 to cases independently initiated by a district attorney?
3. Can a District Attorney request assistance from the Attorney General with any duty a District Attorney may have under chapters 5-12, 13 and 19? If so, what type of assistance?
4. What is the scope of the AG's authority in regard to violations of chapters 5-12, 13, and 19?

If you should have any further questions or comments, please do not hesitate to contact me.

Yours truly,

WOOD COUNTY DISTRICT ATTORNEY



Todd P. Wolf

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