

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2015BR003016  
Assigned ADA: ADA Bruce J. Landgraf,  
Milwaukee CountyJames J. Schmitt  
509 Spring Street  
Green Bay, WI 54301  
DOB: 06/07/1958  
Sex/Race: M/W

Court Case No.: 16CM 001239

Complaining Witness: Sgt. Nikki Janke

AUTHENTICATED COPY  
FILEDDefendant, **CRIMINAL COMPLAINT**

SEP - 7 2016

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

CLERK OF COURTS  
BROWN COUNTY, WI**Count 1: FALSE STATEMENTS TO AN ELECTION OFFICIAL (ATTEMPT)**

The above-named defendant on or about January 13, 2015, at 100 North Jefferson Street, Green Bay, Wisconsin, did intentionally attempt to make a false statement to the Green Bay City Clerk, an election official, to wit: that on about November 3, 2011 the campaign had received a contribution in the amount of \$200 from a "William Kress, Jr.," contrary to Wis. Stat. §§ 12.13(1)(b), 12.60(1)(a) and 939.32.

Upon conviction for this offense, an attempt to commit a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine months, or both.

**Count 2: ACCEPT CAMPAIGN CONTRIBUTION FUNDS NOT BELONGING TO REPORTED CONTRIBUTOR (ATTEMPT)**

The above-named defendant on or about February 3, 2015, at 509 Spring Street, Green Bay, Wisconsin, did intentionally attempt to accept a contribution in the name of Rebecca Lewis-Verheyden from funds belonging to William Lewis, contrary to Wis. Stat. §§ 11.24(1),<sup>1</sup> 11.61(1)(a) and 939.32.

Upon conviction for this offense, an attempt to commit a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine months, or both.

**Count 3: ACCEPT CAMPAIGN CONTRIBUTION IN EXCESS OF LIMITS (ATTEMPT)**

The above-named defendant on or about July 29, 2014, at 509 Spring Street, Green Bay, Wisconsin, did intentionally attempt to accept a contribution exceeding the limits set forth at Wis. Stat. § 11.26, to wit: with limits of \$1,040 per campaign per individual, the campaign accepted a \$1,250 contribution from Philip Hendrickson, contrary to Wis. Stat. §§ 11.61(1)(b) and 939.32.

<sup>1</sup> All references to Wisconsin Statutes Chapter 11 in this criminal complaint are to the 2013-14 edition of the Wisconsin Statutes.

Upon conviction for this offense, an attempt to commit a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine months, or both.

I am a Detective Sergeant for the Brown County Sheriff's Office and I make this complaint based upon my review of campaign finance, bank and other documents as well as witness interviews, all as further described below.

This complaint is issued as a negotiated settlement of violations of Wisconsin Statutes Chapters 11 and 12 involving a campaign committee, the Friends of Jim Schmitt, and the candidate, Jim Schmitt. I understand that this settlement will foreclose further prosecution of all matters that could have been brought based on the allegations of this complaint, whether or not actually filed, against Mr. Schmitt and/or the campaign committee.

I was assigned to assist Special Prosecutor Bruce J. Landgraf in an investigation of allegations relating to such violations.

I am advised by the Special Prosecutor that Mr. Schmitt has cooperated with the investigation. He has voluntarily turned over many documents from his file, including partial bank records and all campaign finance reports. Some such documents form the basis for allegations in this complaint. Others, including campaign bank records in the form of deposit items for the first seven months of 2013,<sup>2</sup> were obtained through the independent effort of the Special Prosecutor and the Brown County Sheriff's Department.

#### **A. Introduction**

I am advised that the issue of Mr. Schmitt's campaign finance reports first received public attention at the start of the election campaign for the office of the Mayor of Green Bay, Wisconsin held on April 7, 2015. It was alleged that Jim Schmitt and his campaign committee had accepted contributions from corporations during the previous campaign period of 2011 to 2015. It was further alleged that, during the previous campaign period of 2011 to 2015, Mr. Schmitt and the committee had accepted contributions from individuals in cumulative amounts exceeding the statutory limit of \$1,040.<sup>3</sup>

In a letter dated January 1, 2015, Mr. Schmitt responded to these allegations. He wrote:

Today, three of our elected officials will outline a political attack that's main goal is not to inform, but to smear my character . . . .

This morning I requested that City Clerk Kris Teske perform an audit of the campaign finance reports in question. Make absolutely no mistake, if there were errors made, they were made with no malicious intent whatsoever, and they will be promptly dealt with, as all past errors have been.

Shortly thereafter, on January 15, 2015, Jim Schmitt and the campaign committee filed amended campaign finance reports for five of the six prior reporting periods since the last mayoral election in 2011. The following campaign reports were amended:

2012 January Continuing  
2012 July Continuing

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<sup>2</sup> Mr. Schmitt never refused to turn over missing bank records. As set forth in a June 22, 2015 Affidavit in support of the subpoena for campaign bank records (see text accompanying footnote 4), the special prosecutor determined that the best evidence for further investigation was the bank's complete set of records.

<sup>3</sup> See Wis. Stat. §11.26(1)(d).

2013 January Continuing  
2013 July Continuing  
2014 January Continuing

Pursuant to Mr. Schmitt's request, the City Clerk, Kris Teske, reviewed the Schmitt campaign finance reports in early 2015. Ms. Teske turned over her results of an examination of the campaign finance reports to this investigation. Just like any other Clerk in similar circumstances, however, Ms. Teske did not have access to the Friends of Jim Schmitt campaign bank records when she did her review of reports.

Discussed generally in the two following subsections, the amended Schmitt reports, on their face, addressed the twin issues of (a) excessive contributions and (b) corporate contributions.

#### Excessive Contributions

Set forth in detail in the Affidavit in Support of a Subpoena for the campaign finance bank records filed as part of a subpoena return on September 15, 2015,<sup>4</sup> the Schmitt campaign had accepted multiple contributions from multiple contributors in excess of the cumulative limit of \$1,040 applicable to the campaign period of 2011-2015. See Wis. Stat. 11.26(17)(c) (defining "campaign period").

Consequently, Mr. Schmitt filed amendments concerning many excess contributions. For a number of these, he reported the excess contribution in the name of the contributor's spouse. For example, he addressed the April 11, 2013 contribution of Richard Resch by changing the name of "Richard" to "Sharon" in the January 2015 amendments. While this method of changing the name of the contributor to the contributor's spouse may itself raise questions, the investigation did not principally focus on these types of amendments.

#### Corporate Contributions

Also discussed in the Affidavit in Support of a Subpoena for the campaign finance bank records filed as part of a subpoena return on September 15, 2015, prior to filing amendments, the Schmitt campaign had accepted contributions from corporations.

For example, the September 30, 2011 Oneida Seven Generations Corporation contribution of \$500, the October 14, 2011 JPTR LLC contribution of \$250, and the April 8, 2013 Lin Leibmann Weid LLC contribution of \$500 were publicly reported in the name of the business. These were returned to the contributors.

While it was ultimately determined that over the years a number of corporate checks were accepted and not returned,<sup>5</sup> the investigation concentrated on violations of a different nature.

#### Overview of Investigation

This investigation came to focus principally on the January 2015 campaign finance reports, including amendments, filed by the Friends of Jim Schmitt and the candidate Jim Schmitt. In this regard, interviews were conducted to determine to what extent – if to any extent – misrepresentations of fact were made in the 2015 campaign amendments. Such would be a violation of Wisconsin Statutes Section 12.13(1)(b). Interviews were also conducted to determine to what extent – if to any extent – Mr. Schmitt encouraged persons to allow him to report an excess contribution in the name of another person (other than a spouse). This would

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<sup>4</sup> A sealing order for these records lapsed on February 26, 2016 and have been public since that time.

<sup>5</sup> From 2011 to 2014, about ten contributions were accepted from corporations and not returned as of September 2015.

be a solicitation to contribute money in the name of another in violation of Wisconsin Statutes Section 11.24(1). Finally, interviews were conducted to determine to what extent – if to any extent – Mr. Schmitt intentionally accepted a contribution from one person that, in and of itself, exceeded the \$1,040 campaign contribution limits for the Friends of Jim Schmitt. This would be a violation of Wisconsin Statutes Section 11.26.

The results of the investigation are set forth below. To the extent that the allegations relate to campaign finance reports filed by the Friends of Jim Schmitt, such reports are required by law to be filed with the Green Bay City Clerk whose address is 100 North Jefferson Street, Green Bay, Wisconsin. According to campaign registration statements I have reviewed, the candidate Jim Schmitt and the campaign committee Friends of Jim Schmitt have an address of 509 Spring Street, Green Bay, Wisconsin.

**B. Mr. Schmitt reported a \$5,000 contribution received from Robert Toonen in the name of Mr. Toonen's two adult daughters and his son-in-law.**

I have reviewed the Friends of Jim Schmitt (hereinafter also referred to as "FOJS") campaign finance bank records. I know that a Robert Toonen Check No. 5923 in the amount of \$5,000 drawn on account XXXX-XXX-873 and dated March 15, 2013 was deposited into the campaign account. See Figure 1. The deposit was made on June 13, 2013.

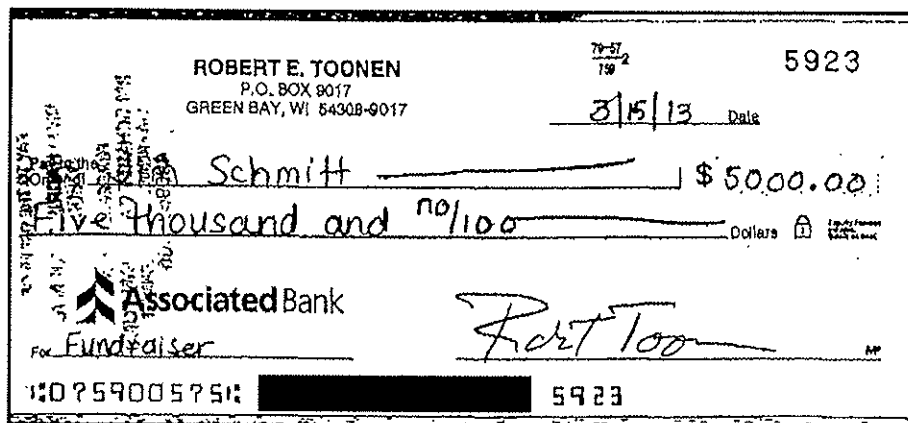


Figure 1

In the 2013 July Continuing campaign finance report,<sup>6</sup> that contribution was reported in the names of five persons, viz., Robert Toonen, (see Figure 2) Christina Toonen, Melissa Toonen, Samantha Allard and Nick Allard (see Figure 3). I believe Christina is Robert's wife. Samantha and Melissa are his daughters. Nick is his son-in-law.

Date	Check # <input checked="" type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name	Amount	Calendar Year-to-Date Total
3/18/13	ROBERT TOONEN P.O. Box 9017 GREEN BAY, WI 54308	N/A	1000.00	1000.00
	Check # <input checked="" type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name	Amount	Calendar Year-to-Date Total
	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)		

Figure 2

<sup>6</sup> The certified copy of this report is marked as filed with the Green Bay City Clerk on July 19, 2013.

Date	Check if: <input checked="" type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit Full Name, Mailing Address and Zip Code	Conduit Name: Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total
3/18/13	Melissa Toonen	Developer HFA		1000.00
3/18/13	Christina Toonen	N/A		1000.00
3/18/13	Samantha Allard	N/A		1000.00
3/18/13	Nick Allard	N/A		1000.00
	Check if: <input checked="" type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit Full Name, Mailing Address and Zip Code	Conduit Name: Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total

Figure 3

The part of the campaign finance report shown in Figure 2 was completed by a paid campaign worker. Similarly, in Figure 3, the campaign worker filled in the Date column, placed "N/A" in the Occupation column and wrote "1,000.00" in the Calendar YTD column, according to her statement.

The candidate Jim Schmitt, however, filled in the name column in Figure 3 above,<sup>7</sup> representing that Melissa Toonen, Samantha Allard and Nick Allard each gave him a \$1,000 contribution. The bank records for the Friends of Jim Schmitt show no such contribution from either Melissa Toonen, Samantha Allard or Nick Allard.

Robert Toonen was interviewed concerning the above \$5,000 contribution. He stated the \$5,000 check (Figure 1) was sent to the "Friends of Jim Schmitt" in response to a request for a contribution. Mr. Toonen stated he was in Florida at the time of the request and advised his staff member to write the check for \$5,000 and send it. Mr. Toonen stated someone from the mayor's office then called and said they couldn't accept the check because of the amount. Mr. Toonen said he didn't know who called but advised them to put it in Christina and "his kid's" names.

The records for the account from which the Robert Toonen \$5,000 check was issued were subpoenaed and examined. The bank account was the personal bank account of Robert Toonen. Account records indicated that the \$5,000 check was comprised solely of funds coming from Robert Toonen's personal account.

<sup>7</sup> Dona Schmitt stated the handwriting in the "Name" column of Figure 3 was that of Jim Schmitt, her husband. Ms. Schmitt was interviewed because she was named on campaign registration statements as the treasurer for the Friends of Jim Schmitt from January 31, 2012 to December 21, 2014. In her interview, Ms. Schmitt stated that the registration statement mistakenly identifies her as the treasurer and that it was never her intent to be the treasurer. Nevertheless, she is named as such on GAB registration statements and was interviewed for that reason.

C. After Mr. Schmitt was publicly criticized for accepting excess contributions, in January 2015, he changed the 2013 July Continuing Campaign Finance Report (as shown in Figure 2) from "Robert Toonen" to "Dave Toonen," when in fact he had never received a contribution from "Dave Toonen."

Based upon my review of FOJS campaign finance bank records, I know that a Robert Toonen Check No. 5304 in the amount of \$1,000 drawn on account XXXX-XXX-873 and dated October 18, 2011 was deposited into the campaign account. See Figure 4.

In the 2012 January Continuing campaign finance report, that contribution was duly reported in the name of "Robert Toonen."

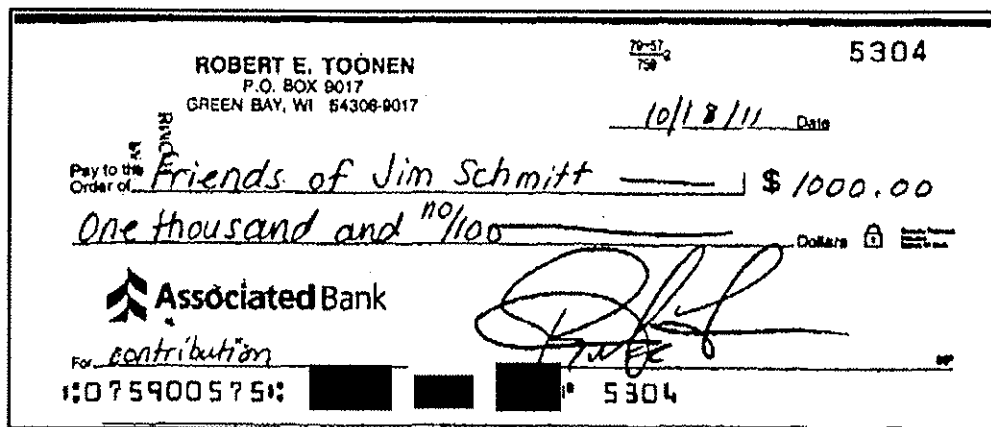


Figure 4

As set forth in Section B above, the Friends of Jim Schmitt campaign committee accepted an additional \$5,000 from Robert Toonen in March 2013, but actually reported only \$1,000 of that \$5,000 contribution in the name of Robert Toonen.

Consequently, no matter how measured, the October 2011 and the March 2013 Robert Toonen contributions substantially exceeded the FOJS limit of \$1,040 per individual per campaign period for Robert Toonen.

On January 13, 2015, the 2012 July Continuing campaign finance report was amended<sup>8</sup> as respects the report of a \$1,000 contribution in the name of Robert Toonen (presently set forth as Figure 2 in Section B). The report changes the name of the contributor from "Robert Toonen" to "Dave Toonen." See Figure 5.

Date	Check # Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (If year-to-date total exceeds \$100)	Amount	Year-to-Date Total
3/18/13	<i>Dave TOONEN</i> P.O. BOX 9017 Green Bay, WI 54308	N/A	1000.00	1000.00
Date	Check # Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (If year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total

Figure 5

<sup>8</sup> The certified copy of this amended report is marked as filed with the Green Bay City Clerk on January 13, 2015.

FOJS campaign treasurer Dona Schmitt<sup>9</sup> was shown a copy of the campaign finance report including Figure 5. She was asked if "Dave" was written in her husband Jim Schmitt's handwriting. She indicated it was.

In his interview, Robert Toonen was asked about the amendment, including whether he directed someone to make the change or whether the change was made without his knowledge. Robert Toonen did not recall details. He stated if he did direct anyone to make the change, it was because of the amount of the donation but he didn't remember if that's what happened.

When David Toonen was interviewed, he stated no one from the Friends of Jim Schmitt had a conversation with him regarding changing Robert's name to his name but he said he probably had a conversation with Robert about it. He questioned the maximum allowable contribution and stated if they wanted to give more than the maximum allowable by individual, several family members would be listed as making donations. He said he thought he would remember a conversation within the last year if someone would have asked him to use his name for a contribution but he was certain Robert told him in 2013 that they donated to Jim Schmitt.

FOJS campaign bank records reflect no March 2013 contribution from David Toonen.

Noted above, the records for the account from which the Robert Toonen check was issued were subpoenaed and examined. The bank account was the personal bank account of Robert Toonen and the \$5,000 check (Figure 1 in Section B) was comprised solely of funds coming from Robert Toonen's personal account.

**D. Mr. Schmitt reported two corporate payments received from Cantilever Studios, LLC first as contributions from "C S" and then as contributions from his brother, Carl Schmitt.**

As set forth in the introductory segment of this complaint, in early 2015, Jim Schmitt was publicly criticized for accepting corporate contributions.

The investigation identified two contributions from a corporation named Cantilever Studios, LLC. These corporate contributions were identified from PayPal records that were provided to the investigation by the Friends of Jim Schmitt from its own campaign records. See Figure 6. According to the print-out itself, the PayPal history was printed on January 31, 2014 for the time period of October 1, 2013 to January 31, 2014. This was the same day the 2014 January Continuing report was filed.<sup>10</sup>

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<sup>9</sup> See footnote 7, regarding Ms. Schmitt's status as the campaign treasurer.

<sup>10</sup> The 2014 January Continuing campaign finance report is marked as having been received on January 31, 2014.



Date	Type	Name/Email	Payment status	Order status/Actions	Gross	Fee	Net amount
Dec 10, 2013	Payment From	Robert Puissant	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 10, 2013	Payment From	Garritt Bader	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 10, 2013	Payment From	DAVID LITTON	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 10, 2013	Payment From	DAVID LITTON	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 8, 2013	Payment From	fredric cradler	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 8, 2013	Payment From	sheilah cradler	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 7, 2013	Payment From	Christal Kilgore	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 7, 2013	Payment From	CANTILEVER STUDIO, LLC	Completed	✓	\$25.00	-\$1.03	\$23.97 USD
Dec 6, 2013	Payment From	Kathy Pletcher	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 3, 2013	Donation From	Brent Weycker	Completed		\$250.00	-\$7.55	\$242.45 USD
Dec 3, 2013	Payment From	Molly Vandervest	Completed		\$25.00	-\$1.03	\$23.97 USD
Dec 2, 2013	Payment From	CANTILEVER STUDIO, LLC	Completed	✓	\$25.00	-\$1.03	\$23.97 USD
Nov 27, 2013	Payment From	Shawn Hennessy	Completed		\$250.00	-\$7.55	\$242.45 USD
Nov 27, 2013	Payment From	Wendy Hill	Completed		\$25.00	-\$1.03	\$23.97 USD
Nov 27, 2013	Payment From	Wendy Hill	Completed		\$25.00	-\$1.03	\$23.97 USD
Nov 23, 2013	Payment From	Judy Denfeld	Completed		\$25.00	-\$1.03	\$23.97 USD
Nov 23, 2013	Payment From	Judy Denfeld	Completed		\$25.00	-\$1.03	\$23.97 USD
Nov 14, 2013	Payment From	David Daul	Completed		\$25.00	-\$1.03	\$23.97 USD

375  
500  
825

383.52  
484.90  
868.42

Figure 6

At the foot of the PayPal record as shown in Figure 6, there are certain handwritten calculations written by Jim Schmitt.<sup>11</sup> This handwriting, *inter alia*, totals the "net amount" column for the page of PayPal records. On page 15 and page 18 of the 2014 January Continuing campaign finance report, these PayPal contributions were publicly reported in the order they appear in Figure 6, with one exception.

Figure 7 below is a copy of a segment of the FOJS 2014 January Continuing campaign finance report. While the reporting of the "Fred Cradler," "Sheila Cradler," and "Christal Kilgore" contributions track the PayPal names (Figure 6) in the order as they appear in Figure 6, the public report does not identify "Cantilever Studios LLC" as a contributor. Instead, there are two entries with initials "C S" that match the contribution dates and amounts for the two \$25 contributions received from Cantilever Studios, LLC.

<sup>11</sup> According to FOJS treasurer Dona Schmitt (see footnote 7), the handwriting is that of Jim Schmitt.



Date	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total
12/8/13	Fred Craller 3481 Nicolet Dr Green Bay WI 54311		25.00	25.00
12/8/13	Frederick Craller 3481 Nicolet Dr. Green Bay WI 54311		25.00	25.00
12/7/13	Christal Kilgus Green Bay WI 54311		25.00	25.00
12/2/14	CS		25.00	25.00
12/7/14	CS		25.00	25.00

Figure 7

The campaign reports do not otherwise record a contribution from "Cantilever Studios, LLC."

When the owner of Cantilever Studios, LLC, Chad Cornette, was interviewed, he produced records that indicated that his business, Cantilever Studios, LLC, made two payments of \$25 to "Jim Schmitt for Mayor" on December 2, 2013 and December 7, 2013. Mr. Cornette stated that he paid for two persons to attend a fundraiser in December 2013.

On January 13, 2015, after Mr. Schmitt was questioned by political opponents about his acceptance of corporate contributions, the 2014 July Continuing campaign finance report was amended as respects the report of the two \$25 contributions in the name of "C S."<sup>12</sup> The report changes the name of the contributor from "C S" to "Carl Schmitt."

Date	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total
12/2/13	CS Carl Schmitt, Jr Sturgeon Bay		25.00	25.00
12/7/13	CS CARL Schmitt		25.00	25.00

Figure 8

<sup>12</sup> The certified copy of this amended report is marked as filed with the Green Bay City Clerk on January 13, 2015.

Figure 8 is a copy of a portion of a page from the January 2014 Continuing Campaign Finance Report as amended on January 13, 2015 showing the change described above (and also correcting the year of the contribution).

In her interview, FOJS treasurer Dona Schmitt<sup>13</sup> stated the handwriting in Figure 8 below "C S" was that of Jim Schmitt. She was asked who Carl Schmitt was and she stated he was her brother-in-law.

When Carl Schmitt of Sturgeon Bay was interviewed, he was asked if he ever made contributions to Jim Schmitt's campaign and he stated he didn't think he ever gave any money to Jim for his campaign. He said he has gone to fundraising dinners occasionally but Jim Schmitt knows he (Carl) doesn't have any money and has never asked him for money. He stated he doesn't do anything with Jim's campaign. He was asked if he would remember giving any contributions to Jim Schmitt in 2013 and he stated he would say no, he didn't give to Jim's campaign.<sup>14</sup>

**E. In the summer of 2014, Mr. Schmitt cashed a contribution check from Philip Hendrickson in the amount of \$1,250 but reported it only as a \$250 contribution, all when Mr. Hendrickson's cumulative contribution by the summer of 2014 was actually \$2,000 but only \$1,000 was publicly reported.**

During the campaign period of 2011 to 2015, FOJS accepted contributions in excess of \$1,040 from Philip Hendrickson.

Based upon my review of FOJS campaign finance bank records, I know that a Philip Hendrickson check number 8399, drawn on account XXXX-XXX-038 and dated April 3, 2013 in the amount of \$500, was deposited into the campaign account.

In the 2013 July Continuing campaign finance report, that contribution was duly reported as a \$500 contribution in the name of "Philip Hendrickson."

FOJS bank records further indicate that a Philip Hendrickson check number 8615 drawn on account XXXX-XXX-038 and dated November 4, 2013 in the amount of \$250 was deposited into the campaign account. In the 2014 January Continuing campaign finance report, that contribution was duly reported as a \$250 contribution in the name of "Philip Hendrickson."

FOJS bank records further reflect that on July 29, 2014, a Philip Hendrickson check number 9097 drawn on account XXXX-XXX-450 and dated June 25, 2014 in the amount of \$1,250 was deposited into the campaign account. See Figure 9.

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<sup>13</sup> See footnote 7, regarding Ms. Schmitt's status as the campaign treasurer.

<sup>14</sup> While there certainly were no checks from Carl Schmitt to be found in the FOJS campaign account, two \$25 donations could have been legally made in cash.



instructions for completing schedules are on the back of each schedule.

Date	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total
7/27/14	Philip Hendrickson 2538 S. Howard Ave Green Bay WI 54301	Retired	250	500
	Check if: <input type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name:		
Date	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place	Amount	Calendar

Figure 11

I interviewed both Mr. Philip Hendrickson and his executive secretary Ann Kapitz. Each was shown a copy of the three Hendrickson checks described above. Each identified the checks as being signed by Mr. Hendrickson and prepared by Ms. Kapitz.

Ms. Kapitz stated she never had any conversation with Mr. Schmitt or anyone from the campaign committee regarding any of the three checks she reviewed. She stated Mr. Hendrickson is a widower and has no children in town.

Based upon her review of records, Mrs. Kapitz recalled that on March 15, 2011 (i.e., the previous campaign period of 2007-2011), Mr. Hendrickson sent a \$250 check for campaign contribution and it was returned with a letter that indicated he donated too much to the campaign for the timeframe.

- F. After realizing that William Lewis had exceeded his contribution limit for the campaign period by \$1,000, Mr. Schmitt arranged to report that \$1,000 contribution in the name of Rebecca Lewis-Verheyden, when in fact Mr. Schmitt had never received a contribution from Ms. Lewis-Verheyden.**

During the campaign period of 2011 to 2015, the Friends of Jim Schmitt accepted contributions in excess of \$1,040 from William Lewis.

Based upon my review of FOJS campaign finance bank records, I know that a William Lewis Check 2232 drawn on account XXXX-XXX-068 and dated 10/6/2011 in the amount of \$300 was deposited into the campaign account.

In the 2012 January Continuing campaign finance report, that contribution was duly reported as a \$300 contribution in the name of "William Lewis."

FOJS bank records further indicate that a William Lewis Check 9736 drawn on account XXXX-XXX-686 dated 3/27/2013 in the amount of \$500 was deposited into the campaign account.

In the 2013 July Continuing campaign finance report, that contribution was duly reported as a \$500 contribution in the name of "William Lewis."

FOJS bank records further indicate that a third William Lewis Check 10044 drawn on account XXXX-XXX-686 dated 11/13/2013 in the amount of \$250 was deposited into the campaign account.

This third contribution, taken together with his two previous contributions, exceeded the maximum campaign contribution limit of \$1,040 by \$10. See Figure 12.<sup>17</sup>

<sup>17</sup> The certified copy of this report is marked as filed with the Green Bay City Clerk on January 31, 2014.

Date	Check if: <input type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name:	Amount	Calendar Year-to-Date Total
11/13/13	Full Name, Mailing Address and Zip Code William Lewis PO Box 22190 Green Bay WI	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100) Ret. no	250.-	
	Check if: <input type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name:		
Date	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total

Figure 12

According to campaign finance records filed with the Green Bay City Clerk in January 2015, Jim Schmitt completed<sup>18</sup> an amended campaign finance report showing a \$50 return of contributions, reducing the overall contribution of William Lewis to \$1,000, i.e., within contribution limits imposed by law. See Figure 13.<sup>19</sup>

Date	Check if: <input type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name:	Amount	Calendar Year-to-Date Total
11/13/13	Full Name, Mailing Address and Zip Code William Lewis PO Box 22190 Green Bay WI	Occupation, Name and Address of Principal Place Of Employment (if year-to-date total exceeds \$100) Ret. no	250.- 200.- RT 50.00	2
	Check if: <input type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Conduit Name:		
Date	Full Name, Mailing Address and Zip Code	Occupation, Name and Address of Principal Place	Amount	Calendar

Figure 13

As of May 2014, the FOJS had accepted \$1,050 in contributions drawn on the checking accounts of William Lewis. With the \$50 return reported January 13, 2015, the net total contribution for William Lewis for that campaign period would be \$1,000.

However, in June 2014, campaign finance records, including bank account records, reflect that Jim Schmitt received a fourth William Lewis check in the amount of \$1,000. On February 3, 2015, he reported that contribution in the name of William Lewis' daughter, Rebecca Lewis-Verheyden, rather than in the name of the actual contributor, William Lewis.

Specifically, FOJS bank records indicate that on July 29, 2014 a William Lewis check number 10364 dated 6/26/2014 in the amount of \$1,000 (see Figure 14) was deposited into the campaign finance account. See Figure 15.

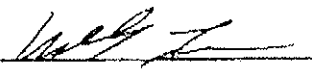
William G. (Red) Lewis PO BOX 22190 GREEN BAY, WI 54305-2190	ASSOCIATED BANK GREEN BAY, WISCONSIN 78-87-98	No. 010364
Pay <b>*ONE THOUSAND AND XX / 100</b>	DATE 06/26/2014	CHECK AMOUNT *****1,000.00*
Pay to the Order of FRIENDS OF JIM SCHMITT 503 SPRING STREET GREEN BAY, WI 54301		
⑆010364⑆ ⑆075900575⑆		

Figure 14

<sup>18</sup> Dona Schmitt identified handwriting on the campaign finance report as that of Jim Schmitt.

<sup>19</sup> The certified copy of this report is marked as filed with the Green Bay City Clerk on January 13, 2015.

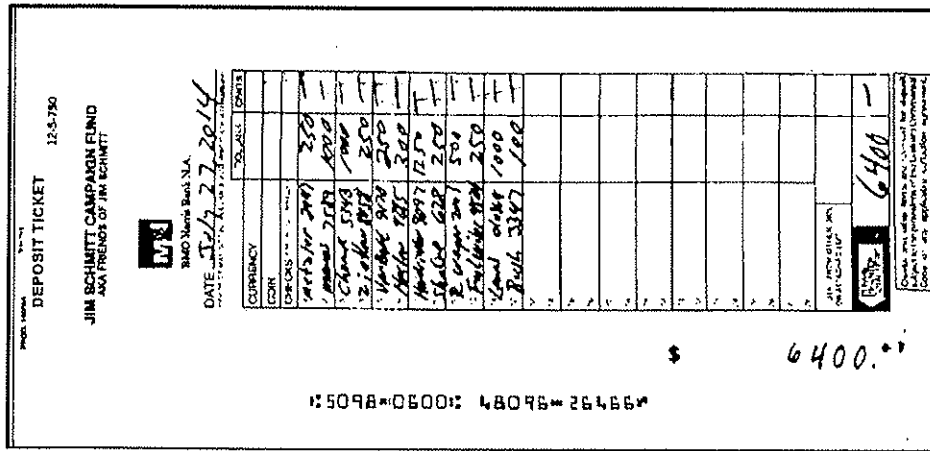


Figure 15

According to campaign finance records filed with the Green Bay City Clerk on February 3, 2015,<sup>20</sup> notwithstanding the fact that the check was received from the account of William Lewis, Jim Schmitt<sup>21</sup> completed a campaign finance report showing the \$1,000 contribution in the name Rebecca Lewis (“Retired”). See Figure 16.

Date	Check #	In-Kind	Loan	Conduit	Conduit Name	Amount	Calendar Year-to-Date Total
7/24					Retired	1000	1000

Figure 16

I spoke with Barbara Gilling at the PDQ Car Wash corporate office. Ms. Gilling is the controller for that business, owned by William Lewis.

With respect to the four William Lewis checks identified in this section, Gilling stated she recognized the checks. I asked about how decisions are made to contribute and Gilling stated William Lewis directs her as to what contributions he wishes to make based on requests he receives. William Lewis told Gilling who he wanted the donations made to and how much to donate. She would place the request in a file and an office staff member made out the checks which William Lewis then signed.

With respect to the June 2014 \$1,000 check (Figure 14), Gilling stated that that sometime last year Jim Schmitt called the office requesting to speak with William Lewis. Since William Lewis – who is also known as “Red” – is not in the office regularly, Gilling stated she takes most of his calls, and she took this one from the Mayor. According to Gilling, Jim Schmitt told her that he (Schmitt) realized William Lewis was over the contribution limit. Jim Schmitt wanted to know if it would be alright to report part of “Red’s” contributions in his wife’s name. Gilling advised Jim Schmitt that William Lewis would not allow that because he had not been married in 10 years. Jim Schmitt asked Gilling if he could list some of the contributions in Red’s daughter’s name (Rebecca). Gilling stated she would speak with Red and Rebecca about it. After contacting them, she called Jim Schmitt back and told him that he could make the name change on the contribution.

I met Rebecca A. Lewis-Verheyden at the corporate offices of her business, R. Lewis Technologies, Inc. in De Pere, for an interview. She is William Lewis’ daughter and she is not

<sup>20</sup> The certified copy of this report is marked as filed with the Green Bay City Clerk on February 3, 2015.

<sup>21</sup> Dona Schmitt identified handwriting on the campaign finance report as that of Jim Schmitt.

retired. Ms. Lewis-Verheyden was asked if she had ever donated money to a political campaign. Lewis-Verheyden stated that, other than allowing her name to be used in connection with the \$1,000 contribution described above, she didn't think she had ever made a political contribution. When asked what she meant by that, Ms. Lewis-Verheyden stated about a year ago, she received a call from her father William Lewis' business controller, Ms. Barb Gilling of the PDQ Corporate Office. Ms. Gilling had received a call from the Mayor's Office saying her father (William Lewis) donated too much to the campaign.

Rebecca was shown a copy of Figure 14, the William Lewis Check No. 10364. She confirmed that her father's signature appeared on the check.

Rebecca Lewis-Verheyden confirmed that she did not donate this \$1,000.00 to Friends of Jim Schmitt nor did she give anyone \$1,000.00 to make that contribution. She further confirmed that, as far as she knew, the Mayor called her controller and asked to put the \$1,000.00 contribution in her name. The controller then called her and she gave permission to use her name for the contribution.

**G. Mr. Schmitt amended his campaign finance report by claiming an excess contribution by William Kress was made by "William Kress, Jr.," a non-existent person.**

During the campaign period of 2011 to 2015, the Friends of Jim Schmitt accepted contributions in excess of \$1,040 from William Kress.

Based upon my review of FOJS campaign finance bank records, I know that a William Kress check number 5203 drawn on account XXXX-XXX-863 and dated November 3, 2011 in the amount of \$200 was deposited into the campaign account.

In the 2012 January Continuing campaign finance report, that contribution was duly reported in the name of "William Kress."

FOJS campaign finance bank records further indicate that a William Kress check number 5452 drawn on account XXXX-XXX-863 and dated March 14, 2013 in the amount of \$1,000 was deposited into the campaign account.

In the 2013 July Continuing campaign finance report, that contribution was duly reported in the name of "William Kress."

Taken together, the \$1,200 contributions listed in the name of William Kress contributions exceeded the lawful limit of \$1,040 per individual per campaign period.

On January 13, 2015, the 2012 January Continuing campaign finance report was amended. See Figure 17.<sup>22</sup> The report changed the name of the contributor from "William Kress" to "William Kress Jr."

Date	Check #: <input type="checkbox"/> In-Kind <input checked="" type="checkbox"/> Loan <input type="checkbox"/> Conduit Full Name/ Mailing Address and Zip Code	Conduit Name: Occupation, Name and Address of Principal Place Of Employment (If year-to-date total exceeds \$100)	Amount	Calendar Year-to-Date Total
11/03/11	William Kress Jr. 2346 DuCharme Ct Green Bay, WI 54304	Green Bay Packaging 1900 N Webster St Green Bay, WI 54304	200.00	200.00
SUBTOTAL ITEMIZED CONTRIBUTIONS THIS PAGE			\$ 4650.00	

Figure 17

<sup>22</sup> The certified copy of this report is marked as filed with the Green Bay City Clerk on January 13, 2015.



In her interview, FOJS treasurer Dona Schmitt<sup>23</sup> was shown a copy of the campaign finance report including Figure 17. She was asked if the "Jr" was her husband Jim Schmitt's handwriting. She stated "yes."

William Kress was interviewed on January 22, 2016. At the interview, Mr. Kress was shown a copy of both checks, 5203 and 5452. Mr. Kress confirmed that he issued and signed both checks.

When shown the campaign finance amended report (including Figure 17), Mr. Kress stated "William Kress Jr." does not exist. Kress stated there is no "William Kress Jr." in his family and he had no idea how or why the donation was reported in that name. He further stated he never spoke with anyone from the campaign or with Jim Schmitt about making that change.

**H. Mr. Schmitt and David Charles Sr. agreed to report an excess contribution made by David Charles Sr. in the name of "Dave Charles Jr.," even though Mr. Schmitt never received a contribution from Dave Charles Jr.**

Based upon my review of FOJS campaign finance bank records, I know that a David Charles Trust Check No. 3176 drawn on account XXXX-XXX-013 and dated December 1, 2011 in an amount of \$1,000 was deposited into the campaign account.

In the 2012 January Continuing campaign finance report, that \$1,000 contribution was duly reported in the name of "David Charles."

FOJS campaign finance bank records further indicate that a David Charles Trust Check No. 3376 drawn on account XXXX-XXX-013 and dated March 23, 2013 was deposited into the campaign account. See Figure 18.

In the 2013 July Continuing campaign finance report, that contribution was duly reported in the name of "David Charles." See Figure 19.

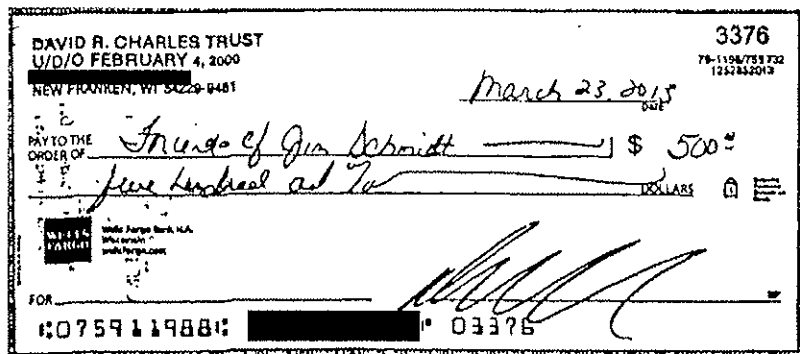


Figure 18

Date	Check #	Conduit Name	Amount	Calendar Year-to-Date Total
3/26/13	3376 DAVID CHARLES 5845 N. SHORE ACRES NEW FRANKEN, WI 53229	N/A	500.00	<del>50.00</del> 500.00

Figure 19

<sup>23</sup> See footnote 7, regarding Ms. Schmitt's status as the campaign treasurer.

Taken together, the \$1,500 in David Charles contributions exceeded the lawful limit of \$1,040 per individual per campaign period.

On January 13, 2015, the 2013 July Continuing campaign finance report was amended.

The certified copy of this report is marked as filed with the Green Bay City Clerk on January 13, 2015. The report changes the name of the contributor from "David Charles" to "Dave Charles Jr." See Figure 20.

Date	Check #: <input checked="" type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Contributor Name	Amount	Calendar Year-to-Date Total
3/26/13		Dave Charles Jr 5845 N. Shore Acres New Franken, WI 53229	500.00	<del>50.000</del> 500.00
	Check #: <input checked="" type="checkbox"/> In-Kind <input type="checkbox"/> Loan <input type="checkbox"/> Conduit	Occupation, Name and Address of Principal Place Of Employment (If year-to-date total exceeds \$100)		
		N/A		

Figure 20

David Charles Jr. was interviewed weeks before his father. He said he has contributed to the Friends of Jim Schmitt in the past and couldn't tell me anything about the contributions unless he saw the checks. When shown the \$500 check referenced above (Figure 18), he said the check was probably signed by him (Jr.) although his signature and his dad's signature are almost identical. Referring to the trust account check (Figure 18), he stated his father, David R. Charles, Sr., has his (Jr.'s) money in different accounts. There is reportedly more than one trust in the family with various family members named in each, according to Charles, Jr.

David Charles Sr. was interviewed later. At his interview, Mr. Charles Sr. was shown copies of checks 3176 and 3376. Mr. Charles Sr. confirmed that his personal assets go into his trust and that he writes checks from the trust account. He confirmed that the signatures looked like his.

With respect to his son's statement that Figure 18 contained Jr.'s money held in trust, Mr. Charles Sr. stated that his son was very wrong.

In fact, when Mr. Charles Sr. was shown a copy of a campaign finance report page changing his name to "Dave Charles Jr." (Figure 20), Mr. Charles stated that at some point Jim Schmitt called him and told him that he (Sr.) donated too much money. Mr. Charles says he told Mr. Schmitt to put the donation "in his kid's name" and he would collect the money from his son.

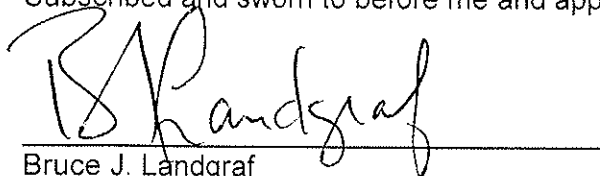
Mr. Charles Sr. was asked to produce the check showing that his son paid him for the contribution. He wrote to me in an e-mail:

I talked to Dave, Jr. and thinks he remembers giving me \$750 in cash sometime in last 2 years. He didn't find a check, but we I (sic) also vaguely remember this happening.

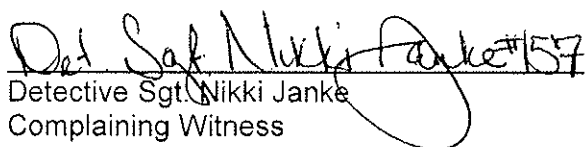
The amount of the amendment in question (Figure 20) was \$500, not \$750.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 07 day of September 2016.



Bruce J. Landgraf  
Assistant District Attorney  
State Bar No. 1009407



Detective Sgt. Nikki Janke  
Complaining Witness