

FILED
08-19-2021
Clerk of Circuit Court
Brown County, WI
2021CM000717
Honorable Thomas J.
Walsh
Branch 2

STATE OF WISCONSIN	CIRCUIT COURT	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2020OU004906 Assigned DA/ADA: Randy L. Schneider Agency Case No.: A20024226 Court Case No.: ATN:	
vs.		
AARON R. KRAMER 520 Pebblestone Circle Hobart, WI 54155 DOB: 10/19/1969 Sex/Race: M/W Eye Color: Hair Color: Height: Weight: Alias: Defendant.	CRIMINAL COMPLAINT	
		<i>For Official Use</i>

The undersigned, being first duly sworn, states that:

Count 1: FORGERY - ALTER DOCUMENT OR OBJECT - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, May 14, 2020, at the Village of Hobart, Brown County, Wisconsin, as a party to a crime, with intent to defraud, did falsely make a writing of a kind commonly relied upon for the purpose of identification or recommendation,, contrary to sec. 943.38(3), 939.51(3)(a), 939.05, 973.046(1r), 973.047(1f) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a sworn law enforcement officer and bases this Complaint upon the investigation of the officers named below, who are presumed truthful and reliable as sworn law enforcement officials.

On July 8, 2020, Sgt. C. Thao of the Appleton Police Department was advised that an outside agency requested an investigation into allegations of misconduct in public office involving the Village of Hobart, specifically the defendant herein Aaron Kramer. Sgt. Thao learned that at all times relevant hereto Aaron Kramer was the Administrator for the Village of Hobart.

The State alleges that the actions of the defendant described below in directing RS to remove Judge Windorff without Judge VanLanen's knowledge or consent is directly contrary to Wis. Stat. Sec 800.06(1) which provides "if any municipal judge is to be temporarily absent or is sick or disabled, the municipal judge may, subject to the order of the chief judge of the judicial administrative district, designate another municipal judge from any municipality within the state to perform his or her duties for a period not to exceed 30 days."

The complainant Carley Windorff is a municipal judge and an attorney licensed to practice law in the State of Wisconsin. Sgt Thao was advised that the Village of Hobart and Town of Lawrence have a joint municipal court located in the administration building of the Village of Hobart, County of Brown, State of Wisconsin. The sitting judge for that joint municipal court was at all times relevant hereto, Judge Ronald VanLanen.

On February 13, 2020, Judge VanLanen requested Judge Windorff to fill in for him during a medical leave. Judge VanLanen signed an application for Judge Windorff to fill in for him and properly submitted it to the 8th Judicial District for approval. On March 2, 2020 the application was approved electronically by Thomas Schappa, the Judicial District Court Administrator.

On May 14, 2020, the defendant herein became aware that Judge Windorff, who was appointed to temporarily preside over the Village of Hobart/Town of Lawrence Municipal Court was also, in her capacity as a private attorney, representing an employee of the Village of Hobart.

On that very day, May 14, 2020, the defendant contrary to law directed the municipal clerk, RS to have Judge Windorff immediately removed as municipal judge. In response to the defendant's directive on May 14, 2020, RS drafted a new "Application for Municipal Judicial Assignment" requesting the assignment of Judge Schreiber to the Village of Hobart/Town of Lawrence Municipal Court. RS and the defendant decided not to tell Judge VanLanen about the application. RS then forged the signature of Judge VanLanen on the application and submitted it to the Judicial District Court Administrator. This document was sent on May 15, 2020 with a request for the Judicial District Court Administrator to act "as soon as possible." It was followed up by an email from RS to the Judicial Court Administrator on May 18, 2020 checking on the status of the application. The forged application was approved May 21, 2020 by the Judicial District Court Administrator. As result of this forged document, Judge Windorff was removed from the Village of Hobart/Town of Lawrence bench and was replaced by Judge Schreiber.

Sgt. C. Thao interviewed Mr. Thomas Schappa, the 8th Judicial District Court Administrator. It should be noted that the 8th Judicial District Court includes all the courts in Brown, Door, Kewaunee, Marinette, Oconto, Outagamie, and Waupaca. The Chief Judge is the Honorable James Morrison. The 8th Judicial District Court has jurisdictional judicial oversight of the circuit courts, municipal courts, and judges in the district. Thus, the joint municipal court of the Village of Hobart and Town of Lawrence is under its oversight. Mr. Schappa has been the District Court Administrator for the past three years and runs the administrative functions of the

District Court for the Chief Judge. Mr. Schappa said he and the Chief Judge know the majority of the judges in the district.

Mr. Schappa explained the process and circumstances of judicial assignment of judges. He said typically if a sitting judge is going on an extended leave, he or she would reach out to a reserve judge to fill in during his/her leave of absence. That sitting judge or his/her clerk would complete the judicial assignment application, sign it and submit to the District Court Chief Judge for approval. Once they receive the application, his office assumes the application is done properly and legally and reviews it. Since he and the Chief Judge know most of the judges in the district and if they recognize the name on the application, they would simply approve the application giving judicial authority to that reserve judge to hear cases in the district. He said only in exceptional circumstance like incapacitation of a sitting judge that the Chief Judge would assign a different judge to fill in, otherwise the sitting judge must authorize the order. Mr. Schappa said each judicial assignment application lasts only 30 days, month to month. In this case, Judge Windorff was given judicial authority for April and May and she would have to submit another order to continue to serve in June. Her court dates were April 2 and May 7. He said small municipalities typically have court once or twice a month. Mr. Schappa said that in May he saw the application from Hobart/Lawrence requesting Judge Schreiber to serve for their June court activity. He knew that Judge Windorff was the interim judge at that time but assumed she was not able to fill in for June. They approved of the order believing the order was properly and legally completed according to statutory requirements. He said his office was not involved in the decision to replace Judge Windorff with Judge Schreiber. He just assumed the circumstance changed with Windorff where she was not able to continue to serve. They assumed Judge VanLanen had signed the order or authorized his approval to replace her with Judge Schreiber. He said the order was marked "approved" with Judge VanLanen's signature. Mr. Schappa said they accept order at face value and do not go out to conduct further investigation, unless it was a judge they didn't know or has issue. He said later in the month of May, Judge Windorff emailed him inquiring who signed the order to replace her. Mr. Schappa said he explained to her he was not involved in the decision making and assumed all parties had agreed to the order. He said Hobart Town Administrator Kramer replied via email that he ordered the replacement. He said that Judge Windorff's concern was that the executive branch, that being the town administrator or officials, unilaterally sidestepped the sitting judge's authority (judicial branch) in making this judicial order on May 14 to replace her with Judge Schreiber. Mr. Schappa said in this case the authority to replace Judge Windorff has to come from Judge VanLanen or the District Court Chief Judge, not the town official. Mr. Schappa stated that had he been aware that the application had been forged, the application would have been denied.

Judge VanLanen was interviewed. He stated that he did not have any communication with Hobart officials or anyone in the office on May 14 or 15 to replace Judge Windorff. He had no knowledge of signing an order on May 14 or 15 to replace her with Judge Schreiber. He was never notified by the town officials or RS about replacing Judge Windorff. He said he didn't receive an email, call or visit from the town to discuss removing Judge Windorff. He said it was his intention to have her fill in for him until he was able to return to work. Judge VanLanen confirmed that by statute, either him as the sitting judge or the District Court Chief Judge can authorize judicial assignment for an interim judge to fill in for him. He said he had no knowledge of the May 14 Order and didn't authorize it. He said he didn't call the district court administrator to authorize the replacement. He had no reason to replace her. He didn't give permission to his clerk or anyone to sign this order on his behalf to replace her. He wanted

Judge Windorff to stay on until he was well enough to go back to work. He said he didn't discharge Judge Windorff.

The defendant was interviewed. He initially stated that RS would be the one who initiated the application to replace Judge Windorff with Judge Schreiber. He said that it wouldn't have come from him. He stated that he had not seen the application to replace Judge Windorff. When asked who gave the orders to replace Judge Windorff, the defendant paused and thought about it for about eight seconds and said, "You can say it was a collaborative decision, and can't point a finger at one person who made the ultimate decision." He added that it was a cumulative decision between him and RS to replace Judge Windorff.

Contrary to the above statement, Sgt Thao was provided with an email from the defendant to Judge Windorff dated May 26, 2020. The judicial court administrator was copied on the email. Judge Windorff stated "I'm concerned about where the decision or request came from." The defendant replied, "The decision came from me."

RS was interviewed. RS stated that she is the court clerk but performs administrative work for the Village and the police department. Sgt. Thao asked RS how the February, 2020 application for Judge Windorff to fill in as the interim judge for Judge VanLanen was done. She said Judge VanLanen knew he was going on an extended medical leave and he requested that an application be completed for Judge Windorff to cover court in April and May. She said she completed the application and had the judge sign and date it. She confirmed Judge VanLanen physically signed the form.

She said on May 14, 2020, she was told by Administrator Kramer to initiate the replacement application and not to tell Judge VanLanen. She said the reason not to renew Judge Windorff's application was her representing a municipal employee against the Village. She said as far as she knew that was the only reason to replace her. She said "Aaron" said something to the effect of you need to make an application for a new judge. She said when "Aaron" told her, she didn't give it a thought. She stated she was told to do it.

RS said she didn't know she could say no to her bosses. She admits Judge VanLanen was not told about the May 14 application. Sgt Thao shared that May 14, 2020 was the date of Judge Windorff's representation of a municipal employee and she reacted, "oh.." in a surprised manner. She said that must be why they told her that day to submit the application. She said the first thing Chief Bani and "Aaron" said about the interview of the municipal employee was to the effect of "do you know who his lawyer is". They said Carley. She said they said she can't be the judge if she is going to represent a municipal employee. She said Aaron told her to replace Judge Windorff.

RS was subsequently asked if Administrator Kramer had not approached her or told her to initiate the application to replace Judge Windorff, would she have done it on her own? and she said no. She said there would be no reason for her to initiate the application. She said she couldn't say no to Mr. Kramer. She said she was caught in the middle and couldn't say no.

Subscribed and sworn to before me on 08/19/21

Electronically Signed By:

Melinda Tempelis

District Attorney

State Bar #: 1032157

Electronically Signed By:

Daniel Running

Complainant