

October 9, 2002

VIA TELECOPY

608-264-9309

Mr. Roth Judd, Director
State of Wisconsin Ethics Board
44 E. Mifflin St. Ste. 601
Madison, WI 53703-2800

Re: *August 1, 2002 Request for Investigation of Joel Gratz, State Employee of Democratic Budget and Policy Committee; and Ethics Board Request for Documentation from the Offices of Senator Gary R. George*

Dear Mr. Judd:

I am writing to you with regard to two seemingly separate items, but which I believe are very much interrelated items regarding the actions and inactions of the Ethics Board. On August 1, 2002, on behalf of Citizens for Gary R. George campaign and myself, I requested the Ethics Board conduct an investigation into the activities of state employee Joel Gratz, who at the apparent direction of Senator Charles Chvala was involved, during regular business hours in the efforts of Senator Chvala and Mr. Daniel McMurray to remove Senator Gary R. George from the ballot. As explained to you in that Request for an Investigation, Mr. Gratz is a long time aide and employee of Senator Majority Leader Charles Chvala. Senator Chvala has admitted to the press that he was behind the efforts to remove Senator George from the gubernatorial ballot, including the financing of those efforts. I have also filed a complaint with the Wisconsin State Elections Board regarding the activities of Senator Chvala.

As stated in my August 1 letter, Mr. Gratz served as an aide to Senator Chvala from September 1990 through April of 1994. Thereafter, Mr. Gratz worked first with the Assembly Democratic Caucus and then eventually the Senate Democratic Caucus which was headed by Senator Chvala. When the Senate Democratic Caucus was disbanded as a result of negotiations with, among others, your Board, Mr. Gratz was immediately employed again by Senator Chvala, this time for the Democratic Budget and Policy staff.

As is clearly reflected in public records, Mr. Gratz assisted Mr. Daniel McMurray in attempting to obtain affidavits from individuals whom they contended did not sign Senator George's nomination papers for governor, but whose names did appear on the nomination papers. In a specific instance reported in the press, and also testified to before the Wisconsin State Elections Board, Mr. Gratz accompanied Mr. McMurray to the home of Ms. Shari Jankoski in an effort to obtain her signature on a pre-prepared affidavit. This was done during normal business hours when Mr. Gratz should have been performing his duties as a State employee working for the Democratic Budget and Policy staff office. Contrary to established rules, Mr. Gratz did not file the requisite advance notification that he planned to take purported vacation time for his trip to assist Mr. McMurray and Senator Chvala in their efforts to remove Senator George from the ballot.

Neither Citizens for George nor I have received any communication whatsoever from your Board regarding my request. While the facts are abundantly clear that Mr. Gratz acted improperly and inconsistently with regulations which were adopted to prevent just the type of behavior that he engaged in, the Ethics Board appears to be taking no action whatsoever on the complaint. If the Board is taking action, I respectfully request the courtesy of notification that my complaint has been considered and acted upon by the Board. If the Board simply is rejecting any consideration of my complaint, I would also appreciate the courtesy of that response.

While the Board apparently has taken no action with regard to my complaint regarding the clear violation of State rules by an employee of Senator Chvala, the Board apparently has instead, authorized some form of action regarding the office of Senator Gary R. George or against one or more of his staff. Please be advised that I have been retained by Senator George to represent his interests with regard to any possible investigation or actions taken by the Ethics Board against his office or Senator George personally.

Please be further advised, that Senator George has not received any notification that either he or his office is under any form of an investigation that has been authorized by the Ethics Board. Despite the failure to provide any notification, Senator George has recently received a written request for records from your staff counsel, Mr. Jonathan Becker. The requested information clearly is not of the type maintained by the Senator himself or his office. Senator George contacted Mr. Becker to inquire as to why a request for information had been directed to him without a proper notice of investigation proceeding it, or at the very least the courtesy of notifying him of some ongoing investigation regarding one or more of his staff employees.

Mr. Becker admitted to Senator George that an investigator has been retained by the Ethics Board to investigate the activities of one or more of Senator George's staff based solely upon speculation regarding filed time records. No allegation has ever been made that the records relied upon were not timely filed, or are not valid. Instead, accusations, made by, among others, Senator Chvala himself, are based solely upon speculation and appear to serve as the grounds for the Board's investigation.

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Senator George believes that Mr. Becker's investigation may well have been prompted by the request of Senate Majority Leader Charles Chvala. Such a request post dates the request for an investigation by the Citizens for George committee and myself. It is extremely puzzling why the Board would immediately act upon a request of Senator Chvala which is based upon Senator Chvala's mere speculation as to the properly reported activities of Senator George's employees, when the Board apparently has chosen to take no action whatsoever regarding the clear violation by of one of Senator Chvala's employees, Joel Gratz, who failed to follow the necessary procedures for his surreptitious activities.

Coupled with the decision not to investigate Senator Chvala's highly questionable activities as head of the Senate Democratic Caucus, and the Board's agreement to enter into a settlement agreement which prevented any ethics investigation of Senator Chvala; the Board's decision to act upon a speculative complaint from Senator Chvala, while not acting upon a prior, factual based complaint filed on behalf of the Citizens for George Campaign is extremely troubling. On behalf of Senator George, and the Citizens for George Campaign, I would request an explanation of why an apparent investigation is ongoing with Senator George's office, while no action has been taken whatsoever by the Ethics Board with respect to Senator Chvala's questionable conduct as head of the Senate Democratic Caucus as well as his activities in directing State employees to violate regulations by engaging in purely vindictive and spiteful political conduct during business hours.

If there has been an investigation authorized regarding Senator George, his office, or anyone on his staff, I respectfully request that proper notification of such an investigation be immediately provided. Also on behalf of Senator George, I request that all further communications with the Senator or his office be directed to my attention at Petrie & Stocking SC, 111 E. Wisconsin Ave., Ste. 1500 Milwaukee, WI 53202.

Very truly yours,

PETRIE & STOCKING S.C.

Mark E. Sostarich

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