

BEFORE THE STATE OF WISCONSIN ETHICS COMMISSION

In re: TERRY BRAND

**FINDING OF PROBABLE CAUSE
AND REFERRAL TO DISTRICT
ATTORNEY PURSUANT TO WIS.
STAT. § 19.49(2)(b)9.**

**Case Nos. 2022-ETH-74-79,
2023-ETH-42**

The Wisconsin Ethics Commission reviewed the complaints, responses, and Investigative Report in this matter in Closed Session at its meeting on February 20, 2024. Having duly considered this matter, the Commission finds probable cause and refers this matter to the District Attorney based upon the following:

FACTS

1. The Wisconsin Ethics Commission received the first complaint on December 2, 2022.
2. The complaint named the Republican Party of Langlade County as the Respondent.
3. Speaker Robin Vos serves as the Representative to the Assembly from the 63rd District. During 2022, some republicans across the state disagreed with Speaker Vos' handling of certain political matters. As a result, there were several county parties and others that opposed Speaker Vos' reelection. In February 2022, Mr. Adam Steen registered his candidate committee, Friends of Adam Steen, with the Wisconsin Ethics Commission. This step occurred in the early days of Mr. Adam Steen's campaign to replace Speaker Vos. Defeating an incumbent legislator, especially the leader of a chamber, requires significant financial resources.
4. It is against this backdrop that the events leading up to this complaint occurred. The Complainant alleged that there was collusion between Friends of Adam Steen, the

Republican Party of Langlade County, two other county parties, and others to funnel money and services to Friends of Adam Steen to avoid contribution limits. The complaint identified multiple transactions as suspicious.

5. As required by WIS. STAT. § 19.49(2)(b)1., the Commission provided notice of the complaint to the Republican Party of Langlade County. Additionally, the Commission provided the Republican Party of Langlade County at least 15 days to file a response.
6. On December 21, 2022, the Republican Party of Langlade County filed a response to the complaint denying the allegations.
7. The Commission considered the complaint and response at its meeting on February 22, 2023. At that meeting, the Commission found that a reasonable suspicion that a violation had occurred existed and ordered an investigation. The Commission further chose to hire an independent investigator. At a subsequent meeting, the Commission selected the investigation firm and directed staff to retain the firm.
8. A substantially identical complaint was filed against Friends of Adam Steen on or about May 3, 2023. It was assigned Case Number 2023-ETH-42. Friends of Adam Steen filed a response on May 15, 2023. The Commission found a reasonable suspicion in this complaint on October 26, 2023. At that meeting, the Commission authorized an investigation and consolidated complaint 2023-ETH-42 with the first complaint.
9. Pursuant to WIS. STAT. § 11.1101, individuals, candidate committees, political action committees, and “Other Persons” are prohibited from giving more than \$1,000 to the candidate committees of candidates for Representative to the Assembly.
10. During the investigation, the investigators confirmed that Friends of Adam Steen had received contributions from individuals that exceeded \$1,000. The investigators also

confirmed that Friends of Adam Steen properly returned the excess amounts. However, that was not the end of the story.

11. While the beginning of the plan is not currently known, the investigators were able to confirm that there was an arrangement between Mr. Adam Steen, his candidate committee, the Republican Party of Langlade County, two other county parties, and others. Friends of Adam Steen advised people that wanted to give more than allowed under Wisconsin's contribution limits to send it to the Langlade County Republican Party with "63" in the memo line of the check or through some other way of indicating it was to go to Friends of Adam Steen.
12. Pursuant to WIS. STAT. § 11.1104(5), county parties can give to candidates in an unlimited amount. The plan sought to take advantage of this fact.
13. According to the report, the investigators confirmed that there was an agreement between Friends of Adam Steen and the Langlade County Republican Party. Langlade County Republican Party agreed to accept checks with the memo line stating "63" and other monies with similar directions to use or donate it to Friends of Adam Steen.
14. The investigators confirmed that the Republican Party of Langlade County did, in fact, receive checks with such a notation.
15. The investigators also confirmed that Save America, after discussing helping Friends of Adam Steen, gave \$5,000 to the Republican Party of Langlade County.
16. Focusing primarily on checks exceeding \$1,000, the investigators identified multiple contributors that exceeded the \$1,000 limit by giving money to the Republican Party of Langlade County. These specific contributors gave a total of approximately \$35,000 for the use by, or benefit of, Friends of Adam Steen.

17. According to Republican Party of Langlade County's records, it contributed money or in-kind contributions to Friends of Adam Steen totaling more than \$40,000. Of these donations, the Republican Party of Langlade County's Executive Committee only approved \$8,000.
18. In one case, the Republican Party of Langlade County accepted \$3,000 from a contributor and then, on the same day, the Republican Party of Langlade County sent \$3,100 to Friends of Adam Steen.
19. In response to a subpoena issued by the Commission, the Republican Party of Langlade County, by and through two individuals, only provided a total of 31 records.
20. Additionally, Republican Party of Langlade County's Chair Terry Brand and Vice Chair Leonard Boltz were actively involved in the collusion.
21. As Chair of Republican Party of Langlade County's Executive Committee, Terry Brand was believed to be a part of the agreement to contribute excess amounts to Republican Party of Langlade County to forward to Respondent Friends of Adam Steen.

CONCLUSIONS OF LAW

22. The Wisconsin Ethics Commission has jurisdiction of this matter pursuant to WIS. STAT. § 19.49(2)(a).
23. At all relevant times, the Republican Party of Langlade County was a registered political party. Therefore, the Republican Party of Langlade County was subject to the campaign finance laws in Chapter 11 of the Wisconsin Statutes.
24. At all relevant times, Terry Brand served as Chair of Republican Party of Langlade County's Executive Committee and acted as an agent of Republican Party of Langlade County.

25. As noted above, WIS. STAT. § 11.1101 establishes the \$1,000 contribution limits for candidate committees for candidates for representative to the Assembly. Also as noted above, there are no contribution limits for contributions from a political party to a candidate. WIS. STAT. § 11.1104(5).
26. WIS. STAT. § 11.1202(2) provides that when a contribution is made to a committee other than a candidate committee, the contributor may not direct the committee to make a disbursement to a committee to support or oppose another candidate.
27. WIS. STAT. § 11.1204(1) contains two prohibitions. First, no person may, directly or indirectly, make any contribution other than from funds or property belonging to the person. Second, no person may, directly or indirectly give funds or property to another person for the purpose of making a contribution in other than the first person's name.
28. WIS. STAT. § 11.1204(3) prohibits a person from intentionally receiving or accepting any contribution in violation of Chapter 11 of the Wisconsin Statutes.
29. WIS. STAT. § 11.1208(1) prohibits a person from intentionally receiving or accepting anything of value, or promise or pledge thereof, constituting a disbursement made or obligation incurred contrary to law.
30. The contributors gave money to the Republican Party of Langlade County, a committee, with instructions to forward it to, or to use it for the benefit of, Friends of Adam Steen in violation of WIS. STAT. § 11.1202(2).
31. Further, contributors also violated the second prohibition of WIS. STAT. § 11.1204(1) because they gave the money to the Republican Party of Langlade County for it to use the money in its own name for the benefit of Friends of Adam Steen so as to avoid application of the contribution limits.

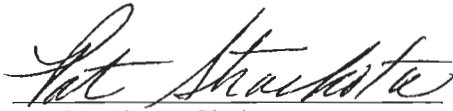
32. Terry Brand, as an agent of the Republican Party of Langlade County violated WIS. STAT. § 11.1204(3) because he accepted, on behalf of Republican Party of Langlade County, the contributions to use in its name for the benefit of Friends of Adam Steen in violation of WIS. STAT. § 11.1204(1).
33. Terry Brand acted “intentionally” as that term is defined in WIS. STAT. § 939.23(4). Therefore, the activities engaged in by Terry Brand are criminal violations. WIS. STAT. § 11.1401(1)(b) and (c).
34. Further, Terry Brand could also be considered a party to crimes by the contributors, the other county parties, and/or Friends of Adam Steen under WIS. STAT. § 939.05 or engaged in a conspiracy under WIS. STAT. § 939.31.
35. Having duly considered the Report of Investigation, the Commission finds there is probable cause to believe Terry Brand violated the campaign finance laws as described herein.
36. Further, the Commission hereby orders that this matter be referred to the Langlade County District Attorney for investigation and prosecution of Terry Brand and any other person the District Attorney deems appropriate.

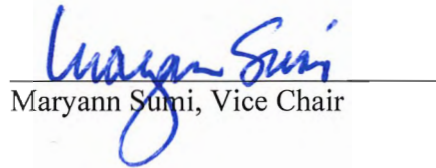
ORDER

37. Pursuant to WIS. STAT. § 19.49(2)(b)9. and 13., these complaints are referred to the Langlade County District Attorney. The District Attorney is required to report to the Commission concerning any action taken regarding these complaints no later than 40 days after the date of the referral. If the matter is not resolved during that time, subsequent reports to the Commission are required at the end of each 30-day period thereafter until final disposition. WIS. STAT. § 19.49(2)(b)16.

38. In the event that a prosecution is not initiated within 60 days, the Commission reserves the right to refer the matter to another district attorney or the Wisconsin Department of Justice as provided in WIS. STAT. § 19.49(2)(b)13. and 14.

ENTERED by the Wisconsin Ethics Commission at its meeting in Madison, Wisconsin on Tuesday, February 20, 2024.


Pat Strachota, Chair


Maryann Sumi, Vice Chair