

BEFORE THE STATE OF WISCONSIN ETHICS COMMISSION

In re: BRIAN JENNINGS	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 Florence County Republican Party 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 Florence

County Republican Party, 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 Florence County Republican Party. Additionally, the Commission provided the Florence County Republican Party at least 15 days to file a response.
6. On January 5, 2023, the Florence County Republican Party filed a response to the complaints denying the allegations.
7. The Commission considered the complaints and responses 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. On February 13, 2024, the Commission received the report of the investigation firm.
10. 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.

11. 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.
12. 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 Florence County Republican Party, 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.
13. 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.
14. The investigators learned that Mr. Adam Steen and people working for Friends of Adam Steen arranged for \$5,000 from a federal committee, Save America, to be sent to the Florence County Republican Party and subsequently forwarded to Friends of Adam Steen. The Florence County Republican Party received the \$5,000 by electronic transfer on September 1, 2022.
15. According to the minutes of the Executive Committee meeting on August 16, 2022, the Chair announced that "FCRP would be receiving \$5,000 from Janel Brandtjen and we would forward this money to Langlade Co. Republican Party..." The Chair subsequently told the investigators that the plan was "To help get rid of Vos actually." The Chair

recapped that the Chair of the Langlade County Republican Party asked him to take the money from Save America to give it to Langlade to help get rid of Vos.

16. The report states that the former treasurer said that this money was received by electronic transfer. The former treasurer stated, “It was after the fact that we were like, this sounds like money laundering to me. Did we just screw up really bad? That’s what we felt like. And it’s like well, everybody knows. I mean when money comes in like that and goes out, you know it’s something, but it was too late. We had already done it; the group had voted yes.”

17. The investigators confirmed that this money was donated to the Republican Party of Langlade County on September 28, 2022.

18. Additionally, the investigators were able to identify another county party that had received contributions that would have exceeded the applicable contribution limits and subsequently forwarded that money to the Republican Party of Langlade County to distribute to Friends of Adam Steen. These transactions were prearranged before that county party received the funds.

CONCLUSIONS OF LAW

19. The Wisconsin Ethics Commission has jurisdiction of this matter pursuant to WIS. STAT. § 19.49(2)(a).

20. At all relevant times, the Florence County Republican Party was a registered political party. Therefore, the Respondent was subject to the campaign finance laws in Chapter 11 of the Wisconsin Statutes.

21. At all relevant times, Brian Jennings served as Chair of Florence County Republican Party and acted as an agent of Florence County Republican Party.

22. 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).
23. 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.
24. 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.
25. WIS. STAT. § 11.1204(3) prohibits a person from intentionally receiving or accepting any contribution in violation of Chapter 11 of the Wisconsin Statutes.
26. 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.
27. The money given to the Respondent by Save America, to forward or to use it for the benefit of, Friends of Adam Steen violated WIS. STAT. § 11.1202(2).
28. Further, Save America also violated the second prohibition of WIS. STAT. § 11.1204(1) because it gave the money to the county party directing it to forward the money to the Langlade County Republican Party for the benefit of Friends of Adam Steen so as to avoid application of the contribution limits.

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

ORDER

34. Pursuant to WIS. STAT. § 19.49(2)(b)9. and 13., these complaints are referred to the Florence 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.

35. 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
Pat Strachota, Chair

Maryann Sumi
Maryann Sumi, Vice Chair