

From: Blanchard, Brian [mailto:Brian.Blanchard@da.wi.gov]
Sent: Monday, July 27, 2009 8:13 AM
To: Schmidt, Debra
Cc: Witzel-Behl, Maribeth; gab@wi.gov
Subject: RE: Form EB-4 confusion

Thank you for this background, which is helpful. Just for context I ask for any background you can provide because this office does not have nearly the resources to pursue intentional violations of the law regularly referred here by police, and so we certainly lack resources to pursue accidental or inadvertent violations, particularly where official guidance is less than clear. I take it from your message that you are not aware of any reason to believe this was intentional or planned, or for that matter part of a pattern of negligent or reckless disregard of the rules.

Best Regards,

Brian

From: Schmidt, Debra [mailto:DSchmidt@cityofmadison.com]
Sent: Monday, July 27, 2009 8:07 AM
To: Blanchard, Brian
Cc: Witzel-Behl, Maribeth
Subject: RE: Form EB-4 confusion

It is my responsibility to convey information on perceived campaign finance violations to the D.A.'s office. I assume any opinion regarding enforcement is strictly that, an opinion.

I think that reporting late contributions, after an election has occurred, circumvents the intent of the law. This information is clearly time-sensitive. Any organization can make the claim that the omission was unintentional and thereby avoid reporting pertinent information, in a timely way, that may influence a voters choice. This is not to insinuate that GMCC intentionally violated campaign law, but should ignorance of the law exempt violators? If so, who is not exempt?

Although the State Statute concerning Special Reports of Late Contribution by conduits makes reference to candidates for State office, Government Accountability Board Administrative Code 1.85(7) does not.

7/30/2009

I ran this by a campaign auditor from GAB, and he encouraged me to forward my concern regarding a perceived violation to you.

From: Blanchard, Brian [mailto:Brian.Blanchard@da.wi.gov]
Sent: Sunday, July 26, 2009 2:07 PM
To: Schmidt, Debra
Cc: gab@wi.gov
Subject: FW: Form EB-4 confusion

Ms. Schmidt / GAB,

Any reaction to her recitation of the history, or of the significance? It the failure appears to have been inadvertent and they are in compliance now enforcement would seem to have little value. As a side note, is she correct that the instructions may need to be clarified?

Best Regards,

Brian Blanchard

From: Blanchard, Brian
Sent: Sunday, July 26, 2009 2:00 PM
To: 'Delora Newton'
Cc: Wittenwyler, Mike
Subject: RE: Form EB-4 confusion

Thank you for this explanation. I will confer with Ms. Schmidt and get back to you.

From: Delora Newton [mailto:dnewton@greatermadisonchamber.com]
Sent: Saturday, July 25, 2009 9:42 PM
To: Blanchard, Brian
Cc: Wittenwyler, Mike
Subject: RE: Form EB-4 confusion

The GMCC Direct Givers conduit filed the July 2009 continuing report with GAB and the Madison City Clerk on Friday, July 17. That report listed all candidate contributions made through the conduit since the 2009 Spring Pre-Election Report was filed. Presumably, Ms. Schmidt's review of the July continuing report was the point in time when she determined that Form EB-4 should have been filed in late March.

She called our office the afternoon of July 20 to inform us that she was writing a letter to you to report the violation. I did not have the opportunity to speak to her until the morning of July 21. At that time I explained that any reporting error was unintentional and that we did not believe the GMCC Direct Givers conduit needed to file a Form EB-4 because the instructions included with that form stated it was required for contributions to state candidates. It says nothing about being required for contributions to local candidates. Ms. Schmidt said she would speak with someone at GAB and verify that a conduit is required to file Form EB-4. Also at that time she read me the letter that she had drafted to you. Ms. Schmidt called me again the afternoon of July 21 to say that GAB verified to her that we should have filed Form EB-4. I asked what happens next and she said she would be mailing the letter to you and that I would receive a copy.

7/30/2009

When communicating with Ms. Schmidt, we were not given the option of providing the City Clerk's office with documentation of our interpretation of the filing instructions. Her contact was simply a courtesy phone call to let us know she would be reporting the violation to you via a letter.

Please let me know what additional information you may need regarding this matter.

Sincerely,
Delora Newton

From: Blanchard, Brian [mailto:Brian.Blanchard@da.wi.gov]
Sent: Friday, July 24, 2009 5:36 PM
To: Delora Newton
Cc: Wittenwyler, Mike
Subject: RE: Form EB-4 confusion

Thanks much for this communication. Have you explained your position directly to Ms. Schmidt, with corresponding filings?

Sincerely,

Brian W. Blanchard
Dane County District Attorney
Dane County Courthouse
215 S. Hamilton St. # 3000
Madison WI 53703-3297
PH: (608) 266-4211
FAX: (608) 267-2545
brian.blanchard@da.wi.gov
Please consider the environment before printing this email

From: Delora Newton [mailto:dnewton@greatermadisonchamber.com]
Sent: Friday, July 24, 2009 1:38 PM
To: Blanchard, Brian
Cc: Wittenwyler, Mike
Subject: Form EB-4 confusion

Dear District Attorney Blanchard,

We received in the mail today a copy of the July 21, 2009 memorandum sent to you by Debra Schmidt in the Madison City Clerk's office. We acknowledge not filing a Form EB-4 in connection with three transfers we made to three Madison City Council candidate campaigns in connection with the April 2009 elections. However, our failure to file Form EB-4 was not intentional but instead a result of confusion created by the instructions for Form EB-4 as well as the instructions for Form EB-3.

Again, our error was unintentional. GMCC respects the public's right to know who is financially supporting a candidate and we go to great lengths to ensure compliance with campaign finance requirements. In this case, however, we welcome the opportunity to explain to you our confusion and the circumstances surrounding not filing Form EB-4.

Sincerely,

7/30/2009

Delora Newton

Delora Newton

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