


STATE DOCUMENT

The State of Wisconsin



RECEIVED

SEP 10 1996

OFFICE OF THE GOVERNOR

Executive Order #293

Relating to the Removal of James F. Blask as District Attorney of Lincoln County

WHEREAS, on April 16, 1996, James F. Blask, District Attorney of Lincoln County, was charged by the duly appointed Lincoln County special prosecutor with two counts of misdemeanor disorderly conduct pursuant to Section 947.01 of the Wisconsin Statutes and one count of misdemeanor obstructing an officer pursuant to Section 946.41 of the Wisconsin Statutes; and

WHEREAS, on May 3, 1996, Mr. Blask voluntarily entered into a plea agreement concerning these three charges and, as a consequence of such plea agreement, he was convicted of one count of misdemeanor disorderly conduct and the remaining charges were read into the record for sentencing purposes; and

WHEREAS, on May 13, 1996, Mr. Blask waived his right to appeal such conviction as well as his right to all post-conviction relief; and

WHEREAS, Mr. Blask was placed on probation for one year and, as a condition of his probation, he was required to submit to a psychological evaluation and psychological counseling as prescribed by his probation agent, perform 40 hours of community service, contribute \$500 to Merrill High School, publish an apology to the people of Lincoln County and pay restitution, as directed by his probation agent, to one of his victims; and

WHEREAS, three resident taxpayers of Lincoln County filed written verified charges with the Office of the Governor, pursuant to Section 17.16 (3) of the Wisconsin Statutes, alleging that cause existed to remove from office James F. Blask, District Attorney of Lincoln County; and

WHEREAS, on May 13, 1996, pursuant to Section 17.16 (3) of the Wisconsin Statutes, Professor Gordon B. Baldwin of the University of Wisconsin Law School was appointed commissioner to preside over an inquiry into the allegations of cause to remove from office James F. Blask, District Attorney of Lincoln County; and

WHEREAS, on May 24, 1996, a letter setting forth the time and place of the first hearing was sent by certified mail to Mr. Blask and copies of the three verified complaints were enclosed in this correspondence; and

WHEREAS, on June 21, 1996, a properly noticed hearing before Commissioner Baldwin was held at the Marathon County Courthouse for the purpose of taking testimony and conducting an investigation into the allegations of cause to remove from office James F. Blask, District Attorney of Lincoln County and a record of this hearing was kept by a stenographic shorthand reporter appointed by the Office of the Governor; and

WHEREAS, on July 8, 1996, a second, properly noticed hearing before Commissioner Baldwin was held in the Wausau City Hall for the same purpose and a record of this hearing was kept by a stenographic shorthand reporter appointed by the Office of the Governor; and

WHEREAS, a total of fifteen witnesses gave testimony under oath and Mr. Blask was given an opportunity to call witnesses to present a defense as well as to cross examine witnesses called by Commissioner Baldwin; and

WHEREAS, the transcripts for these hearings were provided to Mr. Blask and Mr. Blask was afforded an opportunity to submit a written statement to Commissioner Baldwin to supplement the record; and

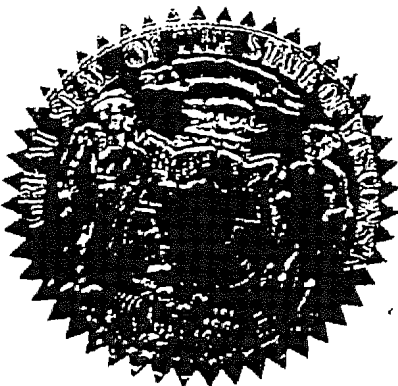
WHEREAS, on July 30, 1996, Commissioner Baldwin's report concerning the allegations of cause to remove from office James F. Blask, District Attorney of Lincoln County, was delivered to the Office of the Governor and a copy of said report was provided to Mr. Blask on August 1, 1996; and

WHEREAS, Mr. Blask was afforded an opportunity to submit to the Office of the Governor a written response to Commissioner Baldwin's report; and

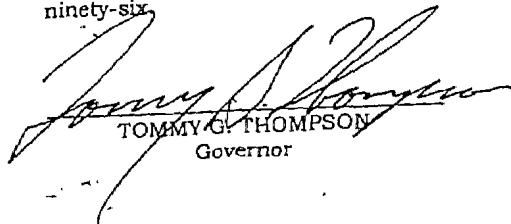
WHEREAS, Section 17.06 (3) of the Wisconsin Statutes authorizes the Governor to remove a district attorney for cause;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Section 17.16 (3) and Section 17.06 (3) of the Wisconsin Statutes, do hereby:

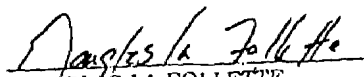
- (1) adopt the findings and reasoning of Commissioner Baldwin's report concerning the allegations of cause to remove from office James F. Blask, District Attorney of Lincoln County and incorporate said report into this executive order; and
- (2) find that, for the reasons stated in Commissioner Baldwin's report, the criminal behavior that formed the basis for the three misdemeanor charges filed against James F. Blask was directly connected with the office and duties of District Attorney of Lincoln County; and
- (3) find that, for the reasons stated in Commissioner Baldwin's report, the disposition of probation and the office of District Attorney of Lincoln County are incompatible; and
- (4) find that, for the reasons stated in Commissioner Baldwin's report, the criminal behavior that formed the basis for the three misdemeanor charges filed against James F. Blask constituted official misconduct or malfeasance in office; and
- (5) find that, for the reasons stated in Commissioner Baldwin's report, there is cause to remove from office James F. Blask, District Attorney of Lincoln County; and
- (6) remove James F. Blask as District Attorney of Lincoln County effective as of August 23, 1996 at 5:00 P.M. CDT.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twentieth day of August in the year one thousand nine hundred and ninety-six.

  
TOMMY G. THOMPSON  
Governor

By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State