



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBs0321/1
SRM:nwn:ph

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY RESOLUTION 14**

March 2, 2010 – Offered by Representative WOOD.

1 **Relating to:** the expulsion of Jeffrey Wood, a representative from the 67th Assembly
2 District, in accordance with article IV, section 8, of the Wisconsin Constitution
3 and Assembly Rule 21.

4 Whereas, article IV, section 8, of the Wisconsin Constitution provides that each
5 house may punish for contempt and disorderly behavior, and with the concurrence
6 of two-thirds of all the members elected, expel a member; and

7 Whereas, Assembly Rule 43 (3) provides that any resolution to reprimand,
8 censure, or expel a member of the assembly shall identify the charges against the
9 member cited and shall be referred to the committee on ethics and standards of
10 conduct for review; and

11 Whereas, the Wisconsin state assembly has adopted Assembly Rule 21,
12 providing for the appointment of a special committee on ethics and standards of
13 conduct to consider any resolution to reprimand, censure, or expel a member of the

1 assembly for the purpose of holding one or more public hearings on the resolution and
2 to make a recommendation for action on the resolution; and

3 Whereas, under Assembly Rule 21 (2), a duty of the special committee is to
4 ascertain the facts of the controversy, which are summarized below; and

5 Whereas, Jeffrey Wood currently serves as the representative to the assembly
6 from the 67th Assembly District for the term of the 2009–2010 legislative session;
7 and

8 Whereas, Representative Scott Jensen was charged in Dane County Circuit
9 Court on October 18, 2002, with four felony offenses for misconduct in public office;
10 and

11 Whereas, Representative Jensen’s crimes involved allegations that he directed
12 state employees to perform election campaign contribution fundraising and other
13 campaign–related work while on state time and using state resources; and

14 Whereas, Representative Jensen served in the assembly over a period of five
15 and one–half years, through a trial on those charges commencing in February 2006,
16 until finally resigning his seat on March 21, 2006, ten days after the jury returned
17 a verdict finding him guilty of three felonies and one misdemeanor; and

18 Whereas, no legislator sought a resolution to expel, censure, or reprimand
19 Representative Jensen from the time he was charged until he resigned upon
20 conviction; and

21 Whereas, Representative Steven Foti was charged in Dane County Circuit
22 Court on October 18, 2002, with one felony offense for misconduct in public office; and

23 Whereas, Representative Foti’s crime involved allegations that he committed
24 ethics violation for keeping a campaign fundraiser on his legislative payroll; and

1 Whereas, Representative Foti was reelected to his assembly seat within weeks
2 of being charged and served his full two–year term in the assembly, whereupon he
3 determined to not seek reelection; and

4 Whereas, no legislator sought a resolution to expel, censure, or reprimand
5 Representative Foti from the time he was charged until his term ended two years
6 later; and

7 Whereas, the Wisconsin state assembly had taken no action on this matter
8 under article IV, section 8, of the Wisconsin Constitution; and

9 Whereas, Representative Bonnie Ladwig was charged in Dane County Circuit
10 Court on October 18, 2002, with one misdemeanor for ethics violations; and

11 Whereas, Representative Ladwig was reelected to her assembly seat within
12 weeks of being charged and served her full two–year term in the assembly,
13 whereupon she determined to not seek reelection; and

14 Whereas, no legislator sought a resolution to expel, censure, or reprimand
15 Representative Ladwig from the time she was charged until her term ended two
16 years later; and

17 Whereas, the Wisconsin state assembly had taken no action on this matter
18 under article IV, section 8, of the Wisconsin Constitution; and

19 Whereas, Representative Mark Gundrum drafted legislation prohibiting
20 lawmakers from promising official action in exchange for campaign contributions,
21 also known as “pay–to–play,” following the uncovering of significant unethical
22 activity in the state capitol, also known as the “caucus scandal”; and

23 Whereas, the bill was signed into law on August 11, 2003; and

1 Whereas, Representatives Jensen, Foti, and Ladwig were all sitting
2 representatives at the time the bill was passed into law, and remained legislators for
3 a full 16 months thereafter; and

4 Whereas, neither Representative Gundrum nor any other legislator made a
5 motion to expel, censure, or reprimand any legislator involved in the “caucus
6 scandal”; and

7 Whereas, the Wisconsin state assembly had taken no action on this matter
8 under article IV, section 8, of the Wisconsin Constitution; and

9 Whereas, Representative Frank Boyle was convicted in 2004 of OWI; and

10 Whereas, the Wisconsin state assembly had taken no action on this matter
11 under article IV, section 8, of the Wisconsin Constitution; and

12 Whereas, Representative Shirley Krug was convicted in 2005 of OWI for an
13 incident which occurred in 2004; and

14 Whereas, the Wisconsin state assembly had taken no action on this matter
15 under article IV, section 8, of the Wisconsin Constitution; and

16 Whereas, Representative David Travis was convicted in 2001 of OWI for an
17 incident which occurred in 2000; and

18 Whereas, the Wisconsin state assembly had taken no action on this matter
19 under article IV, section 8, of the Wisconsin Constitution; and

20 Whereas, Representative Lorraine Seratti was convicted in 2000 of OWI; and

21 Whereas, the Wisconsin state assembly had taken no action on this matter
22 under article IV, section 8, of the Wisconsin Constitution; and

23 Whereas, Representative David Plombon was jailed in June 1995 for allegedly
24 violating conditions of probation stemming from a previous conviction for marijuana
25 possession; and

1 Whereas, Representative Plombon requested his probation be revoked and he
2 was resented in July 1995 for misdemeanor possession of marijuana; and

3 Whereas, Representative Plombon was sentenced to 16 days in jail which was
4 satisfied by 12 days time served and 4 days credit for good behavior; and

5 Whereas, Representative Plombon was arrested after failing a drug test
6 ordered by his probation officer in December 1994; and

7 Whereas, Representative Plombon pled no contest to misdemeanor possession
8 of marijuana and was sentenced to 18 months probation and \$1,812 in fines and court
9 costs; and

10 Whereas, Representative Plombon was convicted in 1994 of OWI; and

11 Whereas, Representative Plombon pled no contest to misdemeanor disorderly
12 conduct in May 1994 stemming from an incident involving his car and estranged
13 wife; and

14 Whereas, Representative Plombon was sentenced to one year probation and
15 ordered to undergo assessment for chemical dependency; and

16 Whereas, the Wisconsin state assembly had taken no action on this matter
17 under article IV, section 8, of the Wisconsin Constitution; and

18 Whereas, Representative David Lepak was convicted in 1988 of OWI; and

19 Whereas, the Wisconsin state assembly had taken no action on this matter
20 under article IV, section 8, of the Wisconsin Constitution; and

21 Whereas, Representative Scott Fergus forfeited \$500 in 1987 for violating
22 ethics law by accepting food and lodging in connection with a visit to Chicago in
23 January 1987; and

24 Whereas, the Wisconsin state assembly had taken no action on this matter
25 under article IV, section 8, of the Wisconsin Constitution; and

1 Whereas, Representative Walter Kunicki forfeited \$500 in 1987 for violating
2 ethics law by accepting lodging and food in connection with a visit to Chicago in
3 January 1987; and

4 Whereas, the Wisconsin state assembly had taken no action on this matter
5 under article IV, section 8, of the Wisconsin Constitution; and

6 Whereas, Representative Thomas Hauke paid \$1,418 in fines and court costs
7 in 1986 for violating ethics law by accepting a Door County fishing trip and was
8 convicted in 1976 of OWI; and

9 Whereas, the Wisconsin state assembly had taken no action on this matter
10 under article IV, section 8, of the Wisconsin Constitution; and

11 Whereas, Representative John Robinson forfeited \$1,000 in 1985 for violating
12 ethics law by accepting an airline ticket to Chicago; and

13 Whereas, the Wisconsin state assembly had taken no action on this matter
14 under article IV, section 8, of the Wisconsin Constitution; and

15 Whereas, Representative David Opitz was fined \$356 in 1983 for a hit-and-run
16 accident; and

17 Whereas, the Wisconsin state assembly had taken no action on this matter
18 under article IV, section 8, of the Wisconsin Constitution; and

19 Whereas, Representative Robert Behnke was charged in 1982 with two counts
20 of second-degree sexual assault; and

21 Whereas, the Wisconsin state assembly had taken no action on this matter
22 under article IV, section 8, of the Wisconsin Constitution; and

23 Whereas, Representative Behnke was convicted in 1982 of disorderly conduct
24 stemming from an argument over a state capitol parking spot; and

1 Whereas, the Wisconsin state assembly had taken no action on this matter
2 under article IV, section 8, of the Wisconsin Constitution; and

3 Whereas, Representative Walter Ward was convicted in 1981 of a felony and a
4 misdemeanor for the sexual assault of his legislative aide which occurred in June
5 1980; and

6 Whereas, the Wisconsin state assembly had taken no action on this matter
7 under article IV, section 8, of the Wisconsin Constitution; and

8 Whereas, Representative Ward was sentenced to four years in prison; and

9 Whereas, the Wisconsin state assembly had taken no action on this matter
10 under article IV, section 8, of the Wisconsin Constitution; and

11 Whereas, Representative Ward was convicted in 1980 of OWI; and

12 Whereas, the Wisconsin state assembly had taken no action on this matter
13 under article IV, section 8, of the Wisconsin Constitution; and

14 Whereas, Representative Ward was convicted in 1980 of two misdemeanors for
15 election law violations relating to misuse of campaign funds; and

16 Whereas, the Wisconsin state assembly had taken no action on this matter
17 under article IV, section 8, of the Wisconsin Constitution; and

18 Whereas, Representative Richard Pabst was charged in 1980 with
19 misdemeanor fourth-degree sexual assault; and

20 Whereas, the Wisconsin state assembly had taken no action on this matter
21 under article IV, section 8, of the Wisconsin Constitution; and

22 Whereas, Representative R. Michael Ferrall was convicted in 1979 of OWI; and

23 Whereas, the Wisconsin state assembly had taken no action on this matter
24 under article IV, section 8, of the Wisconsin Constitution; and

1 Whereas, Representative Ferrall was charged in 1978 with misdemeanor
2 misuse of a state telephone credit card. The case was dismissed; and

3 Whereas, the Wisconsin state assembly had taken no action on this matter
4 under article IV, section 8, of the Wisconsin Constitution; and

5 Whereas, Representative John Shabaz was convicted in 1979 of OWI; and

6 Whereas, the Wisconsin state assembly had taken no action on this matter
7 under article IV, section 8, of the Wisconsin Constitution; and

8 Whereas, Representative Joseph Looby was charged in 1978 with
9 misdemeanor misuse of a state telephone credit card; and

10 Whereas, the Wisconsin state assembly had taken no action on this matter
11 under article IV, section 8, of the Wisconsin Constitution; and

12 Whereas, Representative Marcel Dandeneau was convicted in 1977 of
13 misdemeanor violation of campaign finance laws; and

14 Whereas, the Wisconsin state assembly had taken no action on this matter
15 under article IV, section 8, of the Wisconsin Constitution; and

16 Whereas, Representative Dandeneau was charged in 1976 with felony
17 misconduct in public office; and

18 Whereas, the Wisconsin state assembly had taken no action on this matter
19 under article IV, section 8, of the Wisconsin Constitution; and

20 Whereas, Representative Paul Alfonsi was convicted of a felony in July 1967 for
21 bribery in Dane County Circuit Court; and

22 Whereas, the Wisconsin state assembly had taken no action on this matter
23 under article IV, section 8, of the Wisconsin Constitution; and

24 Whereas, Representative Willis Hutnik was charged with felony bribery; and

1 Whereas, the Wisconsin state assembly had taken no action on this matter
2 under article IV, section 8, of the Wisconsin Constitution; and

3 Whereas, Representative Earl Elfers was charged in 1966 with assault and
4 battery; and

5 Whereas, the Wisconsin state assembly had taken no action on this matter
6 under article IV, section 8, of the Wisconsin Constitution; and

7 Whereas, Representative Glen Pommerening was convicted in 1965 of OWI;
8 and

9 Whereas, the Wisconsin state assembly had taken no action on this matter
10 under article IV, section 8, of the Wisconsin Constitution; and

11 Whereas, Representative Fred Schleuter was convicted in 1965 of OWI; and

12 Whereas, the Wisconsin state assembly had taken no action on this matter
13 under article IV, section 8, of the Wisconsin Constitution; and

14 Whereas, Representative Schleuter had been charged in 1963, but his case was
15 delayed due to legislative immunity; and

16 Whereas, the Wisconsin state assembly had taken no action on this matter
17 under article IV, section 8, of the Wisconsin Constitution; and

18 Whereas, the people of Representative Schleuter's district responded by not
19 reelecting him in 1964; and

20 Whereas, the Wisconsin state assembly had taken no action on this matter
21 under article IV, section 8, of the Wisconsin Constitution; and

22 Whereas, Representative Cecil Brown, Jr. was charged with larceny in 1956
23 after being accused of taking a \$75 insurance policy payment; and

24 Whereas, the Wisconsin state assembly had taken no action on this matter
25 under article IV, section 8, of the Wisconsin Constitution; and

1 Whereas, Representative Ray Kuhlman was convicted in 1956 of OWI; and

2 Whereas, the Wisconsin state assembly had taken no action on this matter
3 under article IV, section 8, of the Wisconsin Constitution; and

4 Whereas, Representative Robert Lynch was convicted in 1954 of careless
5 operation of a motor vehicle resulting in a four-car crash; and

6 Whereas, the Wisconsin state assembly had taken no action on this matter
7 under article IV, section 8, of the Wisconsin Constitution; and

8 Whereas, Representative Harold Gade was convicted in 1952 of six felony
9 counts of embezzling a total of over \$36,000 entrusted to him as treasurer of a credit
10 union; and

11 Whereas, the Wisconsin state assembly had taken no action on this matter
12 under article IV, section 8, of the Wisconsin Constitution; and

13 Whereas, Representative Gade was sentenced to concurrent one-year to
14 five-year prison terms on each count; and

15 Whereas, the Wisconsin state assembly had taken no action on this matter
16 under article IV, section 8, of the Wisconsin Constitution; and

17 Whereas, Representative Richard Steffens was charged in 1949 with
18 intentionally making false statements about his election campaign opponent; and

19 Whereas, the Wisconsin state assembly had taken no action on this matter
20 under article IV, section 8, of the Wisconsin Constitution; and

21 Whereas, Representative Frank Schaeffer, Jr. was charged in 1946 with
22 violating the corrupt practices act; and

23 Whereas, the Wisconsin state assembly had taken no action on this matter
24 under article IV, section 8, of the Wisconsin Constitution; and

1 Whereas, over 20 members of the Wisconsin state senate have been charged
2 with crimes and violations of the ethics and campaign finance laws; and

3 Whereas, at no time in the history of the Wisconsin state senate has action of
4 any kind been taken against legislators for crimes and violations of the ethics and
5 campaign finance laws; and

6 Whereas, despite all of the state assembly legislators charged with crimes and
7 violations of ethics and campaign finance laws, this is the first time in the history of
8 the Wisconsin state assembly that this rule has been exercised; and

9 Whereas, Representative Wood has not been convicted of any crime; and

10 Whereas, Representative Wood has not violated any assembly rule; and

11 Whereas, Representative Wood's alleged conduct did not occur while the
12 assembly was in session; and

13 Whereas, Representative Wood's alleged conduct was not related to his
14 legislative duties; and

15 Whereas, the people of the 67th Assembly District in Wisconsin have the option
16 under article XIII, section 12, of the Wisconsin Constitution to recall a state
17 representative; and

18 Whereas, the people of the 67th Assembly District have chosen not to exercise
19 their rights under article XIII, section 12, of the Wisconsin Constitution; and

20 Whereas, a recent poll conducted by the Chippewa Herald reported that a
21 majority of respondents with 1,079 votes or 57 percent, said that the Wisconsin state
22 assembly should not expel, reprimand, or censure Representative Wood; and

23 Whereas, Representative Nass does not reside in the 67th Assembly District;
24 and

