

STATE OF WISCONSIN
MILWAUKEE COUNTY

The Complaint:
John Weishan Jr.,
Gerry Broderick, &
Marina Dimitrijevic,

VERIFIED COMPLAINT

Complainants,

v.

Scott Walker, individually and as
Milwaukee County Executive,

Respondent.

The Complainants, John Weishan Jr., Gerry Broderick and Marina Dimitrijevic (“the Complainants”) by their attorney Michael S. Maistelman, for this verified complaint against Scott Walker individually and as Milwaukee County Executive make this complaint pursuant to the Wisconsin Constitution, Statutes and Case law, and allege as follows :

1. Complainant, John Weishan Jr. is a resident of the State of Wisconsin, a qualified elector who is the Milwaukee County Supervisor from 16th Supervisory District. Complainant Weishan resides at 2605 S. 82nd Street, West Allis WI 53219

2. Complainant, Gerry Broderick is a resident of the State of Wisconsin, a qualified elector who is the Milwaukee County Supervisor from 3rd Supervisory District. Complainant Broderick resides at 1800 E. Newberry, Milwaukee WI 53211.

3. Complainant, Marina Dimitrijevic is a resident of the State of Wisconsin, a qualified elector who is the Milwaukee County Supervisor from 4th Supervisory District. Complainant Dimitrijevic resides at 2687 S. Kinnickinnic Avenue, Milwaukee WI 53207

4. Upon information and belief Respondent Scott Walker is a resident of the State of Wisconsin, a qualified elector and the current Milwaukee County Executive. Respondent Walker resides at 2334 N. 73rd Street, Wauwatosa WI, 53213

5. Wisconsin Courts have consistently upheld the policy that tax-payer monies should only be used for public purposes. This doctrine became known as the Public Purpose Doctrine. See *Soens v. City of Racine* 10 Wis. 214, 271 (1860). *State ex rel. Wisconsin Dev. Authority v. Dammann* 228 Wis. 147, 175, 277 N.W. 278, 280 N.W. 698, 706 (1938), and *In Heimerl v. Ozaukee County* 256 Wis. 151, 158, 40 N.W.2d 564, 567, (1949).

6. The Wisconsin State Elections Board addressed the Public Purpose Doctrine in a letter to the City of La Crosse Clerk dated October 29, 1998. The State Elections Board Attorney stated "... the closer that its public communications are to promoting a specific vote or particular cause, the greater the likelihood that the expenditures will be challenged, and challenged successfully."

7. As recent as last week State Elections Board Executive Director Kevin Kennedy stated in response to the issues raised herein "If you spend public money to say vote yes or no, it's a violation of the public trust doctrine," [*Sic*] *Milwaukee Journal Sentinel*, April 19, 2005, attached hereto and incorporated herein as Exhibit A.

**RESPONDENT KNOWINGLY VIOLATED THE PUBLIC PURPOSE DOCTRINE
WHEN HE ILLEGALLY USED TAXPAYER MONIES TO URGE THE PUBLIC TO
VOTE "YES" ON A RECENT REFEREDUM**

8. Paragraphs 1-7 above are re-alleged and incorporated herein by reference.

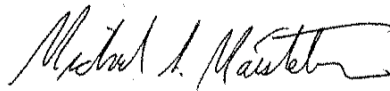
9. Respondent made, published and caused to be published at taxpayer expense the statement "**The County Executive is asking you to vote yes on the referendum**" [Emphasis added] Attached hereto and incorporated herein as Exhibit "B" is the full publication made by the Respondent at taxpayer expense.

10. Respondent either knew that this was in violation of the Public Purpose Doctrine or exhibited a "reckless disregard" for the Public Purpose Doctrine by wrongfully utilizing taxpayer monies to advocate for a specific vote on the referendum.

WHEREFORE, Complainants respectfully request that the District Attorney take action against Respondent including filing criminal charges against Respondent for Respondent's violation of the Wisconsin Public Purpose Doctrine, Require Respondent to Reimburse Milwaukee County Taxpayers for all costs associated with his violation of the Public Purpose Doctrine, enjoin Respondent from continuing to violate Wisconsin Public Purpose Doctrine by using taxpayer monies for illegal purposes and for other such relief that is just and equitable.

Dated at Milwaukee, Wisconsin this 26th day of April, 2005

ATTORNEY MICHAEL S. MAISTELMAN



By:

Michael S. Maistelman
State Bar No. 1024681

Counsel for Complainants

P.O. ADDRESS:
3127 W. Wisconsin Ave.

Milwaukee, Wisconsin 53208-3957
(414) 908-4254
(414) 271-1884 (Fax)

VERIFICATION

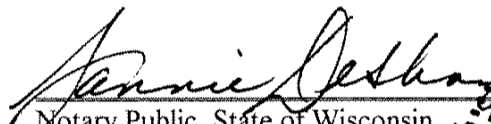
STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

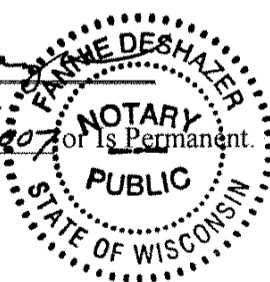
I, John Weishan Jr., being first duly sworn, on oath, deposes and states that I am the Milwaukee County Supervisor from the 16th Supervisory District, and that the foregoing verified complaint is true and correct based upon my personal knowledge except as to those matters therein stated upon information and belief and, as to those matters, he believes them to be true.

Dated at Milwaukee, Wisconsin this ____ day of April 2005.


John Weishan, Jr. - Complainant

Subscribed and Sworn to before me this 27th day of April 2005.


Notary Public, State of Wisconsin
My Commission expires 8/26/2007 or Is Permanent.



VERIFICATION

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

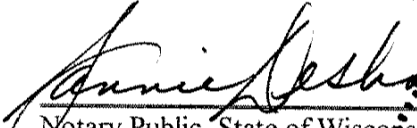
I, Gerry Broderick, being first duly sworn, on oath, deposes and states that I am the Milwaukee County Supervisor from the 3rd Supervisory District, and that the foregoing verified complaint is true and correct based upon my personal knowledge except as to those matters therein stated upon information and belief and, as to those matters, he believes them to be true.

Dated at Milwaukee, Wisconsin this 28th day of April 2005.



Gerry Broderick - Complainant

Subscribed and Sworn to before me this 28th day of April 2005.



Notary Public, State of Wisconsin
My Commission expires Aug 26, 2007 or Is Permanent.

