



STATE OF WISCONSIN *ETHICS BOARD*

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Ethics Board files complaint Alleges Judge Ziegler violated Ethics Code Board seeks monetary penalty

The Wisconsin Ethics Board today filed a complaint alleging that Washington County Circuit Court Judge Annette Ziegler violated the Wisconsin Ethics Code's standards of conduct by acting on civil law suits affecting a bank of which her husband is a director.

The Ethics Board has issued an order setting the matter for a public hearing. Former Court of Appeals Judge David Deininger will preside over the hearing, scheduled for May 17, 2007 at the Dane County Courthouse.

The Ethics Board will ask Judge Deininger to find that Judge Ziegler violated the Ethics Code and assess a monetary penalty. The Ethics Code provides for a penalty of up to \$5,000 per violation.

The Board issued the complaint based on the results of an investigation led by attorney J. Douglas Haag, a former Assistant Attorney General who headed the Wisconsin Department of Justice's criminal litigation unit. The Ethics Board has retained Madison attorney Lester Pines to conduct the prosecution.

The Ethics Board has also sent a letter, together with its findings, to the Wisconsin Judicial Commission urging the Commission to initiate its own investigation of Judge Ziegler's conduct.

The Ethics Board's chair, Jim Morgan, said, "The Ethics Board's investigation of Judge Ziegler's handling of cases involving West Bend Savings Bank did not find any instance of Judge Ziegler's benefiting herself or any member of her family. But a question about a judge's favoritism toward a business with which a judge is

associated should never arise. A government official shouldn't be acting on a matter that affects a business of which the official or official's spouse is an officer or a director. That's what the law prohibits. The law's purpose is to promote citizens' confidence that government's decisions are free from favoritism."

State law limited the Ethics Board's review to 26 cases involving the bank that were assigned to Judge Ziegler during the last three years. Of these, 21 were uncontested matters that were dispatched by a clerk without the judge's direct participation. That left 5 matters affecting West Bend Savings Bank in which Judge Ziegler did take judicial action.

Any judge might have decided the cases in the same way as did Judge Ziegler, but Board member Paul Holzem noted, "If Judge Ziegler had reassigned cases involving West Bend Savings Bank to a different judge unaffiliated with the bank, there wouldn't be any second guessing, controversy, or violation of the Ethics Code."

Roth Judd, the Ethics Board's Director said, "United States Supreme Court Justice Anthony Kennedy expressed the principle well: 'The law commands allegiance only if it commands respect. It commands respect only if the public thinks the judges are neutral.'"

PERTINENT PROVISIONS OF *WISCONSIN STATUTES*:

19.46 Conflict of interest prohibited; exception. (1) . . . no state public official may:

- (a) Take any official action substantially affecting a matter in which . . . an organization with which the official is associated has a substantial financial interest.
- (b) Use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for . . . an organization with which the official is associated.

19.42 Definitions. In this subchapter:

- (1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s. 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.
- (2) "Associated", when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director
- (11) "Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or body politic.
- (13) "State public office" means:
 - (c) All positions identified under s. 20.923 (2), . . . except clerical positions.
- (14) "State public official" means any individual holding a state public office.

END