



TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

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Questions for Ethics and Elections Commission Administrators Prior to Confirmation Vote

MADISON, Wis. – State Senator Tom Tiffany (R-Hazelhurst) released the following statement prior to a Senate confirmation vote for the Ethics and Elections Commission administrators:

Some information of value has been released in the run-up to the vote on confirmation of the Elections and Ethics administrators. However, most of it coupled with the release of the Department of Justice leak investigation begs more questions than providing satisfactory answers. Before casting an affirmative vote for the nominees, here are a list of questions that deserve answers.

In regard to the John Doe Investigations, I have the following questions to ask of Michael Haas, the interim administrator for the Wisconsin Elections Commission:

1. What records did you, Nathan Judnic, and Molly Nagappala give to Francis Schmitz in November of 2016?
2. Did you, Nathan, Molly and David Buerger sign “written statements” that you/they had turned over to Francis Schmitz all such documents and electronic data within their/your possession and that they/you no longer possess any such documents or electronic data or copies thereof? (As required by the court order?)
3. What was on the hard drive/printed records Shane Falk handed to Nathan Judnic? Did Judnic make any specific requests to you or Buerger regarding the hard drive/printed copies or did he caution anyone about the hard drive’s/printed copies contents?
4. Who was the last person to have possession of it before it disappeared?
5. Who instructed you and Nathan Judnic to turn all of the John Doe evidence over to the Ethics Commission rather than returning it to the Special Prosecutor or the Supreme Court prior to shutting down the GAB? Specifically who was involved in that decision? Include all former GAB staff, GAB board members and Elections and Ethics staff and commission members.
6. You are not recommended for contempt charges at this time, but Nathan Judnic was. We also know from earlier lawsuits that Judnic continued to assist Milwaukee prosecutors after the GAB was no longer authorized to be involved in the case and we know he released John Doe evidence to David Buerger and a new agency that was not eligible to receive it. Why is Nathan Judnic still employed by the Elections Commission?



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7. Describe the amount of material that was stored in the basement. Were you aware it was there and how long has it been there?
8. What was the purpose of GAB investigation #2011-10 and why did investigators Dean Nickel and John Haag bill the agency for investigations #2011-10 and #2012-01 in the same invoices?
9. Which staff were involved in GAB investigations #2011-10, #2012-1 and #2012-2? What was your specific role in these 3 investigations?
10. Did members or staff of the Ethics commission or Elections Commission ever discuss the disposition of evidence with you or Nathan Judnic?
11. Are you aware of any discussions members of either commission had with Kevin Kennedy, Jonathan Becker, Shane Falk, Brian Bell or David Buerger regarding the disposition of John Doe 1 & 2 evidence per the Wisconsin Supreme Court order?
12. When the GAB received or seized evidence in an investigation, and then closed that investigation, would it keep the evidence in case they turned out to be helpful in other investigations? What policies were put in place to ensure destruction or prevent access of previously closed cases?
13. When the GAB Board voted to close an investigation, did staff ever delay sending out the notice in case circumstances changed? Does the current elections board follow this practice?
14. Did you, Nathan Judnic, Molly Nagappala or any staff or commission members from the Ethics or Elections commission discuss the disposition of evidence from John Doe 1, John Doe 2 or any GAB investigations with David Robles, Bruce Landgraf or Robert Stelter with the Milwaukee County District Attorney's office. If so, what did you discuss?
15. Did Francis Schmitz, David Robles, Bruce Landgraf or Robert Stelter ever request that you, Nathan Judnic, Molly Nagappala or others preserve and /or share any evidence in the GAB, Ethic's Commission or Elections Commission's possession with the DA's office after the GAB was removed from the John Doe investigation?

In regard to the John Doe investigations, I have the following questions to ask of Brian Bell, the interim administrator for the Wisconsin Ethics Commission:

1. What records did you, Brian Buerger and Molly Nagappala give to Francis Schmitz in November of 2016?
2. Did you, David Buerger and Molly sign "written statements" that you/they had turned over to Francis Schmitz all such documents and electronic data within their/your possession and that



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they/you no longer possess any such documents or electronic data or copies thereof? (As required by the court order?)

3. What was on the hard drive Nathan Judnic gave to David Buerger? Did Judnic make any specific requests to you or Buerger regarding the hard drive or did he caution anyone about the hard drive's contents?
4. Who was the last person to have possession of the hard drive before it disappeared?
5. If David Buerger was the last person in possession of the hard drive before it disappeared, why is he still employed by the Ethic's Commission?
6. What role did the former and present commission members and chairs play in complying with the Supreme Court order and the DOJ investigation?
7. At any point during the collection of evidence by Schmitz or DOJ investigators, did you voice concerns or seek assistance from the current or former chairs or commission members? If yes, please be specific about the timing, subject matter, person or persons approached and their response.
8. The Ethics Commission Chairman claims that you and David Buerger could not help comply with the Supreme Court order or DOJ investigation because you were not authorized to see evidence from the John Doe investigation. Did you ever enlist assistance from Nathan Judnic, Mike Haas or your own employee Molly Nagappala, all of whom were authorized to view documents under the John Doe secrecy order? If not, why?
9. Do you know who instructed Nathan Judnic to turn all of the John Doe evidence over to David Buerger and the Ethics Commission rather than returning it to the Special Prosecutor or the Supreme Court directly prior to shutting down the GAB? Specifically, who was involved in that decision? Include all former GAB staff, GAB board members and Elections and Ethics staff and commission members.

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