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# Waukesha COUNTY

OFFICE OF  
DISTRICT ATTORNEY

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Town of Waukesha

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February 21, 2013

Thomas A Patti  
W277 S3372 Marlene Lane  
Waukesha, WI 53189-6008

RE: Angie Van Scyoc  
Jamie Salentine  
Joseph Banske  
Case No. 2013WK1254

Dear Mr. Patti:

I am writing in response to the three ethics complaints you filed with my office on February 14, 2013. You filed complaints against Town Supervisor Joseph Banske, Town Clerk-Treasurer Jamie Salentine, and Town Chair Angie Van Scyoc. You allege two types of violations.

There is one allegation that is unique to Supervisor Banske. That matter relates to a claim that he has taken official action as a Town Supervisor substantially affecting a matter in which he or a member of his immediately family has a substantial financial interest. As to that matter, I will need to conduct an investigation. The investigator from my office with whom I work on these matters is on a well-deserved vacation right now. We will take this matter up once he returns and clears the urgent matters that will have populated his desk during his absence.

The second issue you raise applies to all three individuals. I am prepared to address that complaint at this time, and there is no need for an investigation to be conducted. Your second claim alleges misconduct in office and/or violation of the State Ethics Code relating to spending by the town in excess of budgeted funds for particular line items. I am writing to advise you that there is no basis for my office to take any action relative to this issue.

The code of ethics for local government officials, set forth in Section 19.59, Wisconsin Statutes, provides several ways in which a local government official could be in violation. Those provisions all relate to personal gain for the official or for some member of their immediate family or an organization with which they are associated. That is not the case relative to this claim.

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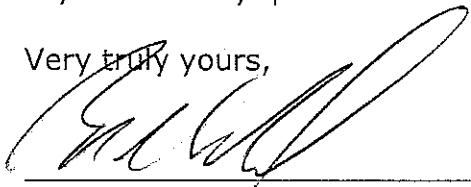
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You also allege a violation of misconduct in office, contrary to Section 946.12. There are several provisions that describe ways in which a public official could violate this statute. None of those provisions applies to these circumstances. There is no evidence that any town official personally benefited from paying these bills. Perhaps the entire town board should have anticipated that the legal bills would be higher. The failure to do so does not constitute misconduct in office. Perhaps there should have been an amendment to the budget once it was clear that the expenses were going to exceed the budgeted amounts. This, however, also does not constitute misconduct in office.

Based upon the forgoing, there is no basis for me to conduct an investigation or pursue prosecution relative to the complaints against the Town Clerk-Treasurer and Town Chair. There is no basis for me to pursue prosecution against the Town Supervisor relative to the budget-related complaint. I will conduct an investigation relative to the other complaint you raise against the Town Supervisor and will advise you accordingly.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

  
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Brad D. Schimel  
District Attorney

mav

cc: Hector de la Mora, Town Attorney  
Angie Van Scyoc, Town Chair  
Jamie Salentine, Town Clerk-Treasurer  
Joseph Banske, Supervisor