

STATE OF WISCONSIN
**GOVERNMENT ACCOUNTABILITY
BOARD**

COMPLAINT FORM

Please provide the following information about yourself:

Name Vince Megna

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Telephone number 414-225-0260

E-mail Vmegna@wi.rr.com

State of Wisconsin
Before the Government Accountability Board

The Complaint of Vincent P. Megna, Complainant(s)

against Robin Vos, Respondent, whose
address is Room 309 East, State Capitol, P.O. Box 8533
Madison, WI 53708

This complaint is under _____ (Insert the applicable sections of law
in chs. 5 to 12, subchapter III of ch. 13, or subchapter III of ch. 19, if known)

I, Vince Megna, allege that:

(see attached)

Representative Robin Vos drafted, sponsored and promoted Special Session Senate Bill 12 relating to capping attorney fees at three times a damage award in consumer fee shifting cases using his official state position.

Representative Vos sponsored said Bill at a time when he had personal landlord tenant litigation pending that could be affected by the Bill. The Milwaukee Journal Sentinel did a story on Representative Vos's involvement in failing to refund a security deposit to college students renting from him in a property he owns in Whitewater. A copy of the Milwaukee Journal Sentinel article is attached.

The landlord tenant case was eventually settled with Vos refunding \$2,500.00 to the students and facing an attorney fee bill in the sum of \$20,000.00 from the students' attorney. The court will take up the issue of awarding reasonable fees to the students in the future. Despite testifying in at least one public hearing and making numerous public statements regarding the Bill, Vos failed to disclose how passage of the Bill could personally benefit him either in the pending case or in the future

(Set forth in detail the facts that establish probable cause to believe that a violation has occurred. Be as specific as possible as it relates to dates, times, and individuals involved. Also provide the names of individuals who may have information related to the complaint. Use as many separate pages as needed and attach copies of any supporting documentation.)

Date: 11-3-11

[Handwritten Signature]
Complainant's signature

I, _____, being first duly sworn, on oath, state that I personally read the above complaint, and that the above allegations are true based on my personal knowledge and, as to those stated on information and belief, I believe them to be true.

Complainant's signature

STATE OF WISCONSIN)
County of Dane)ss.
(county of notarization)

Sworn to before me this 3rd day of November, 2011.

[Handwritten Signature]
(Signature of person authorized to administer oaths)

My commission expires ~~_____~~, or is permanent.
Notary Public or (official title if not notary)

(Note: A sworn statement is required for complaints regarding actions of local election officials, pursuant to §5.06, Stats, and regarding violations of the campaign finance laws under Chapter 11, Stats. Complaints regarding violations of other statutes under the Board's jurisdiction are not required to be notarized.)

Please send this completed form to:

By mail, to Wisconsin Government Accountability Board, P.O. Box 7984, Madison, WI 53707-7984; by Fax, to 608-267-0500; or by Email to gab.wi.gov.

Complaints regarding actions of local election officials pursuant to §5.06, Stats. must also be mailed or personally served on the respondent, and the complainant must certify to that service in a cover letter to the Board filed with the complaint.



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Lawmaker in attorney fee cap debate has lawyer bill pending

Recommend 403

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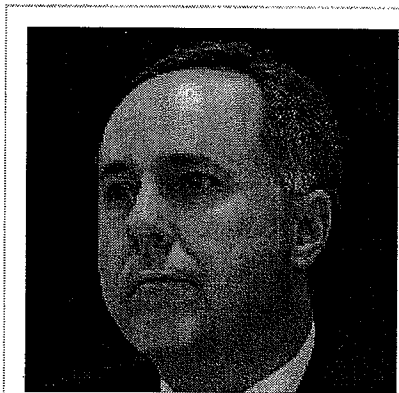
Opponents decry Vos' legislation as anti-consumer

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By Bruce Vielmetti of the Journal Sentinel

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Nov. 2, 2011 | (148) COMMENTS



Robin Vos

The lawmaker who introduced a bill to cap attorney fees in consumer litigation never mentioned that he, as a landlord, faces a pending claim of \$20,000 in such fees from a case over a student house in Whitewater.

Rep. Robin Vos (R-Rochester) said he wrote the bill capping fees at three times a plaintiff's monetary damages after a car dealer in his district had to pay \$150,000 in attorney fees over a \$5,000 repair a customer said he never authorized. The Burlington dealer agreed to settle the case with the customer.

The new law would presume that reasonable fees are no more than three times any monetary damage award but would allow judges to exceed that if plaintiffs' attorneys could prove the limit was unreasonable.

Vos says the limits would provide certainty for businesses; consumer advocates contend they would decimate the state's consumer protection laws because lawyers wouldn't agree to take complex cases over relatively small amounts.

The Senate voted last week to approve the bill, and the Assembly is set to take it up Thursday. If it passes, the bill would be sent to Gov. Scott Walker, who supports it, for his signature.

During neither a Senate committee hearing on the bill nor in interviews with reporters, did Vos ever disclose his own personal interest in the issue.

Vos, co-chairman of the Legislature's Joint Finance Committee, said Wednesday that he didn't want it to be about him, and besides, the law would only affect future cases, not the one he has pending.

He called it sad that opponents of the bill were resorting to questioning his motives.

"They know this bill is going to pass and they know the gravy train is going to end," he said.

Consumer lawyers and Democrats say Vos should have brought up his own case. They said the new law could still provide a basis for Vos' attorney to argue that the judge should now consider what fees are reasonable in the pending matter.

"It would have been more appropriate if he had disclosed," said Rep. Gary Hebl (D-Sun Prairie). "There's just a distaste to it," otherwise.

"Certainly if you're the author of a bill, you have to be extra careful," he said.

According to court records, Vos is the sole shareholder of Ladwig & Vos, which owns a rental house at 122 S. Franklin St. in Whitewater. Last year, the company sued five college students who had leased the house for the 2010-'11 year but had moved out after just three months.

The company sought about \$17,000 in unpaid rent, said Brian Schuk, an attorney for one of the students.

Instead, Schuk countersued, claiming breach of contract, security deposit violation and rent overpayment. According to records, his client paid one-fifth of the \$1,500 security deposit, one-fifth of the summer rent and in early August 2010, one-fifth of the fall rent.

But on Aug. 31, all five tenants moved out because the power had gone out in the house 25 times since June 2, according to the counter claim, which also cites a dangerous stairway that made the house unsafe for habitation.

On Oct. 3, the parties agreed to a settlement in which Ladwig & Vos would pay Schuk's client \$2,175 for deposit return and unearned rent, as well as reasonable attorney fees and costs. The settlement states that Ladwig & Vos disputes the merits of the tenants' claims but recognized the risk of going to trial.

Last week, Schuk filed a detailed accounting of his fees and costs that totals a little more than \$20,000. A judge will decide whether the amount is reasonable. No date has been set for a hearing, but Schuk said he expects it would occur by the end of the year.

Under the bill, Schuk's fees would be presumed to be capped at \$6,525.

Vince Megna, an attorney who won the fees against the Burlington car dealer and testified at the Senate hearing on the fees bill, said Vos will probably never return a contested deposit if the bill passes.

"No one will ever sue a landlord again for an \$800 to \$1,000 deposit," Megna said.

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