

The Complaint of Scott Fitzgerald,
Complainant

against

**VERIFIED
COMPLAINT**

Wisconsin Government Accountability Board,
Respondent,
212 East Washington Ave, Third Floor P.O. Box 7984, Madison, WI 53707.

This complaint is under ch. 9.10, Wis. Stats.

I, Scott Fitzgerald, N4692 Maple Rd, Juneau, WI 53039, currently serving as a state senator, Senate District 13, allege that:

1. On November 15 2011, the Committee to Recall Scott Fitzgerald (henceforth referred to as “the Recall Committee”), 326 Garfield Street, Fort Atkinson, WI 53538, filed a Special Interest Committee Registration Statement (GAB-1) with the Government Accountability Board (GAB), pursuant to 9.10(2)(d), Wis. Stats, to initiate a recall against me.
 - a. Subsequent to filing the GAB-1, the Recall Committee is presumed to have commenced efforts to circulate recall petitions that same day, November 15, 2011.
2. On October 11 2011, GAB spokesperson Reid Magney indicated to the Associated Press that the recall petitions filed against myself and others on November 15 2011, were required to be offered for filing by Tuesday, January 17 2012.
3. According to 9.10(2)(d), Wis. Stats., “the last date that a petition for the recall of an officer may be offered for filing is 5 p.m. on the 60th day commencing after registration.”
4. On January 11 2012, Wisconsin Department of Justice (DOJ) Assistant Attorney General Lewis Beilin sent an email to Kevin Kennedy, Director and General Counsel of the GAB, expressing DOJ’s opinion that petitioners who registered to circulate recall petitions on November 15 2011, must offer recall petitions for filing no later than 5p.m., Tuesday, January 17 2012.
 - a. The email also stated that “for petitions registered on November 15, 2011, the last day that a valid signature can be gathered for those petitions is Saturday, January 14, 2012.”
5. In a phone conversation between myself and Director Kennedy on January 11 2012, I asked for clarification on the aforementioned issue. Director Kennedy was unable to provide the official position of the GAB at that time, and advised me to file a formal complaint so that my request for clarification was on record and thus eligible to be officially addressed by

GAB staff or the full Government Accountability Board at a later date.

a. Director Kennedy also advised me to seek additional clarification from DOJ.

6. **It is my contention** that under the current timeline set by the GAB and supported by DOJ that the Recall Committee is operating under, petition circulators have 61 days to circulate petitions, in violation of 9.10(2)(d) Wis. Stats.

7. I respectfully request that the GAB take appropriate action to rectify this oversight, which should include one of the following actions:

- a. Instruct the Recall Committee to offer its petition for filing no later than 5 p.m., Friday, January 13 2012, to bring them into compliance with 9.10(2)(d) Wis. Stats., OR
- b. Provide written assurances that signatures collected on November 15 2011 will be ruled invalid under GAB 2.09, Wis. Adm. Code when GAB conducts its review to determine sufficiency of the petition offered for filing, OR
- c. Provide written assurances that signatures collected on January 14 2012, will be ruled invalid under GAB 2.09 Wis. Adm. Code when GAB conducts its review to determine sufficiency of the petition offered for filing.

January 12, 2012



Date

Complainant's signature

I, Scott Fitzgerald, 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)

)ss.

County of _____),
(county of notarization)

Sworn to before me this _____ day of
January , 2012.

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