

In the Matter of )

)

**PRELIMINARY FINDINGS OF  
FACT AND CONCLUSIONS**

)

)

**Rep. Michael Huebsch**

)

GAB Case #2008-16

**Background.** The Government Accountability Board received a complaint on May 2, 2008 from James D. Wine alleging that former Assembly Speaker Michael Huebsch (1) in 2006 and 2007 caused his campaign account to reimburse him for mileage that he did not incur for a political purpose and (2) from May 1, 2005 to December 31, 2006 gave his vote or influence, or otherwise took official action on 2005 Assembly Bills 195, 414, 764, 766, 787, 892, 960, 981, 1021, 1072, 1073, and 1217 in consideration of, or upon condition that, one or more individuals furnish Mr. Huebsch with campaign contributions.

**Preliminary Findings of Fact.** The Board adopts the attached Report of Investigation as its Preliminary Findings of Fact in this matter. The Board does not possess or have knowledge of any information which would tend to refute or discredit these findings.

**Applicable statutes.**

Section §11.25 (2) (a), *Wisconsin Statutes*, provides:

(2) (a) No person, committee or group may make or authorize a disbursement or the incurrence of an obligation from moneys solicited for political purposes for a purposes which is other than political, except as specifically authorized by law.

Section §19.45 (13), *Wisconsin Statutes*, provides:

(13) No state public official or candidate for state public office may, directly or by means of an agent, give, or offer or promise to give, or withhold, or offer or promise to withhold, his or her vote or influence, or promise to take refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any person who is subject to a registration requirement under s. 11.05, or any person making a communication that contains a reference to a clearly identified state public official holding an elective office or to a candidate for state public office.

**Conclusions.**

The Government Accountability Board concludes there is no probable cause to believe that Michael Huebsch violated §11.25 (2), *Wisconsin Statutes*, nor has he violated §19.45 (13), *Wisconsin Statutes*.

The State of Wisconsin Government Accountability Board on the unanimous, affirmative vote of the six members meeting on March 31, 2009, adopts these preliminary findings of fact and conclusions.

STATE OF WISCONSIN GOVERNMENT  
ACCOUNTABILITY BOARD

By Judge Michael Brennan, Chair

In the Matter of

)

)

)

)

**REPORT OF  
INVESTIGATION**

**Rep. Michael Huebsch**

)

GAB Case #2008-16

**Background.** The Government Accountability Board received a complaint on May 2, 2008 from James D. Wine alleging that former Assembly Speaker Michael Huebsch (1) in 2006 and 2007 caused his campaign account to reimburse him for mileage that he did not incur for a political purpose and (2) from May 1, 2005 to December 31, 2006 gave his vote or influence, or otherwise took official action on 2005 Assembly Bills 195, 414, 764, 766, 787, 892, 960, 981, 1021, 1072, 1073, and 1217 in consideration of, or upon condition that, one or more individuals furnish Mr. Huebsch with campaign contributions.

**Investigation Activities.** The Board’s investigators, Doug Haag, John Norsetter, and Dean Nickel examined documents, and interviewed Representative Huebsch, lobbyists, and others as detailed in the investigators’ reports provided to the Board. The Board does not possess or have knowledge of any information which would tend to refute or discredit these findings.

**Findings.**

This investigation was predicated on a two part allegation: First, that the mileage reimbursements claimed by Rep. Mike Huebsch were unrealistic and that Rep. Huebsch was possibly converting campaign funds to his personal use by overstating the number of miles that he claimed. Secondly, that during the 2005-2006 legislative sessions, as Assembly majority leader, Rep. Huebsch received contributions to his campaign fund in a disproportionate amount from certain industries during times that bills of interest to those industries were moving through the legislature. The allegation was that campaign contributions to Rep. Huebsch were tied to the movement of the bills. The investigation found no evidence to substantiate either allegation.

*Mileage claims.*

Rep. Huebsch stated that, in his role as majority leader, he traveled constantly throughout Wisconsin. He also averaged two to three trips per week between Madison and his home district in the LaCrosse area. Rep. Huebsch stated that, in 2005, he stopped claiming reimbursement for mileage expenses on his State of Wisconsin Time and Travel Reports. Rep. Huebsch said that since he had become majority leader earlier that year, his travel often combined state business with “political” content. He stated that he wanted to avoid claiming state reimbursement for travel that also involved political business. Rep. Huebsch stated that, from that time forward, he used his campaign funds for all travel reimbursement, except for the per diem that he claimed while in Madison. A review of the documents held by the Assembly Chief Clerk verified that Rep. Huebsch stopped claiming expenses other than per diem in August, 2005.

*Pay to play allegations.*

The complaint alleged fundraising irregularities in four areas: alcohol (beer, wine and liquor industries), health care (hospital and medical industries), insurance and telephone. The allegations were based on spikes in campaign contributions from specific industries occurring near the time that bills were brought to a vote. We interviewed lobbyists representing clients in each area.

The majority of the lobbyists interviewed stated that the fact that Rep. Huebsch agreed with their clients on issues was the major factor in making contributions to him. Several indicated the fact that Rep. Huebsch was Assembly majority leader and in a position of influence were also factors influencing campaign contributions.

No lobbyist that we interviewed stated that he or she believed that Rep. Huebsch's vote or influence on a bill was based on or influenced by campaign contributions. In fact, when asked directly about this, all stated that they did not recall any instance in which they talked to Rep. Huebsch about contributions and legislation in the same conversation. Several went further and stated that Rep. Huebsch was an honest public servant and was not a legislator that they would think of if there were anyone in the legislature involved in "pay to play".

A number of lobbyists also pointed out that, during the 2005-2006 sessions, Rep. Huebsch was the Assembly majority leader, but John Gard was the Speaker of the Assembly. They considered Rep. Gard as being the driving force in determining what legislation moved through the Assembly, rather than Rep. Huebsch.

With respect to the relation between the timing of contributions and the scheduling of bills, each lobbyist that we interviewed stated in one form or another that contributions are not based on the status of bills in the legislature, but rather on the timing of fundraisers, legislative days, industry days, or other similar events.

These statements were corroborated by our examination of the timing of contributions with specific events. We found, for example, that the Tavern League of Wisconsin held a legislative day on March 29, 2005 at which Rep. Huebsch spoke. Rep. Huebsch had an annual fundraiser golf outing in September, 2005. The Wisconsin Hospital Association held a fundraiser for Rep. Huebsch in connection with its annual convention on September 22, 2005 which raised \$7000-\$8000 for Rep. Huebsch's campaign. The fundraiser had been scheduled the previous year. Rep. Huebsch held fundraisers in April and June of 2005, one in Madison and the other in the Wisconsin Dells, both attended by representatives from the various beer, wine and liquor associations.

A significant allegation of the complaint centered on the receipt of campaign contributions from the beer, wine, and liquor industry in connection with AB787. A substantial majority of contributions from that industry were given to Rep. Huebsch in April 2005. This pre-dated a Supreme Court decision on May 16 of that year affecting distribution issues in the liquor industry. Only after the Court ruling did the need for the bill arise and was the bill subsequently introduced.

In sum, Rep. Huebsch and the lobbyists with whom we spoke all denied a link between contributions and bill scheduling. Empirical evidence from our examination of the

timing of fundraising events, bill histories, and contribution patterns tends to substantiate those assertions.

**Conclusion.**

The investigation found no evidence to support a finding of probable cause to believe that Michael Huebsch violated either §11.25 (2), *Wisconsin Statutes*, or has he violated §19.45 (13), *Wisconsin Statutes*.