

STATE OF WISCONSIN

CIRCUIT COURT
CRIMINAL DIVISION

MILWAUKEE COUNTY

STATE OF WISCONSIN

CRIMINAL COMPLAINT

Plaintiff,

vs.

DA Case No.: 2011ML030334

TIMOTHY D. RUSSELL
709 Clardell Drive
Sun Prairie, Wisconsin 53590
DOB: August 6, 1963

Complaining Witness:
Investigator Robert Stelter

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

COUNT 1: THEFT (EMBEZZLEMENT) (VALUE EXCEEDING \$10,000)

The above-named defendant, between about December 31, 2009 and December 7, 2010, at 9323 West Greenfield Avenue, West Allis, Wisconsin, by virtue of his business, did intentionally transfer the money of Heritage Guard Preservation Society, Inc. (HGPS) in an amount exceeding \$10,000, without HGPS' consent, contrary to his authority, and with intent to convert it to his own use, all contrary to Sections 943.20(1)(b) & 3(c) of the Wisconsin Statutes.

COUNT 2: THEFT (EMBEZZLEMENT) (VALUE \$2,500-5,000)

The above-named defendant, on about January 1, 2008 at 2031 North 49th Street, Milwaukee, Wisconsin, as a bailee, did intentionally transfer the money of the Friends of Chris Kujawa, a campaign committee, in an amount exceeding \$2,500 but not exceeding \$5,000, without the owner's consent, contrary to his authority, and with intent to convert it to his own use, all contrary to Sections 943.20(1)(b) & 3(bf) of the Wisconsin Statutes.

COUNT 3: THEFT (EMBEZZLEMENT) (VALUE NOT EXCEEDING \$2,500)

The above-named defendant, on about July 14, 2010 at 2031 North 49th Street, Milwaukee, Wisconsin, as a bailee, did intentionally transfer the money of the Friends of Larry Spicer, a campaign committee, in an amount not exceeding \$2,500, without owner's consent, contrary to his authority, and with intent to convert it to his own use, all contrary to Sections 943.20(1)(b) & 3(a) of the Wisconsin Statutes.

AS TO COUNT 1:

Upon conviction of this offense, a Class G felony, the defendant may be fined in an amount not to exceed \$25,000 or imprisoned for a term not to exceed 10 years, or both.

AS TO COUNT 2:

Upon conviction of this offense, a Class I felony, the defendant may be fined not more than \$10,000, or imprisoned not more than 3.5 years or both.

AS TO COUNT 3:

Upon conviction of this offense, a Class A misdemeanor, the defendant may be fined not more than \$10,000, or imprisoned not to exceed 9 months or both.

Complainant states that he is a Milwaukee County District Attorney Investigator and bases his complaint upon the sources of information identified in the paragraphs below.

A. Authorization of Doe Judge

This investigation was conducted under the auspices of an ongoing Milwaukee County John Doe investigation, Milwaukee County Case No. 10JD000007. The Honorable Neal Nettesheim presides over this John Doe proceeding. The John Doe is subject to a Secrecy Order. To the extent that the John Doe investigation relates to Timothy D. Russell, the Heritage Guard Preservation Society, Inc., the Friends of Chris Kujawa, a campaign committee, the Friends of Larry Spicer, a campaign committee and such other individuals as are named in this complaint, Judge Nettesheim has authorized the release of information necessary for the prosecution of this criminal matter.

B. Identification of Relevant Parties

For purposes of this complaint, the following persons are identified in alphabetical order and described by role as it relates to this criminal complaint.

Heritage Guard Preservation Society, Inc. (HGPS). HGPS is the corporate entity originally incorporated by Todd Hunter (and others) in 2004 and, in August 2009, HGPS was transferred to Tim Russell.

Hunter, Todd. Attorney Todd Hunter was the original incorporator of the Heritage Guard Preservation Society, Inc. (HGPS). HGPS was originally formed in 2004 and was transferred to Tim Russell in August 2009, according to Mr. Hunter's John Doe testimony.

Kavanaugh, Kevin. Mr. Kavanaugh served as the Treasurer for Chapter 96 of the Military Order of the Purple Heart (MOPH). He was appointed to the Milwaukee County Veteran's Service Board in 2005. Kavanaugh, as the Treasurer of MOPH, was selected to administer the receipts of (i.e., the donations to) Operation Freedom and to pay Operation Freedom expenses.

Kujawa, Christopher. Mr. Kujawa is a South Milwaukee businessman who, in the summer of 2007, ran for the Milwaukee County Supervisor seat vacated by Ryan McCue upon his election to the Office of Mayor for the City of Cudahy. Mr. Kujawa formed a candidate committee known as Friends of Chris Kujawa. Brian Pierick served as the nominal Treasurer of the Kujawa campaign committee. Tim Russell, however, was actually responsible for the Kujawa committee campaign finance account.

Leguizamon, Domingo. Mr. Leguizamon was a Milwaukee County employee. He is identified on HGPS corporate forms filed with the Department of Financial Institutions as a Vice-President and director. Mr. Leguizamon had no idea he was an officer or a director of HGPS.

Operation Freedom. The Milwaukee County Executive's Office sponsored an event to honor military veterans known as "Operation Freedom." The event was held at the Milwaukee County Zoo at about the time of Independence Day every year and was made possible because of the work of Milwaukee County employees and the donations of private individuals.

Pierick, Brian. Mr. Pierick is the partner of Tim Russell. At times relevant to this complaint, Pierick and Russell lived together at 2031 North 49th Street in the City of Milwaukee, Wisconsin. Mr. Pierick served as the nominal Treasurer of the Friends of Chris Kujawa, a campaign committee.

Rindfleisch, Kelly M. Ms. Rindfleisch was a Policy Advisor in the Milwaukee County Executive's Office from January 2010 until March 15, 2010, at which time she became Deputy Chief of Staff. She served in that position until November 2010. Tim Russell hired Rindfleisch. Rindfleisch is identified on HGPS corporate forms filed with the Department of Financial Institutions as a Secretary/Treasurer and as a director. Ms. Rindfleisch had no idea she was an officer or a director of HGPS.

Russell, Timothy D. Mr. Russell held multiple positions in Milwaukee County government since 2002. See Appendix A. He last served as the Deputy Chief of Staff to County Executive Scott Walker until March 2010. At that time, he was appointed to serve as the Housing Director for the Department of Health and Human Services. Russell administered the campaign finance accounts for two County Supervisor candidates, Chris Kujawa and Larry Spicer. In 2009, County Executive Walker transferred control of the event "Operation Freedom" to a corporation controlled by Mr. Russell.

Spicer, Larry. Mr. Spicer was a candidate for the office of Milwaukee County Supervisor District 2 vacated by Toni Clark in the spring of 2010. Larry Spicer formed a campaign committee, "Friends of Larry Spicer." Tim Russell assisted Mr. Spicer with his campaign and was in sole control of the campaign account for the Friends of Larry Spicer. Spicer did not successfully emerge from the Primary Election.

Tietjen, James. Mr. Tietjen is the Associate Director of Operations for the Milwaukee County Department of Health and Human Services. He worked on Operation Freedom as a Milwaukee County employee. Mr. Tietjen is identified on HGPS corporate forms filed with the Department of Financial Institutions as the Secretary/Treasurer. Mr. Tietjen had no idea he was an officer of HGPS.

Walker, Scott K. Mr. Walker was, at all times relevant to this complaint, the County Executive of Milwaukee County. County Executive Walker transferred control of "Operation Freedom" to Tim Russell as President of HGPS on October 20, 2009.

Wink, Darlene. Ms. Wink worked on Constituent Service issues in the Milwaukee County Executive's office. She spent a substantial portion of her time on the event known as Operation Freedom. Ms. Wink monitored the Operation Freedom finances and she noticed issues with the administration of Operation Freedom donations in 2008. Ms. Wink is identified as a Vice-President of HGPS on papers filed with the Wisconsin Department of Financial Institutions. Ms. Wink stated she was on the board of Heritage Guard Preservation Society and that she believes she was an officer because Tim

Russell told her she was.

C. Summary of Offenses

1. Theft from the campaign committee "Friends of Chris Kujawa"

In 2007, Ryan McCue vacated his Milwaukee County Board seat when McCue was elected to serve as the Mayor of the City of Cudahy. A Special Election was held in August 2007 to fill the County Supervisor seat. The Special Election candidates for McCue's open Supervisor seat were Patricia Jursik, a Cudahy lawyer, and Chris Kujawa, a South Milwaukee businessman.

Although Russell was not the campaign Treasurer (a position held by Russell's roommate and partner, Brian Pierick), Russell had sole control the Friends of Chris Kujawa campaign finance account.

Kujawa loaned his campaign committee the sum of \$3,000 in 2007.

Mr. Kujawa lost the August 2007 Supervisor election to Patricia Jursik.

In late December 2007, Kujawa requested Russell to repay the loan with remaining funds in the campaign account. At about this same time, Russell transferred the sum of \$3,000 (one transfer of \$2,000 in December 2007 and a second transfer in the amount of \$1,000 in January 2008) to his personal account.

For two years, Russell ignored Mr. Kujawa's requests for repayment of his loan. After Mr. Kujawa threatened to call then County Executive, Scott Walker, Mr. Kujawa was repaid.

To make the payment, Tim Russell used the funds of the Heritage Guard Preservation Society, Inc. These funds were for Operation Freedom and were intended to benefit military veterans. Russell delivered a check to Mr. Kujawa in the amount of \$3,041.83 in February 2010.

2. Theft from the Heritage Guard Preservation Society, Inc.

For a number of years, the County Executive's Office had sponsored an event to honor military veterans known as "Operation Freedom." The event was held at the Milwaukee County Zoo and was made possible because of the work of Milwaukee County employees and the donations of private individuals. In about 2006, whereas donations had theretofore been handled by the County Executive's Office, the handling of money was transferred to the Military Order of the Purple Heart, Chapter 96. Milwaukee County Veterans Service Board member Kevin Kavanaugh was the Treasurer of the Military Order of the Purple Heart, Chapter 96.

Due to alleged financial mismanagement, in about 2009, Operation Freedom donations were entrusted to the Alonzo Cudworth American Legion Post. While by all reports the Cudworth Post discharged their financial duties in exemplary fashion, in October 2009, then County Executive Scott Walker transferred the Operation Freedom funds – some \$19,000 – to HGPS, the corporation controlled by Tim Russell.

Russell actively operated the HGPS entity for the purpose of raising funds for Operation Freedom during 2010. This included having County Executive employees process donation payments for ultimate deposit in an HGPS account that Russell controlled.

In 2009 and 2010, Russell transferred in excess of \$20,000 from the HGPS accounts into his personal accounts. These funds were used to pay for Caribbean and Hawaiian vacations, at least in part. They were also used to fund a political trip to Atlanta, Georgia for the organization of a presidential campaign. And, as noted above, Russell took from HGPS to repay the campaign debt of Chris Kujawa.

3. Theft from the campaign committee, "Friends of Larry Spicer"

In 2010, Milwaukee County Supervisor Toni Clark resigned her position on the County Board on the same day she was convicted of a campaign finance reporting violation relating to the misappropriation of money from her campaign finance account.

Larry Spicer formed a campaign committee to seek the office vacated by Toni Clark.

Under circumstances similar to those of the Friends of Chris Kujawa, Russell assisted Spicer and was in sole control of the campaign account for the Friends of Larry Spicer.

Spicer did not successfully emerge from the Primary Election.

Thereafter, without Spicer's knowledge or consent, Russell withdrew the sum of \$550 from the campaign finance account.

D. Venue and Jurisdiction

Based upon a review of Russell's personnel file, produced pursuant to a John Doe subpoena by Candace Richards of the Department of Human Resources of Milwaukee County, I know that Mr. Russell served from January 26, 2009 to March 15, 2010 as the Deputy Chief of Staff in the Office of the County Executive. Russell was employed as the Director of Housing at the Department of Health and Human Services (DHSS) effective March 15, 2010. He served in that DHSS position until he left county service on December 28, 2010. Russell's Human Resources file also reflects a previous position as Director of Community Relations in the County Executive Office effective August 12, 2008.

Milwaukee County Human Resources records for Mr. Russell which I have reviewed reflect that, at all times relevant to this complaint, Mr. Russell claimed his residence as 2031 North 49th Street in the City of Milwaukee, Wisconsin. I note that this is the same address that I have seen listed for Mr. Russell on bank records I reviewed as part of this investigation.

E. Thefts from the Funds Entrusted To Russell By Heritage Guard Preservation Society

1. Operation Freedom and the Transfer of the Event to HGPS

The John Doe investigation, Milwaukee County Case No. 10JD000007, was commenced as an inquiry into the possible misappropriation of \$11,000 in Operation Freedom contributions described below.

Operation Freedom was an annual event sponsored by the Office of the County Executive. It was intended as an event to honor military veterans and it was held at the Milwaukee County Zoo in the summer, usually around the time of Independence Day. It was the product of the work of Milwaukee County employees and the donations of private individuals.

The County Executive's Office collected contributions to help fund this event in the time period prior to about 2006. Because it was not the central focus of this John Doe investigation, the pre-2006 accounting for Operation Freedom funds was not directly examined by John Doe investigators. However, in about 2006, Jim Villa, the County Executive Chief of Staff, believed that the County Executive's Office should not be directly involved in the handling of Operation Freedom funds. Therefore, the administration of Operation Freedom funds was transferred to the Michelle Witmer Chapter of the Military Order of the Purple Heart (MOPH).

Kevin Kavanaugh was the MOPH Chapter Treasurer. Darlene Wink, the County Executive employee who monitored Operation Freedom finances, stated that Kavanaugh was selected to administer the funds because of his position on the Milwaukee County Veterans Service Commission. Kavanaugh was first appointed to the Milwaukee County Veterans' Service Commission on February 15, 2005 and he was appointed a second time on November 29, 2010.

Questions about Kavanaugh's handling of Operation Freedom funds arose in 2008. Darlene Wink was responsible for reviewing the Operation Freedom contributions and expenses. Wink identified an apparent shortfall of some \$11,000. Efforts by the County Executive's Office to address this discrepancy failed; the Purple Heart Chapter was unable to provide any satisfactory explanation for the missing \$11,000. In fact, MOPH was uncooperative in explaining its handling of Operation Freedom Funds.

On February 17, 2009, the Operation Freedom finances were transferred to the Alonzo Cudworth American Legion Post #23. No financial management issues arose during the period of time the Cudworth post had responsibility for Operation Freedom contributions and expenses.

On October 20, 2009, however, in a Memo to the Cudworth Post, County Executive Scott Walker terminated the Memorandum of Understanding between the Cudworth Post and Milwaukee County. County Executive Scott Walker wrote:

To ensure its ongoing operation and success, I have identified a non-profit corporation to which I am transferring Operation Freedom. While I created and have supported Operation Freedom, its existence and success should not depend on me. This new structure will allow the community to take ownership of it.

The non-profit that County Executive Walker identified in his Memo was the Heritage Guard Preservation Society, Inc. (HGPS). On the same day the Memorandum of Understanding with the Cudworth Post was terminated, on October 20, 2009, County Executive Walker transferred Operation Freedom to HGPS,¹ the corporation controlled by Timothy D. Russell. See Figure 1.

¹ Russell took control of Heritage Guard Preservation Society, Inc. in 2009. It was an existing corporation originally formed in 2004. Our review of HGPS records indicates that the initial grant of 501(c)(3) status to the Heritage Guard Preservation Society actually expired in 2008. We have found no evidence of renewal in HGPS records seized in the course of this investigation. Investigators have contacted the IRS to confirm the valid 501(c)(3) status but the IRS could not confirm HGPS' non-profit status. The IRS, however, does not exclude the possibility that the status was in fact renewed.

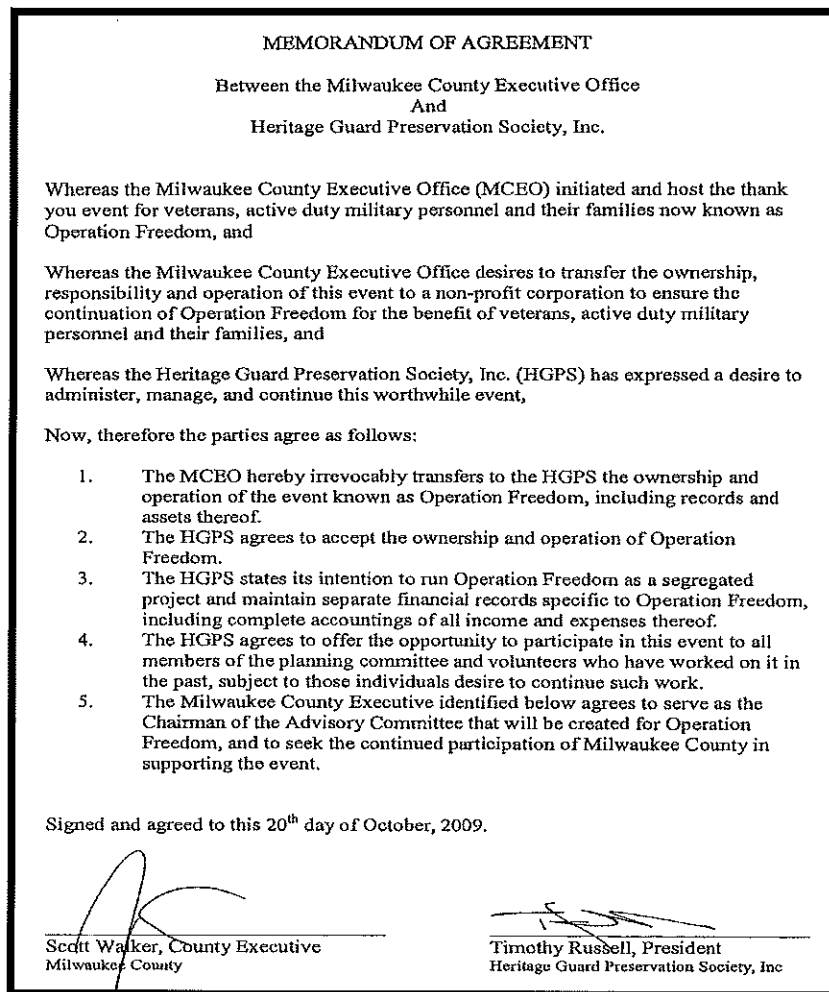


Figure 1

2. The Heritage Guard Preservation Society did not Consent to the Misappropriation of Tens of Thousands of Dollars Intended for the Benefit of Military Veterans

The John Doe Judge authorized Search Warrants for the home of Timothy Russell at 2031 North 49th Street in the City of Milwaukee and for offices that Russell occupied at 5304 West Greenfield Avenue in the Village of West Milwaukee. On December 7, 2010, those warrants were duly served.

As part of the execution of those warrants, the corporate papers for Heritage Guard Preservation Society (HGPS), including the Articles of Incorporation and the corporate By-Laws were seized from the office located at 5304 West Greenfield Avenue..

Based upon the John Doe testimony of Attorney Todd Hunter, one of the original Incorporators of HGPS, I know that the corporation was originally formed in 2004 as a means to preserve historical and cultural artifacts and properties. It was formed mainly in connection with Mr. Hunter's work with historic buildings on the grounds of the Veterans Administration Complex located at Wood, Wisconsin, 5000 West National Avenue in the County of Milwaukee. Todd Hunter states that he transferred the corporation to Tim Russell. Hunter further testified that he turned over the bank account

– an amount of about \$100 – to Russell at the time of the transfer. Based upon a review of M&I Bank records seized from the office of Mr. Russell on December 7, 2010, the transfer of HGPS to Tim Russell took place on August 18, 2009. The seized M&I Bank records list Mr. Russell as the Authorized Signer and President of the corporation. The corporate address is listed as 9323 West Greenfield Avenue, West Allis, Wisconsin.

Based upon my review of Guaranty Bank records obtained by John Doe subpoena, I know that Mr. Russell opened a bank account at Guaranty Bank on September 16, 2009 in the name of the Heritage Guard Preservation Society, Inc. Bank records include a copy of an Annual Report filed with the State of Wisconsin. This Annual Report was signed by Tim Russell dated August 18, 2009. It lists Russell as President. It lists Milwaukee County Executive employee Darlene Wink as Vice-President. The Secretary/Treasurer is identified as Milwaukee County Department of Health and Human Services Associate Operations Director James Tietjen. No HGPS directors are identified. The registered agent is identified as Tim Russell, 9323 West Greenfield Avenue, West Allis, Wisconsin.

In an interview with Darlene Wink, Ms. Wink stated that she thought she was a director but did not know that she was an officer. She stated she signed one paper once but did not ever attend any corporate meetings or see any corporate minutes of HGPS.

In James Tietjen's John Doe testimony, Tietjen stated that he was not familiar with the acronym "HGPS" and he thought that Heritage Guard Preservation Society might be a veterans group used as a "financial arm," but he was not sure. Tietjen testified that he had no idea that he was supposedly the Secretary/Treasurer of the corporation.

John Doe investigators obtained from the Wisconsin Department of Financial Institutions a copy of the Annual Report for the first quarter of 2010. It is signed by Tim Russell and dated July 15, 2010. It lists Russell as President. It lists Milwaukee County employee Domingo Leguizamon as Vice-President and Milwaukee County Executive Deputy Chief of Staff Kelly Rindfleisch as Secretary/Treasurer. The Annual Report identified these two persons as directors as well.

In Domingo Leguizamon's John Doe testimony, like James Tietjen, Leguizamon testified that he had no idea that he was an officer in HGPS.

In a statement to investigators, Kelly Rindfleisch said she knew of an organization that handled the financial aspect of Operation Freedom and she thought the name of the organization was the "National Heritage Preservation Society." She stated that she did not serve on any board and was unaware of her supposed status as the Secretary/Treasurer of the Heritage Guard Preservation Society.

I found no minutes, resolutions or other apparent official corporate documents or records of any kind dated after July 2009 in the records from the HGPS file recovered from Tim Russell's office on West Greenfield Avenue.

I have reviewed the By-Laws of the corporation and I note that three Directors are authorized and that corporate action, including the appointment of officers, generally requires the assent of two Directors. Based upon the statements of the phony officers/directors as described above, HGPS did not have two actual Directors. Obviously, a Treasurer who does not know he/she is a Treasurer cannot consent to the

misappropriation of HGPS funds. For all these reasons, I conclude that HGPS did not consent to the deposit of HGPS funds into the personal bank accounts of Tim Russell as described in this complaint below. Likewise, the other payments described below for the personal benefit of Tim Russell (e.g., the payment to Chris Kujawa) were done without the consent and authorization of HGPS.

- a. *Heritage Guard Bank Records Reflect Large Sums of Money were Transferred from HGPS into the Personal Account of Tim Russell and his Partner Brian Pierick.*

ACCOUNTMASTER - BUSINESS			
Product Type 39	Account type 01	Cycle Code 91	
Open Balance 100.00	Opened by Suzanne Kyte		
Open Date 09/16/2009	Maturity Date		
Rate .000	Ownership of Account Corporation	Number of Signatures required for withdrawal: 1	
ACCOUNTHOLDERS	REL	TIN	Date of Birth ID
HERITAGE GUARD PRESERVATION SOCIETY INC Corporation - T	Signer - M	83-0379593	08/ /1963 R2406
TIMOTHY D RUSSELL		393-	
Address (business)	Address (mailing)		
9323 W GREENFIELD AVE			
WEST ALLIS, WI 53214-0000			
Phone (424)840-			

4032004102

Figure 2

Figure 2 is a copy of the Guaranty Bank records for HGPS provided in response to a John Doe subpoena issued to Guaranty Bank. The corporation was listed as having an address of 9323 West Greenfield Avenue, West Allis, Wisconsin. Russell is the authorized signer for the account and the account was opened on September 16, 2009. An initial deposit of \$100 was made. The Account Number is 4032004102.

Guaranty Bank records for HGPS show a deposit of an official check of the M&I Bank account. Based on the John Doe testimony of Attorney Todd Hunter, this official check closed out the HGPS account at M&I Bank. It was deposited into the HGPS bank account on November 13, 2009. See Figure 3.

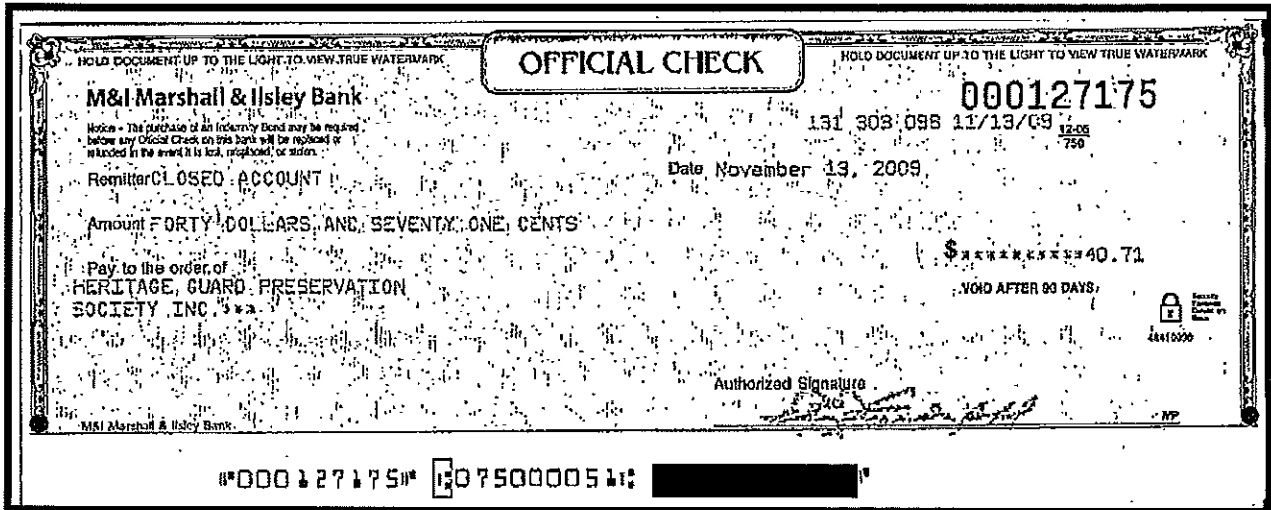


Figure 3

Also obtained from Guaranty Bank records, Figure 4 below is a copy of an Alonzo Cudworth American Legion Post check. This check effected the transfer required by then County Executive Scott Walker as set forth in Mr. Walker's October 29, 2009 Memo quoted above. The deposit of this check is reflected in Guaranty Bank records for HGPS and the date of the deposit was November 20, 2009.

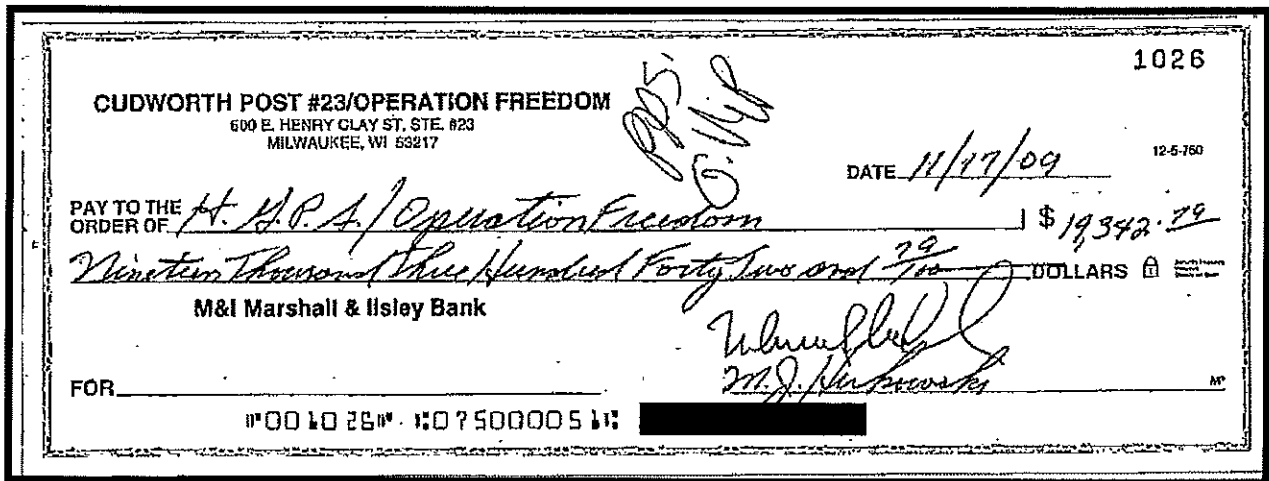


Figure 4

On New Years Eve 2009, Guaranty Bank records reflect that Russell transferred the sum of \$5,000 from the HGPS bank account to Russell's personal account, Account XXXX7511. See Figure 5.

DLA: 02/28/02 PRIOR DLA: 02/13/02		XXXX XXXX
RELATED ACCOUNTS: 00 18248 P		
RUSSELL TIMOTHY D	TIN: 393- GROUP: H	
HOME PHONE: (414) 777- 2031 N 49TH ST		MILWAUKEE WI
BUS PHONE: EXT:		
BIRTHDATE: 08/ /1963 CTS NBR: 00271416 53208 0000		
DLA: 10/24/02 PRIOR DLA: 10/21/02		
RELATED ACCOUNTS: 00 7511 DR ←		

TIMOTHY D RUSSELL OR BRIAN B PIERICK 2031 N 49TH ST MILWAUKEE WI 53208	<p style="text-align: center;">SUMMARY OF YOUR ACTIVITY</p> <p style="text-align: right;">*JAN 15 10</p> <table> <tr> <td>STATEMENT DATE</td> <td>JAN 15 10</td> </tr> <tr> <td>STATEMENT NUMBER</td> <td>7511</td> </tr> <tr> <td>BEGINNING BALANCE</td> <td>1595.50</td> </tr> <tr> <td>DEPOSIT AMOUNT</td> <td>+ 11058.22</td> </tr> <tr> <td>WITHDRAWAL AMOUNT</td> <td>- 9675.86</td> </tr> <tr> <td>SERVICE CHARGE</td> <td>- .00</td> </tr> <tr> <td>ENDING BALANCE</td> <td>= 2977.86</td> </tr> </table>	STATEMENT DATE	JAN 15 10	STATEMENT NUMBER	7511	BEGINNING BALANCE	1595.50	DEPOSIT AMOUNT	+ 11058.22	WITHDRAWAL AMOUNT	- 9675.86	SERVICE CHARGE	- .00	ENDING BALANCE	= 2977.86
STATEMENT DATE	JAN 15 10														
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DEPOSIT AMOUNT	+ 11058.22														
WITHDRAWAL AMOUNT	- 9675.86														
SERVICE CHARGE	- .00														
ENDING BALANCE	= 2977.86														

BEGINNING JANUARY 1, YOU MAY SEE A SECTION IN YOUR STATEMENT THAT TOTALS OVERDRAFT/NSF FEES AND RETURNED ITEM FEES YOU HAVE PAID.

Figure 6

The January statement for the Russell/Pierick account shows a balance of \$953.56 on December 30, 2009, the day before the HGPS funds were transferred into the account.


Guaranty Bank records for the Russell/Pierick personal account (XXXX7511) for the time period of December 31, 2009 to January 15, 2010 indicate the following transactions:

Date	Amount	Description
12/31/2009	\$500	Withdrawal (slip signed by Russell)
12/31/2009	\$700	Withdrawal (slip signed by Russell)
1/2/2010	\$168.98	Point of Sale (POS) transaction at Johnny Rockets Seven, Miami Beach Florida
1/4/2010	\$30	POS transaction with Air Tran Airlines in Atlanta, Georgia
1/4/2010	\$54	POS transaction at Island Marketing in Grand Cayman
1/4/2010	\$1,745.76	Payment to Barclaycard
	\$1,926.52	Payment to Bay View loan servicing
1/7/2010	\$100.24	POS transaction at Jimmy Buffett's Margaritaville in Ocho Rios, Jamaica

Table 1

The John Doe Judge issued a subpoena for the credit card records in the name of Brian Pierick to BarclayCard. Figure 7 and Figure 8 below demonstrate that \$1,000 of the

\$1,745.76 BarclayCard payment listed in Table 1 was for a cruise ship vacation. Figure 7 shows the BarclayCard statement due in December 2009 for credit card charges of Russell's partner Brian Pierick. The statement documents two Carnival Cruise Line charges in a total amount of \$1,000 posted October 15, 2009.

	Payment Due Date	December 11, 2009
	Minimum Payment Due	\$67.00
	Previous Balance	\$828.47
	Current Balance	\$1,802.47

MasterCard® Statement

Primary Account Number Ending in: 8722
Statement Closing Date: November 16, 2009

Page 1 of 3
Questions? Call 1-866-255-1304
www.BarclaycardUS.com

Account Summary

Payment Due Date	12/11/09	Previous Balance	\$828.47
Minimum Payment Due	\$67.00	Payments	\$75.00
Credit Line	\$1,900.00	Credits	\$0.00
Credit Available	\$97.53	Purchases	\$1,000.00
Over Credit Line Amount	\$0.00	Balance Transfers/Checks	\$0.00
Cash Credit Line	\$360.00	Cash Advances	\$0.00
Cash Credit Available	\$97.53	Service Charges	\$0.00
Past Due Amount	\$0.00	Finance Charges	\$49.00
		Current Balance	\$1,802.47

Reward Summary

SeaMiles earned on purchases this period	1,000
Bonus or promotional SeaMiles earned	1,000
Adjustments	0
Total SeaMiles earned this period	2,000

For your complete SeaMiles summary, please visit www.seamiles.com or call 1-877-SEAMILES

Transaction Activity for BRIAN PIERICK - card ending in 8722

PAYMENTS			
Trans Date	Posting Date	Transaction Description	Amount
11/08	11/09	Payment Received GUARANTY BANK	-\$75.00

PURCHASES			
Trans Date	Posting Date	Transaction Description	Amount
10/15	10/19	CARNIVAL CRUISE TKT/RE MIAMI FL	\$800.00
10/15	10/19	CARNIVAL CRUISE TKT/RE MIAMI FL	\$200.00
TOTAL PURCHASE ACTIVITY FOR CARD ENDING IN 8722			\$1,000.00

Figure 7

Figure 8 is a copy of the statement due in January 2010. The statement reflects that the sum of \$1,745.76 was due and owing on January 9, 2010.

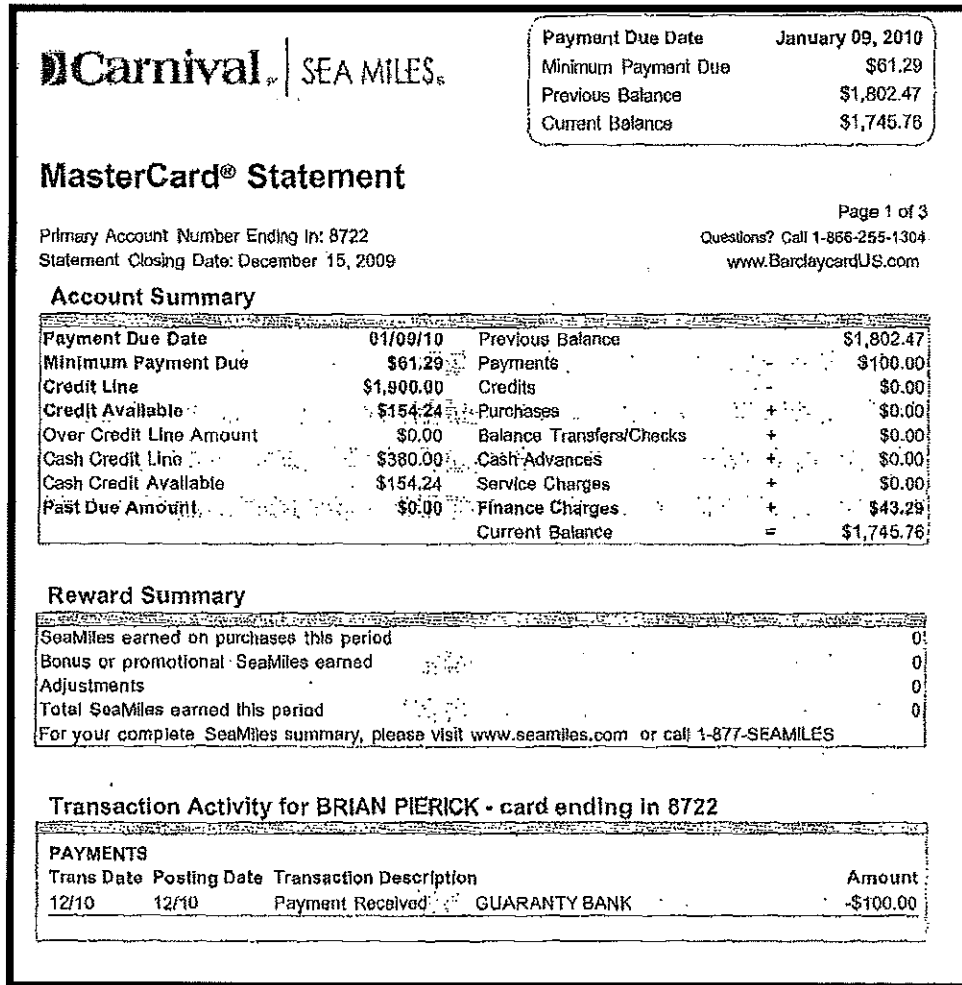


Figure 8

Taken together, Table 1, Figure 8 and Figure 7 indicate that the cruise line charge incurred in October was carried as a credit balance through the beginning of January 2010. On January 4, 2010, the credit card balance was paid in its entirety.

In February 2010, donations for the 2010 Operation Freedom began to be deposited into the HGPS bank account. These included contributions from D.F. McKeithan, Jr. and from First American Funding Co., L.L.C.

On February 26, 2010, Tim Russell withdrew the sum of \$3,041.83 from the HGPS account (No. 4032004102) and obtained an official check in that amount from Guaranty Bank. Figure 9 is a copy of the withdrawal slip. Figure 10 is a copy of the official check made payable to Chris Kujawa.

FISERV DirectSource
 DATE: 2/26/10
 NAME: Tim Russell
 FROM ACCT: 4032004102
 Select One:
 TRANSFER 3041.83 TO ACCT #
 CHECK 3041.83 CHECK #
 I authorize this check be made payable to: Chris Kujawa
 I certify that all parties to this account are alive and competent.
 Signature: [Signature]
 ⑆5011⑆9008⑆

TRANSFER OUT TICKET
 CHECK WITHDRAWAL TICKET
DEBIT

Figure 9

GUARANTY BANK
 CORPORATE HEADQUARTERS 414/382-4000
 4000 W. BROWN DEER RD. BROWN DEER, WI 53209
 OFFICIAL CHECK NO. 12016305
 DATE 2/26/2010 AMOUNT ***\$3,041.83**
 PAY Three Thousand Forty-one and 83/100 Dollars
 TO THE ORDER OF CHRIS KUJAWA
 DRAWER: GUARANTY BANK
 Re: HERITAGE GUARD PRESERVATION SOCIETY TIMOTHY D RUSSELL
 [Signature]

Figure 10

This payment to Mr. Kujawa is noteworthy because, as set forth in greater detail in the section below entitled "Thefts from the Campaign Finance Funds Entrusted to Russell by the Friends of Chris Kujawa, a Campaign Committee," it represents the sum of (a) \$41.83, the closing balance of the campaign account for the Friends of Chris Kujawa plus (b) \$3,000, the amount that Mr. Kujawa loaned to the campaign and that Tim Russell misappropriated from the campaign finance account.

On April 8, 2010, Mr. Russell transferred another \$5,000 from the HGPS account to his personal account, as shown in Figure 11 below. The bank balance for the personal Russell account (XXXX7511) on April 7, 2010 was \$2,336.15.

<small>RESERV DirectSource 1041</small> DATE: <u>4-8-10</u> NAME: <u>HPS-OF</u> FROM ACCT. <u>4032004102</u> Select One: <input checked="" type="checkbox"/> TRANSFER <input type="checkbox"/> CHECK I authorize this check to be made payable to: _____ I certify that all parties to this account are alive and competent. Signature: _____ ⑆5011⑉9006⑆		TRANSFER OUT TICKET CHECK WITHDRAWAL TICKET DEBIT <input checked="" type="checkbox"/> Checking/Money Market <input type="checkbox"/> Savings <input type="checkbox"/> Line of Credit TO ACCT # XXXXXXXXXX <u>7511</u> CHECK # _____	
---	--	---	--

Figure 11

Taken from the records for the personal account of Tim Russell and Brian Pierick, Account No. XXXX7511, Table 2 documents a series of Point of Sale transactions, plus a BarclayCard payment.

Date	Amount	Description
4/8/2010	\$213.90	POS transaction with Air Tran in Atlanta Georgia
4/12/2010	\$33.33	POS transaction with Big Daddy Surf in Lahaina, Hawaii
4/12/2010	\$69.68	POS transaction with Escape to Maui in Lahaina, Hawaii
4/12/2010	\$41.00	POS transaction with Union 76 in Kihei, Hawaii
4/12/2010	\$43.60	POS transaction with Longs in Kihei, Hawaii
4/12/2010	\$39.00	POS transaction with Best Western Pioneer Inn in Lahaina, Hawaii
4/12/2010	\$1,000.00	BarclayCard payment
4/13/2010	\$97.97	POS transaction with Crowne Plaza Hotel in Rosemont, Illinois
4/13/2010	\$42.00	POS transaction with Cheeseburger Mai Tais in Wailea, Hawaii
4/13/2010	\$100.48	POS transaction with Honolulu Cookie Co. in Lahaina, Hawaii
4/14/2010	\$119.66	POS transaction with ABC stores in

Date	Amount	Description
		Wailea, Hawaii
4/14/2010	\$45.00	POS transaction at Beach Bums Bar and Grill in Wailuku, Hawaii
4/15/2010	\$33.00	POS transaction with Accents in Kahului, Maui, Hawaii
4/16/2010	\$135.40	POS transaction with Four Seasons Resorts in Maui, Hawaii
4/16/2010	\$467.71	POS transaction with Four Seasons Resorts in Maui, Hawaii
4/16/2010	\$67.92	POS transaction with Four Seasons Resorts in Maui, Hawaii

Table 2

An examination of the BarclayCard statement with a closing date of April 15, 2010 reflects one charge on April 14, 2010 with Budget Rent-A-Car in Wailea, Hawaii for \$353.71 and a payment of \$1,000 on April 9, 2010 toward the balance owed.

During the months of late Winter 2010 and Spring 2010, Operation Freedom continued to collect more donations for the July 2010 event for military veterans. These donations included generous sums from Ron and Jane Johnson, Rockwell Automation, WE Energies, M&I Trust Company, Associated Bank, the Republican Party of Milwaukee County (with a check signed by Tim Russell), J.P. Cullen and Sons and the Forest County Potawatomi Community.

A review of Guaranty Bank records for the HGPS account reflect that on July 27, 2010, Tim Russell completed a transfer slip moving \$3,000 from the HGPS account to account XXXX7511, Russell's personal account. See Figure 12.

**TRANSFER OUT TICKET
CHECK WITHDRAWAL TICKET**

DATE: 7/27/10

NAME: HGPS

FROM ACCT: 4032004102

Checking/Money Market
 Savings
 Line of Credit

DEBIT

Select One:

TRANSFER \$ 3000⁰⁰

CHECK \$ _____

TO ACCT # ████████7511

CHECK # _____

I authorize this check to be made payable to: _____

I certify that all parties to this account are alive and competent.

Signature _____

⑆ 500 1 9006 ⑆

Figure 12

b. Direct Debit Card Payments from HGPS Funds Paid for Non-Mission Expenditures for the Private Benefit of Tim Russell or Others

i. July 2010

By July 2010, Guaranty Bank records show that Tim Russell had obtained a debit card for the HGPS account. A series of Point of Sale transactions are documented on the July HGPS statement. Several of these are not apparently connected with the Operation Freedom event. These include: (1) a July 27, 2010 transaction at the Wilderness Hotel in Wisconsin Dells, Wisconsin in the amount of \$85.00 and (2) a July 29, 2010 POS transaction with Godaddy.com in the amount of \$113.77.

As part of this John Doe investigation, the John Doe Judge authorized a Search Warrant for the GoDaddy.com records of Tim Russell. These records reflect that the \$113.77 charge described in the previous paragraph was payment for Internet fees relating to "regentwebhost.net." Based upon my work in this investigation, I know that Regent Realty is the name of Tim Russell's real estate business. See Figure 13 and Figure 14.

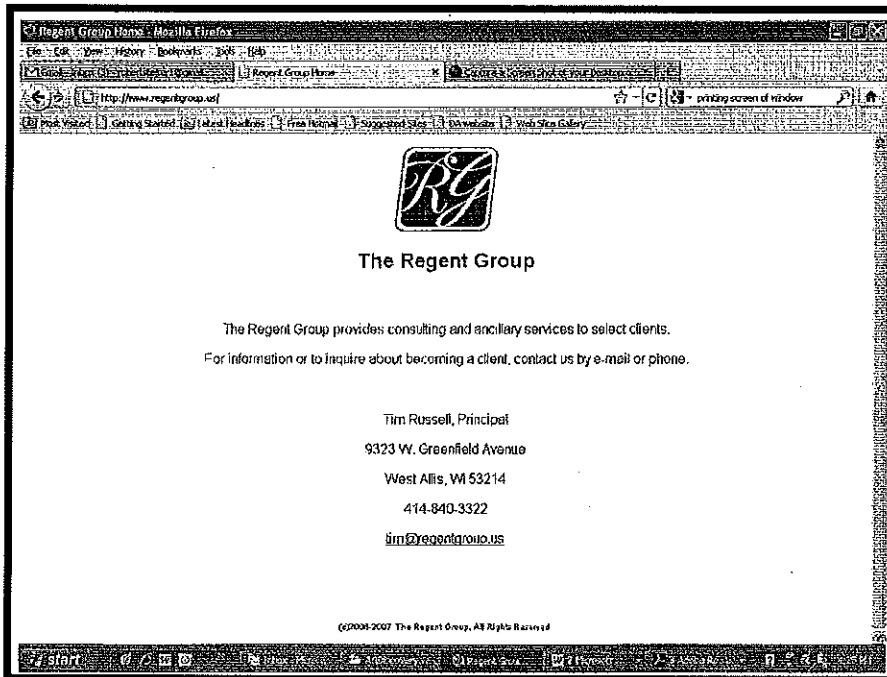


Figure 13

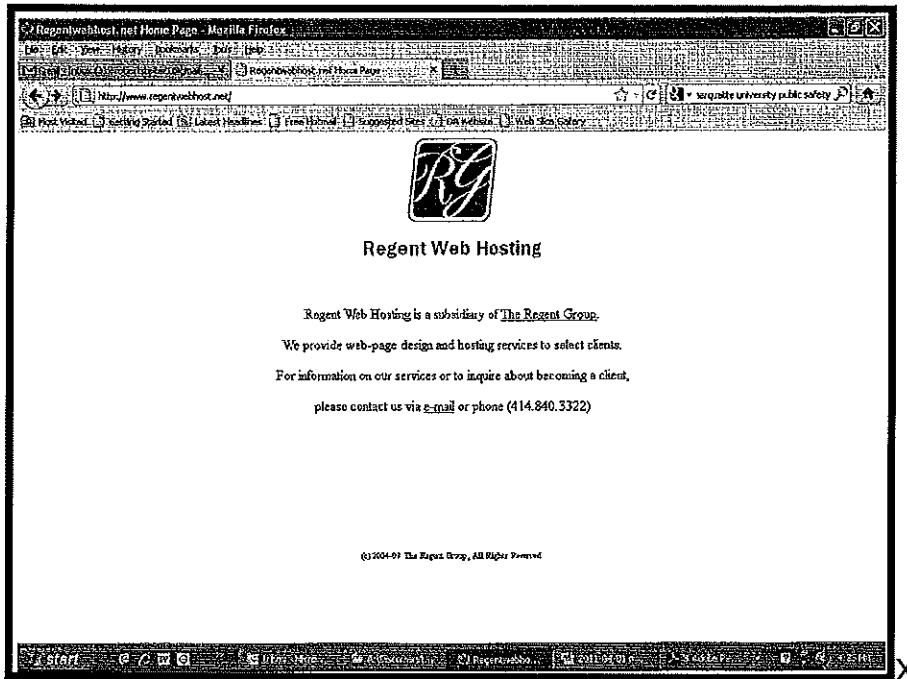


Figure 14

ii. August 2010

Based on information received from the City of West Milwaukee, I know John Cork is the owner of the building located at 5304 W. Greenfield Avenue, West Milwaukee, one of the Russell premises searched on December 7, 2010. In a review of HGPS Guaranty Bank records for August 2010, I observed several noteworthy transactions. I noted two checks payable to "John Cork" in the total amount of \$5,050. These checks had entries on the memo lines indicating that these were rent payments. While these payments might be said to be for HGPS and Operation Freedom event, at the time of the search we found the property there to be dominated by items associated with Russell's real estate business, Regent Realty.

In the August 2010 Guaranty Bank statement for the HGPS account, I noted the following additional transactions: (1) an August 23, 2010 POS transaction with Godaddy in the amount of \$145.28; (2) an August 23, 2010 POS transaction with Godaddy in the amount of \$58.38; (3) an August 23, 2010 POS transaction at the "Milwaukee Emergency Ct" in Greenfield Wisconsin in the amount of \$139.30; and (4) an August 30, 2010 POS transaction at the Country Inn of Platteville in Platteville, Wisconsin for \$116.29. These transactions are noteworthy for the reasons set forth in the following paragraphs.

A review of GoDaddy records produced in response to a John Doe Search Warrant show that the \$145.28 Godaddy transaction was a payment for the renewal of multiple domain names, all being some variation of scottforgov and scott4gov with ".net," ".com," ".info" and ".org" suffixes. See Appendix B (showing a transaction date of August 21, 2010).

Likewise, the GoDaddy transaction for \$58.38 described above was also for renewal of domain names, all being some variation of scott4gov and MilwaukeeCountyExecutiveScottWalkerForGovernor with ".com" and ".info" suffixes. See Appendix C (showing a transaction date of August 21, 2010).

A simple Internet search for "Milwaukee Emergency Greenfield Wisconsin" indicates that this is a veterinarian office called the Milwaukee Emergency Center for Animals located at 3670 S. 108th Street, Greenfield, Wisconsin.

Based upon my review of e-mails gathered as the result of a search warrant served on Google Gmail for the account of timrussellwi@gmail.com, I know that Russell attended the 2010 Potosi Beer festival (held on the weekend of August 28, 2010) and made arrangements to stay in Platteville, about ten miles away from Potosi, Wisconsin.

c. HGPS Funds Paid for Russell's Political Trip to Georgia to Meet with Herman Cain and Mark Block.

On November 24, 2010, Russell filled out a transfer ticket authorizing a transfer of \$5,000 from the HGPS account (4032004102) to his personal account (XXXX7511). Based upon Guaranty Bank records for the Russell/Pierick personal account, the balance in Account No. XXXX7511 on the day prior to the transfer, November 23, 2010, was \$588.53.

TRANSFER OUT TICKET
CHECK WITHDRAWAL TICKET

DATE: 11-24-10

NAME: HGPS - Operation Freedom

FROM ACCT. 4032004102

Select One:
 TRANSFER 5000.00 TO ACCT # XXXX7511
 CHECK CHECK #

Checking/Money Market
 Savings
 Line of Credit

DEBIT

I authorize this check be made payable to: _____
I certify that all parties to this account are alive and competent.

Signature _____

⑆50⑆⑆⑆⑆900⑆⑆⑆

Figure 15

TOTALLY FREE BUSINESS		4032-00-4102			BALANCE SUMMARY
ACTIVITY BEGINNING		OCT 30 10	WITHDRAWALS	DEPOSITS	\$ 21770.24
NOV 24	CHECK NUMBER	1026	1500.00		NOV 16 \$ 21696.24
NOV 24	CHECK NUMBER	1034	1002.14		NOV 19 \$ 21861.24
NOV 26	CHECK NUMBER	1035	105.60		NOV 23 \$ 21514.34
NOV 16	USPS 56064502032503633	POS	74.00		NOV 24 \$ 14012.20
	MILWAUKEE WI US	418186			NOV 26 \$ 13906.60
	*****6665 097				
NOV 19	DEPOSIT GUARANTY BANK			165.00	
NOV 23	AIRTRANAIR 3320097460493	POS	346.90		
	ATLANTA GA US	583272			
	*****6665 00010001				
NOV 24	WITHDRAWAL GUARANTY BANK		5000.00		
THE AVERAGE BALANCE FOR 4032-00-4102 IN THIS STATEMENT PERIOD WAS \$					20053.11

Figure 16

This transfer ticket is shown in Figure 15. See also the \$5,000 withdrawal reflected in Figure 16. Records for the HGPS account (4032004102) also reflect a November 23, 2010 POS transaction with Air Tran Air for \$346.90. See Figure 16.

During a search warrant executed at Russell's residence on December 7, 2010 a ticket stub dated "05Dec10" was recovered for Air Tran for travel from Atlanta to Milwaukee. See Figure 17.


AirTran Airways Boarding Pass	
FLT: 436 GATE: C11	05 Dec 10
Name: RUSSELL/TIMOTHY	
A-Plus Rewards: 4820046805 A+ Rewards	
Seat Number:	24A
Boarding Zone:	5
Depart: Atlanta, GA	12:46PM
Arrive: Milwaukee, WI	01:50PM
Confirmation Number: FBLKND	75
Boarding pass MUST be presented at the Gate not later than 10 minutes before departure.	
	

Figure 17

Mark Block, the Chief of Staff to presidential candidate Herman Cain, was subpoenaed to testify before the John Doe Judge. He testified that he was together with Russell in Atlanta during the weekend of December 4-5, 2010 for meetings concerning the presidential campaign of Herman Cain. At pages 13 – 14 of his John Doe transcript, Mr. Block stated as follows.

- 8 Q. I'm sorry. The -- do you recall the exact date
9 that you were in Atlanta, Georgia?
10 A. I can look in my phone. It was a Saturday, I
11 believe, two weeks ago.

* * *

17 It was a Saturday. December 4th.

18 BY ATTORNEY LANDGRAF:

19 Q. Would you tell me how many times during December
20 4th you met with Mr. Russell, for how long?

21 A. It wasn't a meeting with Mr. Russell. There were
22 several people from across the United States that
23 we brought in to discuss policy and the potential
24 of Mr. Cain forming an exploratory committee. So
25 there were no one-on-one exchanges. It was in a
1 group setting.

2 Q. And Mr. Cain was involved?

3 A. Yes, sir.

4 Q. Okay. About how many other people were at the
5 meeting?

6 A. About 30.

At pages 17 – 18 of Mark Block's John Doe transcript, Mr. Block confirmed that his meetings with Mr. Russell had nothing to do with the stated mission of the Heritage Guard Preservation Society, Inc., which was - as described by Russell on the July 15, 2010 Annual Report filed with the Department of Financial Institutions – "historic preservation and services to vets."

20 Q. Okay. Did anything that happened on the weekend of
21 December 4th and December 5th when you were
22 together with Mr. Russell have anything to do with
23 restoring historic buildings on the VA property in
24 Milwaukee County?

25 A. No, sir.

1 Q. Did anything related to your being together with
2 Mr. Russell -- strike that.

3 Did anything concerning the meetings
4 that you attended with Mr. Russell have anything to

5 do with housing for homeless veterans?

6 A. No, sir.

7 Q. Did anything that was taken up at a meeting when

8 you were together with Mr. Russell -- strike that.

9 When you were together with

10 Mr. Russell in these meetings did these meetings

11 have anything to do with providing a picnic for

12 veterans at the Milwaukee County zoo?

13 A. No, sir.

In all, from February 2010 to November 2010, donations in the amount of **\$42,965** were deposited into the HGPS account at Guaranty Bank.

Table 3 is a summary of the major transactions made for the personal benefit of Tim Russell taken from the funds of the Heritage Guard Preservation Society.

Date of Transaction	Transfer from Acct. to Acct.	Amount of Transfer
12/31/2009	4032004102 to XXXX7511	\$5,000
02/26/2010	4032004102 Ck To Chris KUJAWA	\$3,041.83
04/08/2010	4032004102 to XXXX7511	\$5,000
07/27/2010	4032004102 to XXXX7511	\$3,000
11/30/2010	4032004102 to XXXX7511	\$5,000
TOTAL		\$21,041.83

Table 3

When the smaller transactions (detailed in Section E.2.b above entitled "*Direct Debit Card Payments from HGPS Funds Paid for Non-Mission Expenditures for the Private Benefit of Tim Russell or Others*") are added to the Table 3 total, the grand total of the HGPS funds taken by Russell is \$21,699.85 or 50.5% of the 2010 donations.

Put another way, measured in terms of the 2010 donations to Operation Freedom, Tim Russell stole more than fifty cents of every donation dollar deposited into the HGPS account.²

By order of the John Doe Judge dated January 20, 2011 and concerning the HGPS account held at Guaranty Bank, the bank was "commanded forthwith to seize and hold said accounts and secure said accounts from the transfer of any funds from said account(s) until further order of the court." On that day, the balance of the account was \$3,241.70. This amount continues to be held pending further order of the John Doe Judge.

² If the \$5,050 rent for the Regent Realty office on Greenfield Avenue is added to the amount Russell misappropriated, the percentage of funds stolen jumps to 62%.

F. Thefts from the Campaign Finance Funds Entrusted to Russell by the Friends of Chris Kujawa, a Campaign Committee

Based upon Chris Kujawa's testimony before the John Doe Judge and based upon a review of a Campaign Registration statement, I know that Mr. Kujawa was a candidate for the office of Milwaukee County Supervisor District 8 in a special election held in the Summer of 2007. The name of the campaign committee was the Friends of Chris Kujawa. The campaign committee address was listed as 1744 Edgewood Drive, South Milwaukee, Wisconsin. The campaign registration statement identifies the Treasurer as Brian Pierick of 2031 North 49th Street, Milwaukee, Wisconsin. Noted earlier in this complaint, Mr. Pierick is the partner of Tim Russell.

By operation of law, all disbursements from a campaign finance account must be made for political purposes. Disbursements for personal purposes unrelated to campaign activity are not authorized.³

I have personally reviewed the Guaranty Bank records for the Friends of Chris Kujawa campaign account. Figure 18 is taken from the Guaranty Bank records from that account. As shown in that figure, Tim Russell – not Treasurer Brian Pierick - had sole control of that account. Bank records also indicate that Tim Russell utilized his driver's license to open the account, a copy of which was made part of the Guaranty Bank file. Russell opened the account on July 9, 2007.





GUARANTY BANK		BUSINESS ACCOUNTS	
			
Product Type 39	Acct type 01		
Open Bal 86.02	Opened by 7099		
Cycle code 91	Mat Date		
Rate	Ownership of Account		
ACCOUNT OWNERS	RBL	TIN	Date of Birth ID
FRIENDS OF CHRIS KUJAWA	DBA - T	999999999	07/09/2007 123456
TIMOTHY D RUSSELL	Sole Proprietor - A	393-	08/ /1963 R240
Home Phone	2031 N 49TH ST	53208-0000	32805659
414 777-	MILWAUKEE, WI		
Business Phone			

Figure 18

Mr. Kujawa loaned his campaign committee the sum of \$3,000. I have reviewed the campaign finance report forms filed with Milwaukee County and this loan is reflected in campaign finance reports. See Figure 19. Kujawa's loan is also reflected in Guaranty Bank records; it was posted to the campaign account on July 10, 2007.

³ Wisconsin Statutes Section 11.25(2)(a) provides that "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 purpose which is other than political, except as specifically authorized by law."

SCHEDULE 3-B		ADDITIONAL DISCLOSURE Loans Individual, Committee or Commercial				Page <u>1</u> of <u>1</u>
Complete Committee Name Friends of Chris Kujawa						
Instructions for completing schedules are on the back of each schedule.						
Date	Full Name, Mailing Address and Zip Code of Loan Source	Outstanding Balance Beginning of This Period	New Loans This Period	Cumulative Payments This Period	Outstanding Balance End of This Period	
7/8/07	Chris Kujawa 1744 Edgewood Ave South Milwaukee 53172	0	3000 ⁰⁰	3000 ⁰⁰	3000 ⁰⁰	
List All Endorsers or Guarantors (if any)						
Full Name, Mailing Address and Zip Code		Occupation				

Figure 19

Mr. Kujawa was unsuccessful in his bid for the office of County Supervisor, having lost the election to Patricia Jursik on August 7, 2007.

Guaranty Bank records for the Kujawa campaign account (No. 32805659) reflect that the campaign finance account balance was \$3,071.83 on December 1, 2007, a point in time by which the campaign had gone dormant. See Figure 20.

TIMOTHY D RUSSELL FRIENDS OF CHRIS K 2031 N 49TH ST MILWAUKEE WI 53208		SUMMARY OF YOUR ACTIVITY		*DEC 31 07
		STATEMENT DATE	DEC 31 07	
		STATEMENT NUMBER	32805659	
		BEGINNING BALANCE	3071.83	
		DEPOSIT AMOUNT +	.00	
		WITHDRAWAL AMOUNT -	2000.00	
		SERVICE CHARGE -	.00	
		ENDING BALANCE =	1071.83	
BEGINNING NOVEMBER 15, WE WILL NO LONGER APPROVE VISA CHECK CARD TRANSACTIONS FOR RENTAL CARS. WE APOLOGIZE FOR ANY INCONVENIENCE.				
TOTALLY FREE BUSINESS	32-80-5659	BALANCE SUMMARY		
ACTIVITY BEGINNING	DEC 01 07	WITHDRAWALS	DEPOSITS	\$ 3071.83
DEC 15	WITHDRAWAL GUARANTY BANK	2000.00	DEC 15	\$ 1071.83
THE AVERAGE BALANCE FOR 32-80-5659 IN THIS STATEMENT PERIOD WAS \$ 1975.06				

Figure 20

In the course of the search of the Russell premises on December 7, 2010, a letter on KEI Enterprises memo paper was found inside an envelope postmarked December 24, 2007. In Mr. Kujawa's testimony before the John Doe Judge, he was shown the letter and Kujawa identified the handwriting as his own. It is reprinted here as Figure 21.

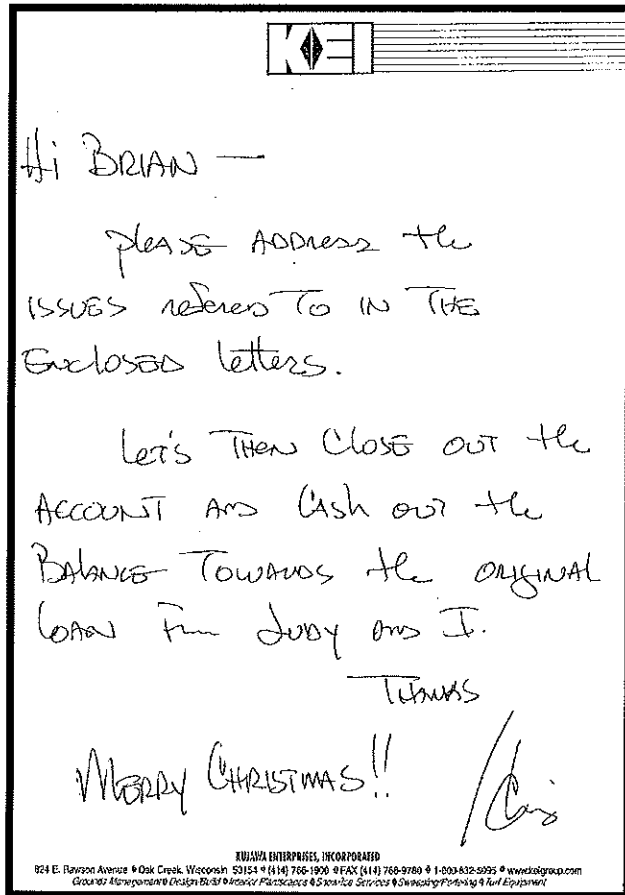


Figure 21

In fact, on December 15, 2007, Russell transferred \$2,000 of the remaining balance from the Kujawa campaign finance account to Russell's personal account, No. XXXX7511. See Figure 22.

Russell's bank records indicate that on the day before this transfer, his personal account had a balance of \$382.65.

Moreover, on January 19, 2008, Guaranty Bank records for Mr. Russell's personal account indicate that he had a balance of \$139.22. The next day, January 20, 2008, Russell transferred another \$1,000 from the Kujawa campaign finance account into his personal account, all as reflected by Guaranty Bank records for both account numbers 32805659 and XXXX7511. See Figure 23 below at page 27.

DATE: 12/15/07 **TRANSFER OUT TICKET**
CHECK WITHDRAWAL TICKET

NAME: Friends of Chris Kujawa Checking/Money Market **DEBIT**
 Savings
 Line of Credit

FROM ACCT. 32805659

Select One:
 TRANSFER \$ 2000⁰⁰ TO ACCT # XXXX7511
 CHECK \$ _____ CHECK # _____

I authorize this check to be made payable to: _____

I certify that all parties to this account are alive and competent.

Signature *[Signature]*

⑆5001⑆⑆9006⑆ 32805659⑆ ⑆000020000⑆

Figure 22

TRANSFER OUT TICKET		CHECK WITHDRAWAL TICKET	
DATE: <u>1-20-08</u>			
NAME: <u>Friends of Chris Kujawa</u>		<input checked="" type="checkbox"/> Checking/Money Market	DEBIT
FROM ACCT. <u>32805659</u>		<input type="checkbox"/> Savings	
		<input type="checkbox"/> Line of Credit	
Select One:			
<input checked="" type="checkbox"/> TRANSFER \$ <u>1000.00</u>		TO ACCT # <u>██████████ 7511</u>	
<input type="checkbox"/> CHECK \$ _____		CHECK # _____	
I authorize this check to be made payable to: _____			
I certify that all parties to this account are alive and competent.			
Signature <u>[Signature]</u>			
⑆500109006⑆		32805659⑈	⑈0000100000⑈

Figure 23

Account records for No. XXXX7511 indicate that the expenditures made after each of these transfers were personal in nature and unrelated to any disbursement for the Kujawa campaign.

As of January 31, 2008, the Friends of Chris Kujawa campaign finance account balance was less than \$100.

In Mr. Kujawa's John Doe testimony, he stated that he had no idea the money was gone from the account. Kujawa testified as follows.

17 Q. THANKS. I TAKE IT THAT MR. PIERICK NEVER TOLD YOU THAT
18 THE MONEY WAS NO LONGER IN THE ACCOUNT AFTER JANUARY OF
19 2008?

20 A. YOU ARE GOING TO HAVE TO REPHRASE THAT ONE.

21 Q. SURE. WHY DON'T YOU RE-READ THE QUESTION.

22 (LAST QUESTION READ BACK BY REPORTER.)

23 Q. I CAN REPHRASE IT IF YOU PREFER.

24 A. I WANT TO BE VERY ACCURATE WITH YOU. NO, HE NEVER TOLD
25 ME THERE WAS NO MONEY EVER IN OR NOT IN, NECESSARILY.

1 WE NEVER REALLY HAD ANY, MANY CONVERSATIONS.

2 Q. SAME QUESTION FOR MR. RUSSELL. HE NEVER TOLD YOU THAT
3 THE MONEY WAS TAKEN OUT OF THE ACCOUNT AS OF JANUARY OF
4 2008?

5 A. NO. HIS REPEATED LINE WAS, I JUST HAVEN'T HAD TIME TO
6 GET DOWN THERE AND CLOSE IT OUT AND I THINK AT ONE TIME

7 OR ANOTHER HE MAY HAVE SAID, YOU KNOW, I THINK THERE IS
8 ABOUT, I THINK THERE IS ABOUT 3,000 IN THERE, WHICH WAS
9 MY INITIAL LOAN TO THE CAMPAIGN AND OF COURSE MY WIFE
10 SAYS, YOU KNOW THERE IS 3,000 IN THERE, WE CAN WRITE
11 THAT OFF, WAS KIND OF HER WAY OF THINKING ABOUT IT AND
12 MINE WAS TOO AND IF THERE WAS MONEY IN THERE, GREAT,
13 WHATEVER THE BALANCE WAS I FIGURED THAT WOULD WORK
14 AGAINST WHATEVER MY 3,000 WAS, BE IT A DOLLAR OR 2900 OR
15 THE FULL 3,000. WHATEVER IT WAS, IT WAS. QUITE
16 HONESTLY I JUST ASSUMED, HE JUST DIDN'T, THE CAMPAIGN
17 WAS OVER. IT WASN'T A BIG PRIORITY. HE WOULD DO IT.
18 IT WAS, ULTIMATELY IF I WOULD HAVE TO GO DOWN THERE AND
19 GRAB HIM AND SHAKE HIM. IT WASN'T THE MONEY. I WANTED
20 THIS DONE.

21 Q. I THINK YOU SAID YOU THREATENED TO CALL SCOTT WALKER
22 OVER IT?

23 A. OH, MORE THAN ONCE. AS IN, DO I NEED TO CALL YOUR BOSS
24 ON THIS? MEANING, WHERE ARE WE GOING WITH THIS
25 CONVERSATION KIND OF THING.

* * *

15 Q. YOU DIDN'T GIVE RUSSELL PERMISSION TO MOVE MONEY INTO
16 HIS PERSONAL ACCOUNT?

17 A. NOT AT ANY TIME EVER, FOR ANY REASON.

Kujawa John Doe Transcript, pages 39 – 41.

Mr. Kujawa testified that he did in fact receive a check (dated February 26, 2010) in the mail as repayment of the sum left in his campaign finance account. He testified that he did not know the meaning of the reference to "Heritage Guard Preservation Society" at the bottom of the official check. See Figure 10 at page 15. Kujawa said he was unaware of the organization and did not know what it was.

As reflected in February statement for the Friends of Chris Kujawa account, the account was closed on February 26, 2010 with a closing balance of \$41.83.

The official check payment (see Figure 10 at page 15) was consequently comprised of the Kujawa loan (\$3,000) and the closing balance of the campaign finance account.

G. Thefts from the Campaign Finance Funds Entrusted to Russell by Citizens for Spicer, a Campaign Committee

Larry Spicer was a candidate for the office of Milwaukee County Supervisor District 2 vacated by Toni Clark, according to his testimony before the John Doe Judge. Ms. Clark's seat became vacant when she resigned on the same day she was convicted of conduct in violation of Wisconsin campaign finance laws. Ms. Clark's conduct was related to the misappropriation of her campaign finance monies.

By operation of law, all disbursements from a campaign finance account must be made for political purposes and disbursements for personal purposes unrelated to campaign activity are not authorized.⁴

I have reviewed the campaign forms filed by the Citizens for Spicer with the Milwaukee County Election Commission. The campaign committee Treasurer is identified on these forms as Terrell Banks. Mr. Banks was subpoenaed to testify before the John Doe Judge. He testified that, while he was the nominal Treasurer, Tim Russell handled the campaign finance account.

I have reviewed the Guaranty Bank records for the Citizens for Spicer. Figure 24 is taken from those records. It shows that the account was opened on March 11, 2010 and that Tim Russell had sole control of the account.

ACCOUNTMASTER - BUSINESS			
Product Type 39		Account type 01	Cycle Code 01
Open Balance 100.00		Opened by Suzanne Kyle	
Open Date 03/11/2010		Maturity Date	
Rate .000		Ownership of Account Sole Proprietor	
ACCOUNTHOLDERS		REL	TIN
TIMOTHY D RUSSELL		Sole Proprietor - T	393-1
CITIZENS FOR SPICER		DBA - A	999999999
Address (business)		Address (mailing)	
2031 N 49TH ST		PO BOX 090263	
MILWAUKEE, WI 53208-0000		MILWAUKEE	
Phone (414)777-1111		WI 53209	
4032007381			

If you have requested that a Visa Check Card or ATM card be issued on this account, you hereby agree to the

Figure 24

As did Mr. Kujawa, Mr. Spicer loaned a significant sum to his campaign effort. I have reviewed the campaign finance report forms filed with Milwaukee County by the campaign committee Citizens for Spicer. According to these reports, Spicer claimed almost \$2,500 in campaign loans on his campaign finance form filed with the county election commission. See Figure 25.

⁴ See footnote 3.

SCHEDULE 3-B		ADDITIONAL DISCLOSURE			Page <u>1</u> of <u>1</u>	
		Loans				
		Individual, Committee or Commercial				
Complete Committee Name <u>Citizens for Spicer</u>						
Instructions for completing schedules are on the back of each schedule.						
Date <u>JANUARY 2011-A</u>		Full Name, Mailing Address and Zip Code of Loan Source <u>Larry Spicer 5520 W. Hopkins MILWA WI 53209</u>		Outstanding Balance Beginning of This Period <u>0</u>	New Loans This Period <u>2491.22</u>	Outstanding Balance End of This Period <u>2491.22</u>
				Cumulative Payments This Period <u>0</u>		

Figure 25

The Primary Election date for the District 2 special election was April 27, 2010.

Mr. Spicer was unsuccessful in his election bid and he did not emerge from the Primary, all as he stated before the John Doe Judge.

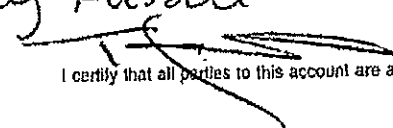
WITHDRAWAL TICKET		740711	
DATE	<u>7/14/10</u>	DEBIT	
NAME:	<u>Timothy Russell</u>		
SIGNATURE:		I certify that all parties to this account are alive and competent.	
<input checked="" type="checkbox"/> Checking/Money Market			
<input type="checkbox"/> Savings			
ACCOUNT NUMBER	<u>4032 007381</u>	AMOUNT	<u>550.00</u>
⑆ 501 1090061 ⑆			

Figure 26

Months after Spicer's loss in the April Primary Election, Guaranty Bank records indicate that Tim Russell withdrew the sum of \$550 from the Spicer campaign finance account. See Figure 26.

In Mr. Spicer's testimony before the John Doe Judge, Spicer stated that he was unaware of any available balance in his campaign finance account and that he did not give consent to Tim Russell to withdraw that money from his account for any purpose.

- 21 Q. HOW MUCH MONEY FROM YOUR CAMPAIGN ACCOUNT, IF ANY MONEY,
- 22 WAS RETURNED TO YOU?
- 23 A. THERE WAS NO MONEY RETURNED TO ME. THAT IS MY POINT.
- 24 Q. DID YOU EVER GIVE MR. RUSSELL PERMISSION OR CONSENT TO
- 25 TAKE THE BALANCE OF YOUR CAMPAIGN FINANCE ACCOUNT THAT

1 EXISTED AFTER YOUR RACE WAS OVER AND THEN JUST DO WITH
2 IT WHAT HE WILL?

3 A. I WOULD SAY NO. NO. NO. IF THERE WAS ANY OUTSTANDING
4 BALANCE I WASN'T AWARE OF, THEN I GUESS PERHAPS, BUT I
5 WASN'T MADE AWARE OF ANYTHING THAT I OWED, ANYTHING LIKE
6 THAT.

7 Q. IF THERE WAS \$550 LEFT IN YOUR FINANCE ACCOUNT AFTER YOU
8 LOST THE PRIMARY?

9 A. UH-HUH.

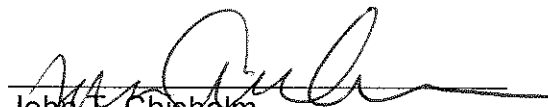
10 Q. I UNDERSTAND YOU WOULD BE TELLING ME YOU DIDN'T GIVE MR.
11 RUSSELL PERMISSION OR CONSENT TO TAKE THAT MONEY. IS
12 THAT CORRECT?


13 A. CORRECT. I WOULD SAY CORRECT.

Spicer John Doe Transcript pages 89 – 90. The campaign committee Treasurer, Terrell Banks, also testified in a John Doe hearing that he did not give Russell permission or consent to withdraw this \$550 from the campaign account.

****End of Complaint****

Subscribed and sworn to before me and approved for filing at Milwaukee, Wisconsin on this 3RD day of January 2012.


John F. Chisholm
District Attorney
State Bar No. 1023023


Complaining Witness

BJL\bl

-- Felony Complaint --

APPENDIX A

Tim Russell Milwaukee County Employment History

Timothy D. Russell Milwaukee County Employment History

May 10, 2002	New Hire	Principal Executive Assistant, County Executive Office (\$25.70)
June 23, 2002	Change	Director of Ops and Egov, County Executive Office (\$27.77)
April 14, 2003	Promotion	Associate Director, Economic Development (\$40.42)
December 19, 2003	Termination	
May 17, 2004	Re- Hire	Information Systems Director, Dept of Social Services (\$35.73)
November 9, 2004	Promotion	Acting Dir of Economic and Comm Development Div (\$38.71)
August 26, 2005	Resignation	
August 12, 2008	Re-Hire	Director of Community Relations, County Executive Ofc (\$29.72)
January 26, 2009	Promotion	Deputy Chief of Staff, County Executive Ofc (\$35.27)
March 15, 2010	Promotion	Director of Housing, Dept of Health and Human Svcs (\$36.47)
December 28, 2010	Termination	

APPENDIX B

scottforgov and scott4gov with “.net,” “.com,” “.info” and “.org” suffixes

Receipt # 264082916

Shopper # 2757949

Reseller GoDaddy

Date: 8/21/2010 7:35:57 PM By customer via Online

Source Code: ???

Shipping Information

Timothy Russell
The Regent Group
2031 N 49th Street
Milwaukee, WI 53208 us
Daytime Phone: [REDACTED]3322
tim@regentgroup.us

Billing Information

Timothy Russell
The Regent Group
2031 N 49th Street
Milwaukee, WI 53208 US
Daytime Phone: [REDACTED]3322
tim@regentgroup.us

IP: 99.189.121.176::99.189.121.176

Paid: Credit Card

Timothy D Russell

Visa Exp. 6/2012

4802470000186665

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Processor: Litle-GD

<u>Row</u>	<u>Label</u>	<u>Name</u>	<u>Unit Price</u>	<u>Today's Price</u>	<u>Qty</u>	<u>Extra Disc.</u>	<u>Total Price</u>
0	980-1	.NET Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTTFORGOV.NET This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$9.17
1	980-1	.NET Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTT4GOV.NET This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$9.17
2	968-1	.COM Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTT4GOV.COM This a service item.	\$9.99 annual	\$9.99	1	\$0.00	\$10.17
3	968-1	.COM Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTTFORGOV.COM This a service item.	\$9.99 annual	\$9.99	1	\$0.00	\$10.17
4	974-1	.INFO Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTTFORGOV.INFO This a service item.	\$9.99 recurring	\$7.99	1	\$0.00	\$8.17
5	974-1	.INFO Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTT4GOV.INFO This a service item.	\$9.99 recurring	\$7.99	1	\$0.00	\$8.17

Confidential Treatment

Requested by

The Go Daddy Group

GD 000995

Continuation of receipt #: 264082916

<u>Row</u>	<u>Label</u>	<u>Name</u>	<u>Unit Price</u>	<u>Today's Price</u>	<u>Qty</u>	<u>Extra Disc.</u>	<u>Total Price</u>
6	986-1	.ORG Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTTFORGOV.ORG This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$9.17
7	986-1	.ORG Bulk Domain Name Renewal (6-20) (recurring) Length: 1 year(s) SCOTT4GOV.ORG This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$9.17
8	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTTFORGOV.NET This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
9	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTT4GOV.COM This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
10	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTTFORGOV.INFO This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
11	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTTFORGOV.COM This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
12	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTTFORGOV.ORG This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
13	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTT4GOV.NET This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
14	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTT4GOV.ORG This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
15	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTT4GOV.INFO This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99

Confidential Treatment
Requested by
The Go Daddy Group

GD 000996

Continuation of receipt #: 264082916

Subtotal: \$145.28
Shipping & Handling: \$.00
Tax: \$.00
Total: \$145.28

APPENDIX C

scott4gov and MilwaukeeCountyExecutiveScottWalkerForGovernor
with “.com” and “.info” suffixes

Receipt # 264083044

Shopper # 2757949

Reseller GoDaddy

Date: 8/21/2010 7:39:57 PM By customer via Online

Source Code: ???

Shipping Information

Timothy Russell
The Regent Group
2031 N 49th Street
Milwaukee, WI 53208 us
Daytime Phone: [REDACTED] 3322
tim@regentgroup.us

Billing Information

Timothy Russell
The Regent Group
2031 N 49th Street
Milwaukee, WI 53208 US
Daytime Phone: [REDACTED] 3322
tim@regentgroup.us

IP: 99.189.121.176::99.189.121.176

Paid: Credit Card

Timothy D Russell

Visa Exp. 6/2012

4802470000186665

Our Charges will appear on their credit card statement in the name "GODADDY.COM"

Processor: Little-GD

<u>Row</u>	<u>Label</u>	<u>Name</u>	<u>Unit Price</u>	<u>Today's Price</u>	<u>Qty</u>	<u>Extra Disc.</u>	<u>Total Price</u>
0	10101-1	.COM Domain Name Renewal - 1 Year (recurring) Length: 1 year(s) SCOTT4GOV.COM This a service item.	\$11.44 recurring	\$11.44	1	\$0.00	\$11.62
1	10101-1	.COM Domain Name Renewal - 1 Year (recurring) Length: 1 year(s) MILWAUKEECOUNTYEXECUTIVESCOTTWALKERFORGOVERNOR.COM This a service item.	\$11.44 recurring	\$11.44	1	\$0.00	\$11.62
2	10201-1	.INFO Domain Name Renewal - 1 Year (recurring) Length: 1 year(s) SCOTT4GOV.INFO This a service item.	\$10.69 recurring	\$7.99	1	\$0.00	\$8.17
3	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTT4GOV.COM This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
4	17001-1	Private Registration Services - Renewal Length: 1 year(s) SCOTT4GOV.INFO This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99
5	17001-1	Private Registration Services - Renewal Length: 1 year(s) MILWAUKEECOUNTYEXECUTIVESCOTTWALKERFORGOVERNOR.COM This a service item.	\$8.99 annual	\$8.99	1	\$0.00	\$8.99

Confidential Treatment [This a service item.]

Requested by

The Go Daddy Group

GD 000993

Continuation of receipt #: 264083044

Subtotal: \$58.38
Shipping & Handling: \$0.00
Tax: \$0.00
Total: \$58.38

Confidential Treatment
Requested by
The Go Daddy Group

GD 000994