

BEFORE THE STATE OF WISCONSIN ETHICS COMMISSION

**In re: SAVE AMERICA**

**FINDING OF PROBABLE CAUSE  
AND REFERRAL TO DISTRICT  
ATTORNEY PURSUANT TO WIS.  
STAT. § 19.49(2)(b)9.**

**Case Nos. 2022-ETH-79.  
2023-ETH-42**

The Wisconsin Ethics Commission reviewed the complaints, response, and Investigative Report in this matter in Closed Session at its meeting on February 20, 2024. Having duly considered this matter, the Commission finds probable cause and refers this matter to the District Attorney based upon the following:

**FACTS**

1. The Wisconsin Ethics Commission received the first complaint on December 2, 2022.
2. The complaint named Save America, a political action committee registered with the Federal Election Commission, as the Respondent.
3. Speaker Robin Vos serves as the Representative to the Assembly from the 63<sup>rd</sup> District. During 2022, some republicans across the state disagreed with Speaker Vos' handling of certain political matters. As a result, there were several county parties and others that opposed Speaker Vos' reelection. In February 2022, Mr. Adam Steen registered his candidate committee, Friends of Adam Steen, with the Wisconsin Ethics Commission. This step occurred in the early days of Mr. Adam Steen's campaign to replace Speaker Vos. Defeating an incumbent legislator, especially the leader of a chamber, requires significant financial resources.

4. It is against this backdrop that the events leading up to this complaint occurred. The Complainant alleged that there was collusion between Friends of Adam Steen, the Respondent, three county parties, and others to funnel money and services to Friends of Adam Steen to avoid contribution limits. The complaint identified multiple transactions as suspicious.
5. As required by WIS. STAT. § 19.49(2)(b)1., the Commission provided notice of the complaint to the Respondent. Additionally, the Commission provided the Respondent at least 15 days to file a response.
6. On December 21, 2022, the Respondent filed a response to the complaint denying the allegations.
7. The Commission considered the complaint and response at its meeting on February 22, 2023. At that meeting, the Commission found that a reasonable suspicion that a violation had occurred existed and ordered an investigation. The Commission further chose to hire an independent investigator. At a subsequent meeting, the Commission selected the investigation firm and directed staff to retain the firm.
8. A substantially identical complaint was filed against Friends of Adam Steen on or about May 3, 2023. It was assigned Case Number 2023-ETH-42. Friends of Adam Steen filed a response on May 15, 2023. The Commission found a reasonable suspicion in this complaint on October 26, 2023. At that meeting, the Commission authorized an investigation and consolidated complaint 2023-ETH-42 with the first complaint.
9. On February 13, 2024, the Commission received the report of the investigation firm.

10. Pursuant to WIS. STAT. § 11.1101, individuals, candidate committees, political action committees, and “Other Persons” are prohibited from giving more than \$1,000 to the candidate committees of candidates for Representative to the Assembly.
11. During the investigation, the investigators confirmed that Friends of Adam Steen had received contributions from individuals that exceeded \$1,000. The investigators also confirmed that Friends of Adam Steen properly returned the excess amounts. However, that was not the end of the story.
12. While the beginning of the plan is not currently known, the investigators were able to confirm that there was an arrangement between Mr. Adam Steen, his candidate committee, the Respondent, and three county parties. Friends of Adam Steen advised people that wanted to give more than allowed under Wisconsin’s contribution limits to send it to the Langlade County Republican Party with “63” in the memo line of the check or through some other way of indicating it was to go to Friends of Adam Steen.
13. Pursuant to WIS. STAT. § 11.1104(5), county parties can give to candidates in an unlimited amount. The plan sought to take advantage of this fact.
14. The complaint indicated that the Respondent may have been one of the contributors who participated in the plan to route money in excess of the contribution limits to Friends of Adam Steen.
15. The investigators learned that the Respondent made the following contributions:
  - a. Chippewa County Republican Party - \$5,000 on August 31, 2022.
  - b. Florence County Republican Party - \$5,000 on September 1, 2022.
  - c. Republican Party of Langlade County - \$5,000 on August 31, 2022.

16. The report of investigation indicates that these three contributions were made to the county parties after discussions between Mr. Adam Steen and individuals associated with the county parties. Mr. Adam Steen, or others acting on his behalf, contacted the parties to confirm that they would forward the money donated to the Republican Party of Langlade County so that it could be used to support him in his efforts to unseat Speaker Vos.

#### CONCLUSIONS OF LAW

17. The Wisconsin Ethics Commission has jurisdiction of this matter pursuant to WIS. STAT. § 19.49(2)(a).
18. The Respondent is, for contribution limits purposes, an “Other Person.” As such, the Respondent was prohibited from giving more than \$1,000 to a candidate committee of a candidate for representative to the Assembly. However, as noted above, there are no contribution limits for contributions from an “Other Person” to a political party. Likewise, there is also no contribution limit for contributions from a political party to a candidate. WIS. STAT. § 11.1104(5).
19. WIS. STAT. § 11.1202(2) provides that when a contribution is made to a committee other than a candidate committee, the contributor may not direct the committee to make a disbursement to a committee to support or oppose another candidate.
20. WIS. STAT. § 11.1204(1) contains two prohibitions. First, no person may, directly or indirectly, make any contribution other than from funds or property belonging to the person. Second, no person may, directly or indirectly give funds or property to another person for the purpose of making a contribution in other than the first person’s name.
21. Based on the discussions prior to the donations being made, it appears that the Respondent directed the county parties to use the money, directly or indirectly, for the benefit of Friends

of Adam Steen. The county parties did so either through direct contributions to Friends of Adam Steen or through disbursements to vendors. This is a violation of WIS. STAT. § 11.1202(2).

22. The Respondent and its agents acted “intentionally” as that term is defined in WIS. STAT. § 939.23(4). Therefore, the activities engaged in by the Respondent and its agents are criminal violations. WIS. STAT. § 11.1401(1)(b) and (c).

23. Further, Respondent and its agents could also be considered parties to crimes by the county parties and/or Friends of Adam Steen under WIS. STAT. § 939.05 or engaged in a conspiracy under WIS. STAT. § 939.31.

24. Having duly considered the Report of Investigation, the Commission finds there is probable cause to believe the Respondent and its agents violated the campaign finance laws as described herein.

25. Further, the Commission hereby orders that this matter be referred as follows:

- a. To the Florence County District Attorney for investigation and prosecution of the Respondent and any other person the District Attorney deems appropriate for the \$5,000 contribution to the Florence County Republican Party under these circumstances.
- b. To the Chippewa County District Attorney for investigation and prosecution of the Respondent and any other person the District Attorney deems appropriate for the Respondent’s \$5,000 contribution to the Chippewa County Republican Party under these circumstances.
- c. To the Langlade County District Attorney for investigation and prosecution of the Respondent and any other person the District Attorney deems appropriate for the

Respondent's \$5,000 contribution to the Republican Party of Langlade County under these circumstances.


ORDER

26. Pursuant to WIS. STAT. § 19.49(2)(b)9. and 13., these complaints are referred to the District Attorneys as described above. Each District Attorney is required to report to the Commission concerning any action taken regarding these complaints no later than 40 days after the date of the referral. If the matter is not resolved during that time, subsequent reports to the Commission are required at the end of each 30-day period thereafter until final disposition. WIS. STAT. § 19.49(2)(b)16.

27. In the event that a prosecution is not initiated within 60 days, the Commission reserves the right to refer the matter to another district attorney or the Wisconsin Department of Justice as provided in WIS. STAT. § 19.49(2)(b)13. and 14.

ENTERED by the Wisconsin Ethics Commission at its meeting in Madison, Wisconsin on Tuesday, February 20, 2024.

  
Pat Strachota, Chair

  
Maryann Sumi, Vice Chair