

Section 52-1 in the City of Fond du Lac Code of Ethics states that *“there is hereby established a Code of Ethics for the City elected and appointed officials as well as **any individuals who are candidates for elective office as soon as such individuals file nomination papers with the City.**”* The following statements of fact are true to the best of my knowledge.

1. On October 19, 2020 a lawsuit was filed in Fond du Lac circuit court by joint petitioners Friends of Lakeside Park (“Friends”), John Papenheim, Mary Beth Hayes, and Patrick Mullen against the City of Fond du Lac regarding direct legislation petitions that had been submitted to the City of Fond du Lac. These were an attempt to regulate potential development at Lakeside Park. See Appendix A.
2. Mr. Patrick Mullen was a director for the unincorporated Wisconsin association the Friends of Lakeside Park. See Appendix A.
3. Mr. John Papenheim was the Chair of the Friends and a moderator for the Stop Lakeside Park from being Privatized! Facebook page. See Appendix A.
4. The Friends maintained an active Facebook page (in addition and separate to the Stop Lakeside Park from being Privatized Facebook page) and website.
5. Chrissy Brennan created the Citizens for Preserving Lakeside Park PAC with a bank account registered at Verve Credit Union on July 24, 2020. See Appendix B.
6. On November 21, 2020 Amy Schingen posted on the Stop Lakeside Park from being Privatized Facebook page that the first invoice for the Friends et al. legal fees was \$22,147.34.
7. Mr. Patrick Mullen created a Facebook page as a candidate for city council on December 23, 2020 and promoted an event for signing his nominating papers on December 26, 2020.
8. The Friends hosted numerous fundraisers between December 2020 thru April 2021 to cover legal fees including (See Appendix C)
 - a. Donations for Christmas ornaments
 - b. Donations for lighthouse jewelry
 - c. A popcorn sale fundraiser
 - d. Selling hats and t-shirts
 - e. Selling calendars
 - f. Selling bumper and window stickers
 - g. Selling signs and buttons
 - h. Selling posters and notecards
 - i. Accepting donations through Go Fund Me, Paypal, and deposits at Verve Credit Union
9. The Friends promoted donations to Citizens for Preserving Lakeside Park PAC to cover legal fees. See Appendix C.
10. Payments of \$20,000 were made by the Citizens for Preserving Lakeside Park PAC for legal fees in December 2020. See Appendix D.
11. Throughout January – April 2021 appeals were regularly made on the Stop Lakeside Park from being Privatized Facebook page separately promoting Patrick Mullen’s campaign and asking for donations to assist with legal fees for the Friends and Mr. Mullen.
12. In March 2021 Amy Schingen posted on the Stop Lakeside Park from being Privatized Facebook page that there were still unpaid attorney invoices from December, January, and February.
13. Mr. Mullen was elected to the Fond du Lac City Council on April 6, 2021.
14. On April 26, 2021 the Friends announced all legal bills had been paid in full, with over \$35,000 being donated. See Appendix E.

15. The following occurred at the April 28, 2021 city council meeting:
- a. Public comments strongly supporting adoption of Resolution 8937 were made by members and supporters of the Friends of Lakeside Park;
 - b. Mr. Mullen seconded a motion to adopt Resolution 8937;
 - c. Mr. Mullen made public comments during debate showing he has clearly been influenced by the support given to him by the Friends;
 - d. Mr. Mullen voted to approve Resolution 8937 which put a pause to previously approved and underway projects at Lakeside Park.

It is clear that Mr. Mullen has been the direct beneficiary of funds raised by the Friends of Lakeside Park to help pay legal fees in a lawsuit in which Mr. Mullen and the Friends were co-petitioners. Mr. Mullen has been acting in clear defiance of section 52-7(A) of the City's Code of Ethics for the past four months. This is also a breach of Wisconsin state statute 19.59(1)(b) regarding the code of ethics for local government officials and candidates

"No local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgement, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official."

Wisconsin state statute 19.29(1)(c)1 further states

"No local public official may take any official action substantially affecting a matter in which the official,... or an organization with which the official is associated has a substantial financial interest."

The city ethics board recently made a ruling that Mr. Giles should abstain from voting on issues relating to the Lakeside Park Alternative Master Plan (AMP) because contributors to the Historical Society (of which he now is Executive Director) are also prominent supporters of the AMP.

Mr. Mullen has received a direct, pecuniary benefit from having his legal expenses paid for by the Friends of Lakeside Park in a lawsuit regarding Lakeside Park development. Due to the serious breach of the City's Ethics Code, Mr. Mullen should abstain from all votes and discussion pertaining to Lakeside Park until the Ethics Board completes a thorough investigation.

Sincerely,

Josh Wilsmann

Appendix A

FILED
10-19-2020
Clerk of Courts
Fond du Lac County WI
2020CV000354
Honorable Robert J. Wirtz
Branch 5

STATE OF WISCONSIN

CIRCUIT COURT

FOND DU LAC COUNTY

FRIENDS OF LAKESIDE PARK,

an unincorporated Wisconsin association,
15 Fifth Street
Fond du Lac, Wisconsin 54935,

JOHN PAPPENHEIM
15 Fifth Street
Fond du Lac, Wisconsin 54935,

MARY BETH HAYES
285 Linden Street
Fond du Lac, Wisconsin 54935,

and

PATRICK MULLEN

285 Linden Street
Fond du Lac, Wisconsin 54935

Petitioners,

v.

Case No. _____

CITY OF FOND DU LAC
160 South Macy Street
Fond du Lac, Wisconsin 54935,

Petition for Writ of
Mandamus: 30952

Respondent.

PETITION FOR WRIT OF MANDAMUS

Petitioners Friends of Lakeside Park, an unincorporated Wisconsin association, John Pappenheim, Mary Beth Hayes and Patrick Mullen, by and through their attorneys Mary Beth

Peranteau and Wheeler, Van Sickle & Anderson, S.C., as and for their Petition for Writ of Mandamus directed to Respondent City of Fond du Lac, allege as follows:

PARTIES

1. **Petitioner Friends of Lakeside Park (“Friends”)** is an unincorporated Wisconsin association whose directors and supporters consist of residents and taxpayers in the City of Fond du Lac who use and enjoy Lakeside Park, the largest and most historically significant park in the City of Fond du Lac and a center of public recreation for well over a hundred years. Friends was organized in 2020 with the mission of continuing that legacy for future generations, to promote responsible administrative and financial stewardship of the Park through oversight and partnership with the City and the citizens who use it, love it, maintain it, and find solace within it.

2. **Petitioner John Papenheim, the Chair of the Friends,** is an adult resident of the City and County of Fond du Lac, whose address is 15 Fifth Street, Fond du Lac, Wisconsin 54935.

3. Petitioner Mary Beth Hayes, a director and supporter of the Friends, is an adult resident of the State of Wisconsin, whose address is 285 Linden Street, Fond du Lac, Wisconsin 54935.

4. **Petitioner Patrick Mullen, a director and supporter of the Friends,** is an adult resident of the City and County of Fond du Lac, whose address is 285 Linden Street, Fond du Lac, Wisconsin 54935.

5. Respondent City of Fond du Lac (the “City”) is a Wisconsin municipality with its principal office located at 160 South Macy Street, Fond du Lac, Wisconsin 54935. The City is governed by a council comprised of seven members elected by City residents.

Appendix B

FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Citizens for Preserving Lakeside Park

ADDRESS (number and street) 1004 CHURCH STREET

(Check if address is changed)

Waupun

CITY ▲

WI

STATE ▲

53963

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

cewerdt@yahoo.com

Optional Second E-Mail Address
brennan1165@gmail.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.facebook.com/SaveLakesidePark

2. DATE

07 / 24 / 2020

3. FEC IDENTIFICATION NUMBER ▶

C C00752816

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer **Brennan, Christine, , Brennan**

Signature of Treasurer *Brennan, Christine, , Brennan*

[Electronically Filed]

Date

07 / 24 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

Full Name of Designated Agent

Miller-Brennan, Lucretia, , ,

Mailing Address

767 Security Drive

Y203

Fond du Lac

WI

54935

CITY

STATE

ZIP CODE

Title or Position

Telephone number

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Verve A Credit Union

Mailing Address

740 Johnson St

Fond du Lac

WI

54935

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

Appendix C



Friends of Lakeside Park

Make a Donation

DONATE VIA PAYPAL

In August, we engaged attorney Mary Beth Peranteau of Wheeler, Van Sickle & Anderson, S. C. She has guided us through the entire direct petition process and will be our lead attorney as we continue this process.

We need your help to pay the court costs and legal fees.

Thankfully, Chrissy Brennan set up a fund in anticipation of legal costs. The account is at the Verve Credit Union, 740 W. Johnson Street, FDL, WI 54935.

There are multiple ways you can donate to this fund:

1. Write a check to: **Citizens for Preserving Lakeside Park** and take it to any Verve credit union.
2. Write a check to: **Citizens for Preserving Lakeside Park** and mail it to or drop it off at Papenheim Signcrafters, 15 Fifth Street, FDL, WI 54935
3. Click on the button below to donate via Paypal
4. Click on the button below to donate via Gofundme (*We prefer that you use the Paypal button as they take less in fees*)

Email us at: lakesideparkfriends@gmail.com if you have questions.

DONATE AT GOFUNDME

Lakeside Park Ornaments



For a \$10 donation you can receive a beautiful Lighthouse ornament. There are two designs and they are identical except for the words at the top. One says "Save the Lighthouse Peninsula" and the other says "Let the People Decide." They are packaged so they make a wonderful gift!

To purchase these ornaments:

- **Drop in at Papenheim Signcrafters**, 15 Fifth Street, FDL, WI 54935 Monday through Fridays from 9 am to 5pm. (Out to lunch from noon to 1pm).
- **Look for our volunteers** on the corner of Scott and North Main Street.

You can give them cash or write out a check.

- **SPECIAL OFFER: Two for \$22.** Make a donation of \$22 and we will mail out two of the ornaments to you (or your designated address)

Email us at: lakesideparkfriends@gmail.com if you have questions.





Copyright – 2020 Friends of Lakeside Park

☰ Menu



Friends of Lakeside Park

Fundraising

ONLINE STORE



Exclusive Blend for Lakeside Park Friends!

“Lakeside Park” is a sweet & savory mix of green glazed candied corn, blue raspberry kettle corn, and lightly salted gourmet white popcorn.

Each flavor chosen to deliciously and beautifully represent Lakeside Park’s green grass surrounded by the blue waters of Lake Winnebago and the white of our beloved lighthouse.

Faris Gourmet Popcorn

All Faris Gourmet Popcorn products are made from the following types of ingredients:

Non-GMO

**No Trans Fats
Grain**

**Gluten free
Coconut Oil**

Whole

ONLINE STORE



This beautiful Lighthouse pendant **is made by local artist Trista Holz**. It is superior quality glass with a genuine 18 karat gold image of our beloved Fond du Lac lighthouse!

ONLINE STORE



Appendix D

FEC FORM 3X

REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

CITIZENS FOR PRESERVING LAKESIDE PARK

ADDRESS (number and street)

1004 CHURCH STREET

Check if different than previously reported. (ACC)

WAUPUN

WI

53963

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00752816

3. IS THIS REPORT NEW (N) OR AMENDED (A)

4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:

- April 15 Quarterly Report (Q1)
- July 15 Quarterly Report (Q2)
- October 15 Quarterly Report (Q3)
- January 31 Year-End Report (YE)
- July 31 Mid-Year Report (Non-election Year Only) (MY)
- Termination Report (TER)

- (b) Monthly Report Due On:
- Feb 20 (M2)
 - Mar 20 (M3)
 - Apr 20 (M4)
 - May 20 (M5)
 - Jun 20 (M6)
 - Jul 20 (M7)
 - Aug 20 (M8)
 - Sep 20 (M9)
 - Oct 20 (M10)
 - Nov 20 (M11) (Non-Election Year Only)
 - Dec 20 (M12) (Non-Election Year Only)
 - Jan 31 (YE)

- (c) 12-Day PRE-Election Report for the:
- Primary (12P)
 - General (12G)
 - Runoff (12R)
 - Convention (12C)
 - Special (12S)

Election on [MM] / [DD] / [YYYY] in the State of []

- (d) 30-Day POST-Election Report for the:
- General (30G)
 - Runoff (30R)
 - Special (30S)

Election on [MM] / [DD] / [YYYY] in the State of []

5. Covering Period

[MM] / [DD] / [YYYY] 11 / 24 / 2020 through [MM] / [DD] / [YYYY] 12 / 31 / 2020

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Brennan, Chritine, , ,

Type or Print Name of Treasurer

Signature of Treasurer

Brennan, Chritine, , ,

[Electronically Filed]

Date

[MM] / [DD] / [YYYY] 01 / 25 / 2021

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office Use Only

FEC FORM 3X Rev. 05/2016

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

FOR LINE NUMBER:
(check only one)

<input type="checkbox"/> 21b	<input type="checkbox"/> 22	<input type="checkbox"/> 23	<input type="checkbox"/> 26	<input type="checkbox"/> 27
<input type="checkbox"/> 28a	<input type="checkbox"/> 28b	<input type="checkbox"/> 28c	<input checked="" type="checkbox"/> 29	<input type="checkbox"/> 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
CITIZENS FOR PRESERVING LAKESIDE PARK

Full Name (Last, First, Middle Initial) A. CITIZENS FOR PRESERVING LAKESIDE PARK		Date of Disbursement M M / D D / Y Y Y Y Y Y 12 / 04 / 2020	
Mailing Address 1004 CHURCH STREET			
City WAUPUN	State WI	Zip Code 53963	
Purpose of Disbursement Attorney Fees		Category/ Type 001	FEC Identification Number C C00752816 Transaction ID : SB29.4103 Amount of Each Disbursement this Period 17000.00
Candidate Name		<input type="checkbox"/> Memo Item	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State: District:			

Full Name (Last, First, Middle Initial) B. CITIZENS FOR PRESERVING LAKESIDE PARK		Date of Disbursement M M / D D / Y Y Y Y Y Y 12 / 16 / 2020	
Mailing Address 1004 CHURCH STREET			
City WAUPUN	State WI	Zip Code 53963	
Purpose of Disbursement Attorney Fees		Category/ Type 001	FEC Identification Number C C00752816 Transaction ID : SB29.4104 Amount of Each Disbursement this Period 3000.00
Candidate Name		<input type="checkbox"/> Memo Item	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State: District:			

Full Name (Last, First, Middle Initial) C.		Date of Disbursement M M / D D / Y Y Y Y Y Y	
Mailing Address			
City	State	Zip Code	
Purpose of Disbursement		Category/ Type	FEC Identification Number C
Candidate Name		Amount of Each Disbursement this Period	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼		
State: District:			

SUBTOTAL of Disbursements This Page (optional).....▶	20000.00
TOTAL This Period (last page this line number only).....▶	20000.00

Appendix E



ALERT! - Action Needed for Wednesday City Council Meeting...ANNOUNCING Food Truck Festival! ---Details Inside

1 message

Lakeside Park Friends <lakesideparkfriends@gmail.com>

Mon, Apr 26, 2021 at 5:18 PM

Reply-To: lakesideparkfriends@gmail.com

To:

[View this email in your browser](#)



ACTION NEEDED!

Wednesday, April 28th City Council Meeting

Our Legal Journey



Friends,

We are very pleased to report that our legal bill is paid in full. **This community donated over \$35,000 and we are deeply grateful for each and every dollar donated.** Many of you volunteered to sit in the park and then on the corner of Main and Scot Streets through all kinds of weather to help collect the funds needed for our legal action.

Your efforts showed the resolve of the people to have a voice in the future of Lakeside Park.

While we feel the judge's ruling on March 5th is misguided and that we could gain reversal on appeal, we have decided to end our legal battle. The process is long and much could move forward as we wait for court dates, etc. Also, the election on April 6th gave us City Council members who pledged to give us a voice. We are confident that we will see a referendum on our beloved park.

Fondy Food Truck Festival!

Oven Island May 30, 2021

#LetThePeopleEat