

**EDUCATION**

# In final days of Mequon-Thiensville recall race, a defamation suit and claims of ethics violations

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In the final days before Tuesday's recall election of four Mequon-Thiensville school board seats, organizers on both sides have been accused of legal violations.

Recall organizer Amber Schroeder said Friday an ethics complaint was being filed against a committee supporting the four incumbents, accusing the group of breaking campaign finance rules — allegations denied by the committee's treasurer.

The same day, a local organization sued recall organizer and candidate Scarlett Johnson claiming defamation. Johnson didn't immediately return a call from the Journal Sentinel about the suit.

Also on Friday, recall organizers publicized supporter Mequon Ald. Mark Gierl's court victory against the Mequon-Thiensville School District. A judge ordered the district to release to Gierl the email addresses of parents invited to a district conversation about race, according to Gierl's attorney.

## Support MTSD group accused of colluding with candidates

Recall organizers have out-fundraised those supporting the incumbents, \$47,000 to \$27,000. Now the recall organizers are accusing a committee supporting the incumbents of violating campaign finance rules by colluding with the incumbent candidates.

Nancy Urbani, treasurer for the Coalition to Support MTSD committee, denied the accusations and said the committee has been cautious to follow rules.

"We're outspent at every turn and this is just another weapon in their playbook," Urbani said. "There's nothing to it."

The accusations revolve around special finance rules for recall committees, which are limited in how they're allowed to interact with candidates' campaigns.

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Thirteen fundraising arms are active in the Mequon-Thiensville recall race. Each of the eight candidates has their own campaign that can raise funds. There are four recall committees against each of the four incumbents. And there is one committee supporting the four the incumbents.

The committees are allowed to receive donations of any size, while donations to candidates' campaigns are capped at around \$550 each, calculated by multiplying the district's population by 0.02. Each of the committees made use of that advantage, all receiving single donations as high as \$1,500.

If a candidate is involved in deciding how committee funds are spent to support their own campaign, those expenditures count as an in-kind donation to the candidate's campaign and are then subject to the \$550 cap. They also must be reported on campaign finance forms.

According to Schroeder, an ethics complaint filed Friday accused the Coalition to Support MTSD committee of breaking campaign finance rules by colluding with candidates and failure to report advocacy.

The Coalition did not report any in-kind donations to candidates on its campaign finance report. Urbani said the committee didn't need to report any donations to candidates because they did not consult with candidates about any of their spending decisions.

"They have not had control over the design, verbiage, materials or distribution of the materials," Urbani said.

Schroeder did not say who filed the complaint or when exactly it was being filed with the Wisconsin Ethics Commission. Because the commission is required to keep such complaints confidential, the commission cannot confirm the filing.

Urbani said she had not been notified of the complaint. The Ethics Commission, if it finds a complaint meets its guidelines, provides a copy to those accused in the complaint within five days, which could be after the election.

Ultimately, the commission could dismiss the complaint or issue a fine against the accused committee, according to Commissioner Daniel Carlton. The fine payment would go to a state education fund. Findings by the commission would not constitute grounds for contesting an election, Carlton said.

## **Scarlett Johnson accused of defamation**

In a separate case announced Friday, an attorney for the local organization Bridge the Divide said the group is suing Johnson, a candidate challenging incumbent Chris Schultz, for defamation.

According to a complaint provided by the attorney, Emma Ferguson, Bridge the Divide claims Johnson damaged the group's reputation by falsely calling the organization Marxist, funded by the Democratic Party, and a proponent of defunding the police and teaching Critical Race Theory in local schools.

Bridge the Divide, which facilitates conversations about race and reconciliation, started with small conversations between friends in Cedarburg and has expanded to host pivotal community discussions in the North Shore.

In a statement on Facebook Saturday, the group said they had asked Johnson in August to stop spreading "untruths," noting that the group has intentionally maintained a "non-political posture."

"We've created space in Bridge the Divide and invited all to be in community with us, which means honesty, grace, respect, and dignity even when we don't agree with one another," the group said in the post.

The group's complaint was filed in Ozaukee County Circuit Court.

## **Mequon Alderman wins suit for email addresses**

Another legal development Friday did not directly involve recall candidates but was publicized by recall organizers. Mequon Alderman Mark Gierl, who donated to the recall effort, won an open records suit against the school district.

Gierl had requested the list of email addresses that received invites from the school district to an event titled, "The Talk: A necessary conversation on privilege and race with our children."

The district shared email addresses of staff members but withheld those of parents, arguing "disclosing parent email addresses would discourage parents from providing that information to the district, and therefore inhibit parent-school communication."

In an oral ruling, Ozaukee County Circuit Judge Steven Cain ordered the district to turn over the list, according to Gierl's attorney, Tom Kamenick, president of the Wisconsin Transparency Project.

"As Judge Cain made clear today, when school districts — or any government officials — start spreading ideological messages, the public has a strong interest in learning whom they are trying to influence," Kamenick said.

The district's statement said they were waiting for a written decision from the judge as they worked to determine the impact of the ruling before updating district families.

A court clerk said the written order for summary judgment could take days.

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