

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

STATE OF WISCONSIN  
17 West Main Street  
Post Office Box 7857  
Madison, WI 53707-7857,

Plaintiff,

v.

IRVING J. S. [REDACTED]  
DOB: [REDACTED]

Case No. 13-FO

13 APR -4 PM 3:05  
CIRCUIT COURT  
DANE COUNTY, WI

✓ BRANDON W. B. [REDACTED]  
DOB: [REDACTED]

Case No. 13-FO

876

Defendants.

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SUMMONS (FORFEITURE)

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THE STATE OF WISCONSIN, to the Defendants:

You are being sued for a forfeiture as provided in the attached complaint which alleges:

**Count 1** - that on or about February 12, 2013, in Dane County, Wisconsin, you conducted a rally or demonstration without a permit, in a building managed by the department of administration, contrary to Wisconsin Admin. Code § ADM 2.14(2)(v).

**Count 2** - that on or about February 28, 2013, in Dane County, Wisconsin, you conducted a rally or demonstration without a permit, in a building managed by the department of administration, contrary to Wisconsin Admin. Code § ADM 2.14(2)(v).

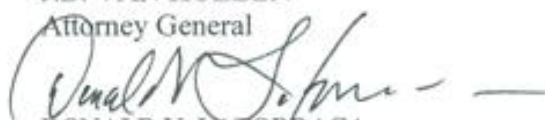
If you wish to dispute this matter, you must then be in Room 1A, of the Dane County Courthouse, 215 S. Hamilton Street, Madison, Wisconsin before 8:30 a.m., on April 24, 2013 **OR** you must file a written answer to the clerk of court office and provide a copy to the plaintiff or plaintiff's attorney on or before the date and time stated. A written answer should indicate whether the plea is not guilty, no contest, or guilty. If you do not appear or answer, a judgment may be given to the person suing you for what that person is asking.

You are encouraged to bring with you all papers and documents relating to this matter, but there is no need to bring witnesses at this time.

Dated at Dane County, Wisconsin, this 3<sup>rd</sup> day of April, 2013.

J.B. VAN HOLLEN

Attorney General



DONALD V. LATORRACA

Assistant Attorney General

State Bar #1011251

ERIC D. DÉFORT

Assistant Attorney General

State Bar No. 1041760

Attorneys for Plaintiff

Wisconsin Department of Justice

ENDORSEMENT

I, Brian Henry, am a law enforcement officer employed with the Capitol Police Department. I hereby certify that on the date of April 5 2013, at 12:00 a.m. p.m., at the location of Wisconsin State Capitol Grounds, I personally served the authenticated copy of the summons and complaint upon the above named defendant, Brandon W. B.

[EXPLAIN ONLY IF SOME OTHER FORM OF SERVICE WAS PROVIDED

Dated this 5 day of April, 2013.

Brian Henry Detective  
SIGNATURE & TITLE

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH \_\_\_\_

DANE COUNTY

STATE OF WISCONSIN,  
17 West Main Street  
Post Office Box 7857  
Madison, WI 53707-7857,

Plaintiff,

v.

IRVING J. S. [REDACTED]  
(DOB: [REDACTED])  
[REDACTED]

Case No. 13-FO

13 APR -4 PM 3:05  
CIRCUIT COURT  
DANE COUNTY, WI

and

BRANDON W. B. [REDACTED]  
(DOB: [REDACTED])  
[REDACTED]

Case No. 13-FO 876

Defendants.

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**CIVIL FORFEITURE COMPLAINT**

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NOW COMES the above-named plaintiff, State of Wisconsin, by its attorneys, Attorney J.B. Van Hollen and Assistant Attorney General Eric D. Défort, at the request of the Department of Administration (DOA), and brings this complaint against the above-named defendants, and alleges and shows this Court as follows:

**AS TO ALL COUNTS AND BOTH DEFENDANTS**

1. The plaintiff is a sovereign state of the United States having its seat of government and principal office at the State Capitol, Madison, Dane County, Wisconsin.

2. The defendants are adult citizens of the State of Wisconsin who reside at the following addresses: (1) Irving S [REDACTED]  
(2) Brandon B [REDACTED]

3. The DOA has promulgated and implemented rules regarding the use of state buildings and facilities managed by the DOA pursuant to Wis. Stat. § 16.846(1)(a). Wis. Stat. § 16.846(1)(b)2. provides for the payment of a forfeiture of not more than \$500 for persons who violate such rules. Wis. Stat. § 16.846(2), authorizes the attorney general to prosecute or to bring an action for a forfeiture under Wis. Stat. § 16.846(1)(b)2., and venue is proper in Dane County.

**COUNT 1: CONDUCTING A PICKET, RALLY, PARADE OR  
DEMONSTRATION WITHOUT APPROVAL  
(AS TO IRVING S [REDACTED] AND BRANDON B [REDACTED] ON FEBRUARY 12, 2013)**

4. Wisconsin Admin. Code § ADM 2.14(2)(v) requires all persons that conduct a picket, rally, parade, or demonstration in facilities managed by the DOA to first obtain approval of the DOA. Pursuant to Wisconsin Admin. Code § ADM 2.02(1)(a), the State Capitol Rotunda is a building or facility managed by the DOA.

5. On or about February 12, 2013, Irving S [REDACTED] and Brandon B [REDACTED] unlawfully, without approval of the DOA, conducted a rally or demonstration in the State Capitol, a building managed by the DOA.



6. On or about February 12, 2013, Irving S [REDACTED] and Brandon B [REDACTED] violated Wisconsin Admin. Code § ADM 2.14(2)(v) because they conducted a picket, rally, parade or demonstration in the State Capitol Rotunda without approval of the DOA. I base this complaint upon the personal observations, information, and belief of State Capitol Police Officer Steven B. Mael who reports that on or about Tuesday, February 12, 2013, that he observed Irving S [REDACTED] in the State Capitol Rotunda, distribute song books to various individuals, lead the group of more than 20 individuals in their first song, move toward the center of the rotunda and loudly request if the group had any announcements that it would like to make, and lead the group, which grew to over 50 in attendance, in more song. At the end of the February 12, 2013, large-group singing event, Officer Steven B. Mael reports that he observed Brandon B [REDACTED] collecting the song books. Officer Steven B. Mael reports that this was a non-permitted event.

7. Under Wisconsin Admin. Code § ADM 2.14(2) and Wis. Stat. § 16.846(1)(b)2., any person who violates Wisconsin Admin. Code § ADM 2.14(2)(v) "shall be subject to a forfeiture of not more than \$500."

**COUNT 2: CONDUCTING A PICKET, RALLY, PARADE OR  
DEMONSTRATION WITHOUT APPROVAL**  
(AS TO IRVING S [REDACTED] & BRANDON B [REDACTED] ON FEBRUARY 28, 2013)

8. Wisconsin Admin. Code § ADM 2.14(2)(v) requires all persons that conduct a picket, rally, parade, or demonstration in facilities managed by the DOA to first obtain approval of the DOA. Pursuant to Wisconsin Admin. Code § ADM 2.02(1)(a), the State Capitol Rotunda is a building or facility managed by the DOA.

9. On or about February 28, 2013, Irving S [REDACTED] and Brandon B [REDACTED] unlawfully, without approval of the DOA, conducted a rally or demonstration in the State Capitol, a building managed by the DOA.

10. On or about February 28, 2013, Irving S [REDACTED] and Brandon B [REDACTED] violated Wisconsin Admin. Code § ADM 2.14(2)(v) because they conducted a picket, rally, parade or demonstration in the State Capitol Rotunda without approval of the DOA. I base this complaint upon the personal observations, information, and belief of State Capitol Police Officer Jason Matthews who reports that on or about Thursday, February 28, 2013, he and officer Syphard observed Irving S [REDACTED] and Brandon B [REDACTED] in the State Capitol Rotunda. S [REDACTED] was observed distributing song pamphlets, calling out some of the songs, leading the group on these songs, and collecting the song pamphlets at the end of the event. Matthews reports that B [REDACTED] was observed as the other main conductor. Matthews reports that he observed B [REDACTED] calling out some of the songs, leading the group on those songs, and physically swinging his arms in a music conductor-like fashion during the songs. Matthews reports that this was a non-permitted event.

11. Under Wisconsin Admin. Code § ADM 2.14(2) and Wis. Stat. § 16.846(1)(b)2., any person who violates Wisconsin Admin. Code § ADM 2.14(2)(v) "shall be subject to a forfeiture of not more than \$500."

WHEREFORE, the plaintiff requests judgment:

1. For forfeitures from the defendants as provided in Wisconsin Admin. Code § ADM 2.14(2) and Wis. Stat. § 16.846.

2. For all applicable costs and fees, including, but not limited to, the \$25 court costs pursuant to Wis. Stat. § 814.63(1); the \$13 crime lab and drug surcharge pursuant to Wis. Stat. § 814.75(3); the \$68 court support services fee pursuant to Wis. Stat. § 814.75(2); the jail surcharge pursuant to Wis. Stat. § 814.75(14); and the \$21.50 justice information fee pursuant to Wis. Stat. § 814.75(15).

3. The costs and disbursements of this action.

4. Such other relief as the Court may deem appropriate.

Dated this 3<sup>rd</sup> day of April, 2013.

Respectfully submitted,

J.B. VAN HOLLEN

Attorney General



DONALD V. LATORRACA

Assistant Attorney General

State Bar #1011251

ERIC D. DÉFORT

Assistant Attorney General

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