

FILED
04-18-2023
Clerk of Circuit Court
Racine County
2023CF000519
Honorable Robert S.
Repischak
Branch 9

STATE OF WISCONSIN	CIRCUIT COURT	RACINE COUNTY
STATE OF WISCONSIN	Plaintiff,	DA Case No.: 2023RA003823 Assigned DA/ADA: Agency Case No.: Court Case No.: 2023CF ATN:
vs.		
JOHN N TATE II 2044 Kinzie Avenue Racine, WI 53405		CRIMINAL COMPLAINT
DOB: 12/02/1984 Sex/Race: M/B Eye Color: Brown Hair Color: Brown Height: 5 ft 10 in Weight: 225 lbs Alias:		
	Defendant.	

Status: Summons for Thursday, May 11, 2023 at 2:00 PM
Officer: Jason Sielski # 243, of the Kenosha County Sheriff

The defendant did:

Count 1: PRIVATE INTEREST IN A PUBLIC CONTRACT WHILE WORKING IN A PUBLIC CAPACITY

The above-named defendant on or about Monday, October 17, 2022, in the City of Racine, Racine County, Wisconsin, did as a public officer or public employee, in a private capacity, negotiate, bid for, or enter into a contract in which the officer or employee has a private pecuniary interest and at the same time is authorized or required by law to participate in a capacity as a public officer or employee in the making of the contract, contrary to sec. 946.13(1)(a), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

The official records and files of the Racine County District Attorney's Office, the Wisconsin Department of Justice and/or Department of Transportation reflect that the defendant has the following record of convictions:

The complainant, being first duly sworn on oath, on information and belief, alleges and states that in the County of Racine, State of Wisconsin, the defendant did commit the above described offense(s) and prays that said defendant be dealt with according to the laws of the State of Wisconsin.

The complainant states that he is an adult citizen and has reviewed the official law enforcement reports prepared under the above mentioned complaint numbers by the above stated officer, whose reports your complainant relies upon as truthful and accurate inasmuch as they were prepared during the course of an official law enforcement investigation. The complainant relies upon the statements of the mentioned witnesses inasmuch as they are citizens and their statements are based on personal knowledge or eyewitness observations; the complainant relies upon the statements of the defendant, if any, inasmuch as they are contrary to the defendant's penal interests and are, therefore, to be believed.

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The complainant thereby informs the court that the basis for the above charge(s) is as follows:

On July 11, 2022, the City of Racine Finance and Personnel Committee, made up of five members of the City of Racine Common Council including John N. Tate II, met and unanimously approved moving forward on a communication from Mayor Mason as Resolution to the Common Council for their consideration on July 19, 2022. The communication and resolution were given file #0491-22. 0491-22, when presented to the City of Racine Common Council read as follows:

File Number: Res. 0491-22

Agenda Date: 07/19/2022

File Type: Resolution

WI ARPA Grant - \$784,000

Resolved, that the Mayor and City Clerk are granted permission to accept the WI ARPA Grant allocation in the amount of \$784,000 to be allocated to public safety as presented, including authorization for the creation of a Violence Interruption Coordinator limited term employee position.

Fiscal Note: Grant amount is \$784,000. No City match is required

Within the Agenda Briefing Memorandum provided to the Common Council on July 19, 2023, included in the Resolution was a plan to create a new LTE position of Violence Interruption Coordinator for the City of Racine.

Violence Interruption Coordinator (\$150,000) would fund an LTE position to help facilitate the process of creating a Racine version of a "Blue Print for Peace"

At the Common Council meeting on July 19, 2022, Alderman John N Tate II, presided over the meeting as Council President, according to the meeting minutes. On July 19, 2022, the Common Council unanimously approved Resolution 0491-22, which included the creation of the Violence Interruption Coordinator Position (VICP).

The VICP position was advertised from September 8, 2022 until September 22, 2022. The annual salary for the position was advertised at a range of \$78,520.00 - \$101,004.80. During the time that the posting of the position was open, there were twenty applicants. On October 11, 2022, three candidates were interviewed, including Alderman Tate, who had applied for the job.

On October 11, 2022, it was made public through the news media that Alderman Tate had accepted a position with the City of Madison. On October 13, 2022, the City of Racine e-mailed an offer to Alderman Tate for the VICP in Racine. Alderman Tate responded to Racine's offer by requesting more salary and more vacation time. After some discussion among two City officials, Public Health Administrator Dottie Kay Bowersox and City Administrator Paul Vornholt, they agreed to the requests made by Alderman Tate and amended the offer made to him. The amendment raised the pay to \$101,698.25 annually if he was living in the City of

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Racine, and provided four weeks of vacation. Additionally, Alderman Tate was offered the opportunity to participate in a \$10,000 forgivable home loan program for City Employees, if he purchased a house in the City of Racine.

Alderman Tate initially announced that he would resign as an alder and President of the Council to begin the VICP on November 14, 2022. Alderman Tate then changed his plans and advised publicly that he would finish his term ending in April 2023 before starting the job as the VICP.

Throughout the time that the WI ARPA Grant money was granted to the City of Racine and the VICP was proposed and approved, John Tate II as a member of the Common Council and was acting as President. By applying for and negotiating the terms of his employment, he acted on behalf of his own pecuniary interest.

Subscribed and sworn to before me on 04/18/23

Electronically Signed By:

Patricia J Hanson

District Attorney

State Bar #: 1021793

Electronically Signed By:

Christopher D Steenrod

Complainant