

2026 2nd Quarter Correspondence

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**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**Josh Kaul
Attorney General**

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April 1, 2026

Darrell Otis, #3223475
Milwaukee Secure Detention Facility
Post Office Box 189
Phoenix, MD 21131

Dear Darrell Otis:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated January 29, 2026, in which you wrote, the Wisconsin Department of Corrections (DOC) “has refused to provide me with exculpatory video evidence that’s necessary needed [sic] for my revocation hearing.” You requested DOJ “intervene.” Your letter indicates February 12, 2026, as the date of that hearing, and it appears that our office did not receive your correspondence in time to respond before that date.

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the DOC. DOJ strives to provide the public with guidance on the interpretation of our State’s public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I am copying DOC on this letter to ensure that they are aware of your concerns about their and Milwaukee Secure Detention Facility’s handling of your records requests.

The Attorney General and DOJ’s Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concerns. We are dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in cursive script that reads "Lili Behm".

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Corrections



**STATE OF WISCONSIN
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April 2, 2026

Devon Hanna
srt.dutch@icloud.com

Dear Devon Hanna:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated January 17, 2026, in which you wrote, "I submit this formal complaint requesting investigation and enforcement regarding ongoing violations of [the public records law] . . . by the Wisconsin Department of Children and Families (DCF) [and] the Sauk County Child Support Agency [Sauk County]." You stated that you submitted a public records request and the "agencies have failed to produce any documentation in response and have not cited any lawful exemption, placing them in clear noncompliance." You requested that DOJ "compel compliance with the Open Records Law"

The DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. While a portion of your correspondence pertained to the public records law, it also concerned matters outside the scope of the OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding child support reporting to credit agencies, child support liens, the Fair Credit Reporting Act, and "consumer reporting by TransUnion LLC." We can, however, provide you with some general information about the public records law that we hope you will find helpful.

First, regarding your public records request to DCF, DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent DCF. DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

While DOJ is unable to provide you with advice or counsel regarding your DCF public records request, I did contact DCF to make them aware of your concerns, and I am also copying them on this letter. Additionally, please note that DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of->

open-government.aspx). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

Regarding your public records request to Sauk County, the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority “shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.” Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response “depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations.” *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority “can be swamped with public records requests and may need a substantial period of time to respond to any given request”).

Pursuant to Wis. Stat. § 19.35(4)(b), “If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. Police and Fire Comm’rs Board*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

The public records law provides several remedies for a requester dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus on your behalf. However, I am copying Sauk County on this letter, and I encourage the county to contact our office with any questions about your public records requests or the public records law in general.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

Lawyer Referral and Information Service
State Bar of Wisconsin
P.O. Box 7158
Madison, WI 53707-7158
(800) 362-9082
(608) 257-4666

<http://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx>

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Children and Families
Sauk County Child Support Agency



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April 6, 2026

Good Citizen
good.private.citizen.1776@gmail.com

Dear Good Citizen:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated March 12, 2026, in which you wrote, "I submitted [a public records] request to the office of Governor Tony Evers on December 17th, 2025 and have not received a response. Please take action and have the Governor's office fulfill this request."

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the Governor's office. DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact the Governor's office to make them aware of your concerns, and I am also copying them on this letter.

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ's Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Office of the Governor of Wisconsin



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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April 13, 2026

Jamie Lehto

[REDACTED]
Elk Mound, WI 54739

Dear Jamie Lehto:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated February 18, 2026, and February 23, 2026, and directed to the Wisconsin Department of Justice (DOJ) Division of Law Enforcement Services (DLES). This letter will address both of your letters in turn.

First, please note the DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. To the extent your correspondence discusses matters outside the scope of OOG's responsibilities, OOG is unable to offer assistance or insight.

In your February 18, 2026 correspondence, you submitted a complaint against certain Chippewa County Sheriff's Office personnel, and you requested a review of the incident you described in your letter. On behalf of DOJ DLES, OOG can provide the following information that we hope you will find helpful.

The Attorney General and DOJ may exercise only the powers granted by the Wisconsin statutes. Those powers generally are outlined in Wis. Stat. § 165. The Wisconsin statutes do not authorize the Attorney General or DOJ to exercise oversight of local law enforcement agencies.

If you believe a crime was committed, please contact the Chippewa County District Attorney. Contact information for the District Attorney's Office is available at the following link: <https://www.chippewacountywi.gov/183/District-Attorney>. Wisconsin Stat. § 66.0511(3) requires all law enforcement agencies to have a complaint process available to the public. The Chippewa County Sheriff's Office complaint form is available at the following link: <https://www.chippewacountywi.gov/DocumentCenter/View/1409/Chippewa-County-Sheriff-Citizen-Complaint-Form-PDF>.

If you believe your civil rights have been violated, you may wish to consult a private attorney. If you do not already have one, the State Bar of Wisconsin operates a lawyer referral and information service. More information about this service is provided below.

In your February 23, 2026 correspondence, you wrote concerning your public records request submitted to the Chippewa County Sheriff's Office. You wrote, "My request was submitted with the understanding that per Wisconsin Statute 19.31 et seq, I would receive a response within 10 business days. As of today, it has been 41 days since my initial submission, resulting in a compliance failure of 31 days. . . . The agency has not provided the requested records. There has been no communication from the agency regarding the status of my request or reasons for the delay." You urged DOJ "to investigate this matter and take appropriate action to ensure compliance with Wisconsin's public records law."

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

DOJ has stated that, generally, 10 working days is a reasonable time for an authority to respond to a simple request for a limited number of easily identifiable records. For requests that are not simple and those that are broader in scope, or that require location, review, or redaction of multiple records, a reasonable time for responding may be longer. The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority "shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor." Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response "depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations." *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm'rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority "can be swamped with public records requests and may need a substantial period of time to respond to any given request").

OOG encourages authorities and requesters to maintain an open line of communication. This helps prevent misunderstandings between an authority and a requester. For example, if it becomes apparent to an authority that a public records request may require a longer response time, it may be prudent for the authority to send the requester a letter providing an update on the status of the response and, if possible, indicating when a response might be anticipated. Similarly, if an authority receives an inquiry from a requester seeking an update on the status of the request, it is advisable for the authority to respond to the requester with an update.

The public records law "does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester." *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55,

362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

The public records law provides several remedies for a requester who may be dissatisfied with an authority's response or lack of response to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, DOJ nonetheless respectfully declines to pursue an action for mandamus on your behalf.

Although DOJ is not pursuing an action for mandamus, I am copying the Chippewa County Sheriff's Office on this response letter to make them aware of your concerns. I invite the Chippewa County Sheriff's Office to contact our office if they have questions about the public records law, or if they wish to discuss this matter.

As mentioned previously, you may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

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DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in blue ink that reads "Paul M. Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:lah

cc: Chippewa County Sheriff's Office (via email)



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

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FAX 608/267-2779

April 20, 2026

Rick Lamoreux
Lamoreux@protonmail.com

Dear Rick Lamoreux:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated April 9, 2026, in which you wrote, "I am writing to request assistance regarding what I believe is an unreasonable delay by the Wisconsin Department of Health Services Division of Quality Assurance (DHS DQA) in responding to my open records request."

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the Wisconsin Department of Health Services (DHS). DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic. For these same reasons, DOJ must decline your request for assistance.

However, I did contact DHS DQA to make them aware of your concerns, and I am also copying them on this letter.

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ's Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

Rick Lamoreux

Page 2

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Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Health Services



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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May 8, 2026

Ryan Buroker
ryanbur0k3r@gmail.com

Dear Ryan Buroker:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 5, 2026, in which you wrote, "I am requesting assistance regarding a public records request submitted to the Wisconsin Department of Corrections, Division of Community Corrections (DOC/DCC) Since that time, I have made multiple follow-up inquiries No records have been produced, and no formal denial or statement of non-existence has been provided." You requested "guidance on whether this constitutes a failure to comply with Wisconsin Public Records Law, which requires responses to be made 'as soon as practicable and without delay.'"

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent DOC. DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact DOC to make them aware of your concerns, and I am also copying them on this letter.

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ's Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

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Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Corrections



STATE OF WISCONSIN
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May 11, 2026

Ryan Buroker
ryanbur0k3r@gmail.com

Dear Ryan Buroker:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated January 31, 2026, in which you requested “DOJ[s] review of an open records response by the City of Westby Police Department.” You wrote that “Westby PD produced partial records related to a May 24, 2017 incident . . . but did not account for or certify the absence of multiple responsive officer narratives and supplemental reports directly tied to that same incident.” You requested that “DOJ review to determine: Whether Westby PD’s response satisfies Wisconsin public records law[;] Whether the omission of known responsive records required certification or explanation[; and] Whether imposing new form/fee requirements midstream is compliant[.]” You supplemented this with further correspondence on February 8, 2026.

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

Records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure. This balancing test determines whether the presumption of openness is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. See Wis. Stat. § 19.36(6).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

If an authority denies a written request, in whole or in part, the authority must provide a written statement of the reasons for denying the written request. Wis. Stat. § 19.35(4)(b). Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

In your correspondence, you wrote that the police department had not “account[ed] for or certif[ied] the absence of” some responsive records. The public records law does not require such certification or accounting when responsive records do not exist. Also, the public records law “does not require an authority to create a new record [in response to a public records request] by extracting information from existing records and compiling the information in a new format.” Wis. Stat. § 19.35(1)(L).

In your correspondence, you wrote, “After partial production, Westby PD introduced new procedural barriers (requiring a specific form and fees) that were not raised at the outset of the request, despite prior engagement and production.” When making a public records request, there are no “magic words” that are required, and an authority may not require that a requester fill out a specific form in order to submit a request. One may submit a request verbally or in writing. A request for records is sufficient if it is directed to an authority and reasonably describes the records or information requested. Wis. Stat. § 19.35(1)(h). From your more detailed February 8 correspondence, it is not clear whether the police department in question did require you to use a certain form. Under the public records law, this would not be proper. We have discussed this concern with the police department, which stated that though it had provided you with forms related to your request, it had not required you to fill out the forms and had processed your request without the forms. We did emphasize to the police department that “magic words” and/or specific forms are not required to make a records request.

Regarding your fee-related concerns, the public records law does allow an authority to charge fees for certain costs incurred during the fulfillment of public records requests. Under the public records law, “[A]n authority may charge a fee not exceeding the actual, necessary, and direct costs of *four specific tasks*: (1) ‘reproduction and transcription’; (2) ‘photographing and photographic processing’; (3) ‘locating’; and (4) ‘mailing or shipping.’” *Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65, ¶ 54, 341 Wis. 2d 607, 815 N.W.2d 367 (citation omitted) (emphasis in original). Additionally, an authority that is a

law enforcement agency may also charge for redaction of audio and video recordings. *See* Wis. Stat. § 19.35(3)(h). Based on your correspondence, it does not appear that this fee provision would have applied to your requests.

The amount of such fees may vary depending on the authority. However, an authority may not profit from complying with public records requests. *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶¶ 103, 107, 310 Wis. 2d 397, 751 N.W.2d 736 (concluding an authority may not profit from its response to a public records request but may recoup all its actual costs). An authority may choose to provide copies of a requested record without charging fees or by reducing fees where an authority determines that waiver or reduction of the fee is in the public interest. Wis. Stat. § 19.35(3)(e). An authority may not charge for the time it takes to redact records. *Milwaukee Journal Sentinel*, 2012 WI 65, ¶¶ 1 & n.4, 6, 58 (Abrahamson, C.J., lead opinion); *Id.* ¶ 76 (Roggensack, J., concurring). Likewise, if an authority uses a contractor to assist in processing the authority's public records requests, the authority cannot pass along the contractor's redaction costs to the requester. Except for certain circumstances as provided in Wis. Stat. § 19.35(3)(h), discussed above, the costs of redaction are not a permissible fee under the public records law, no matter if the fees are incurred by the authority itself or by the contractor.

Based on your correspondence, our office lacks sufficient information to determine whether the fees you were charged violated the public records law. We have discussed your fee-related concerns with the police department, which stated that, in response to one of your requests, it estimated that some 12 hours of time would be required to locate responsive records. As such, it calculated the cost associated with the location using the hourly rate of the lowest-paid personnel capable of locating records. Given the information available to us, it seems that these location fees were likely proper under the public records law. The police department stated that it had informed you of this cost and that you had declined to pay. When discussing these location fees with the police department, our office emphasized the importance of only charging only fees that are permitted by the public records law – that is, those associated with location, copying or reproduction, “photographic processing” or photography, mailing, and, in limited circumstances not applicable here, redaction. The police department indicated that it has consulted with city legal counsel about fee practices.

DOJ's Office of Open Government (OOG) also encourages authorities and requesters to maintain an open line of communication. This helps to avoid misunderstandings between an authority and a requester. In your correspondence dated February 8, you raised concerns about “implied no records” responses, “contradictory completion statements” from the police department, and repeated questions about proper custodians or authorities. These kinds of concerns may often be handled by open communication while an authority is processing a records request. It is also helpful in resolving issues such as those related to fees.

The public records law provides several remedies for a requester dissatisfied with an authority's response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus

seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus on your behalf.

However, as stated, I did discuss your concerns with the Westby Police Department, which is also copied on this letter.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

Lawyer Referral and Information Service
State Bar of Wisconsin
P.O. Box 7158
Madison, WI 53707-7158
(800) 362-9082
(608) 257-4666

<http://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx>

The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Westby Police Department



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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Attorney General

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TTY 1-800-947-3529
FAX (608) 267-2779

May 20, 2026

Isaiah D. Jordan, #623466
Racine Correctional Institution
Post Office Box 0900
Sturtevant, WI 53177-0900

Dear Isaiah D. Jordan:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 3, 2026, regarding your public records request for “all email documents that pertain to [your]self generated from October 9, 2013-February 16, 2015.” You wrote, “Although the Administrator’s response was thorough and cited several case law, it was not addressed to My specific request, . . . emails are not considered part of a, ‘Prosecutor’s File,’ unless those emails speak to specific tactics or strategy used to execute apprehension of Myself.” You asked DOJ to provide “the requested email documents.”

DOJ construed your correspondence as a request for assistance with your public records request submitted to another (unnamed) authority. DOJ did not construe your correspondence as a public records request directed to DOJ. If we misunderstood your correspondence, please contact our office.

Your correspondence did not name the authority to which you submitted the referenced public records request. However, based on the limited information provided, it appears your request was submitted to a district attorney’s office. If so, DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the district attorney. DOJ strives to provide the public with guidance on the interpretation of our State’s public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ’s Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in blue ink that reads "Paul M. Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:lah



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

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May 21, 2026

Trevor Richardson
trichardson7769@gmail.com

Dear Trevor Richardson:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 17, 2026, in which you wrote, "I respectfully request that the Attorney General's Office exercise its discretion to commence a mandamus action against the Milwaukee County District Attorney's Office. . . . This request is necessitated by the formal recusal of the Milwaukee County Office of Corporation Counsel (OCC), which has declined to act due to a stated conflict of interest."

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the Milwaukee County District Attorney (DA). DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact the DA's office to make them aware of your concerns, and I am also copying them on this letter.

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ's Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Milwaukee County District Attorney



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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FAX (608) 267-2779

May 22, 2026

Duane Jourdeans
duanejourdeans@gmail.com

Dear Duane Jourdeans:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated November 3, 2025, which referred to DOJ's October 20, 2025 response to your prior communications regarding the St. Croix Central School District's handling of public records and public records requests. In your November 3 correspondence, you requested that DOJ's Office of Open Government (OOG) "review this new evidence and consider clarifying or reopening your findings, particularly in light of these inconsistencies in custodianship and record retention." Our office construes this as a request for reconsideration of our response to your prior correspondence.

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

You stated that, despite the school district's statements to DOJ, the district superintendent was "acting as the district's records custodian at the time [of your requests] — while also being the author of the disciplinary letter at issue. This dual role presents a clear conflict of interest and indicates that the district's representation to the DOJ was inaccurate." As stated in the October 20, 2025 correspondence, the public records law does not speak to "conflicts of interest," and as such, the alleged existence of a conflict of interest here is outside of OOG's scope and we are unable to determine whether one may have existed.

However, with respect to your statement about the district's allegedly "inaccurate" statement to DOJ regarding its records custodian, we are able to provide clarification. Under the public records law, "legal custodian" includes "[a]n elective official" (*see* Wis. Stat. § 19.33(1)); the "chairperson of a committee of elective officials" (*see* Wis. Stat. § 19.33(2)); or "cochairpersons of a joint committee of elective officials" (*see* Wis. Stat. § 19.33(3)).

Further, every authority not specified in Wis. Stat. §§ 19.33(1), (2), and (3) "shall designate in writing one or more positions occupied by an officer or employee of the authority

or the unit of government of which it is a part as a legal custodian to fulfill its duties” under the public records law. *See* Wis. Stat. §§ 19.33(4).

A school district, like the St. Croix Central School District, is an “authority” as defined in Wis. Stat. § 19.32(1), but it is not an authority specified in Wis. Stat. §§ 19.33(1), (2), and (3). Therefore, a school district must designate a legal custodian of records. While school board governance and school board policies are outside the scope of our office, in response to our inquiry about the statement you described as “inaccurate,” the school district cited Wis. Stat. § 120.13(28) as a statute that empowers the school board to designate records custodians. That statute provides that a school board may, “[o]n behalf of any school district authority as defined in s. 19.32(1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.” Also, the school district provided us with copies of its Board Policy 723. That policy provides that the district administrator – here, Superintendent Widiker – is the custodian of records, the district’s business manager is the deputy custodian of records, and the custodian may designate additional deputy custodians of records as needed. At the time that you submitted public records requests, Jennifer Kleschold served as the district’s business manager and a deputy custodian of records. Relevant to your concerns about “inaccurate” statements regarding records custodians, the district provided the following information that may be of interest:

“Around April 2025, in her role as deputy custodian, Ms. Kleschold began regularly responding to requests for records, in part because a requester had alleged that the Mr. Widiker may have a conflict of interest in addressing certain records requests that related to him. As a result, for any records request related to your investigation, Ms. Kleschold served as record custodian and responded to the request, again, to eliminate any argument from a requester that Mr. Widiker had a conflict of interest when responding to the request.”

Because school board policies and the statute governing school boards are outside of OOG’s scope, we are unable to provide analysis about the district’s compliance with its board policies and that statute. We hope that the above discussion is relevant to you as you continue to evaluate the district’s responses to your public records requests.

In addition to your concerns about the district’s records custodian(s), in requesting reconsideration, you reiterated your concerns about “the district’s handling of the April 28, 2022 Letter of Reprimand.” You previously stated that this letter was not contained in your personnel file, which you requested. The school district confirmed that only an unsigned electronic copy was located when responding to a third-party request. On this basis, you allege that the signed version of that document may have been “destroyed or concealed” and “no longer appears to exist.” Our office remains unable to determine why the letter of reprimand did not appear in your personnel file. Please also note that personnel records are governed by Wis. Stat. § 103.13, which is outside of OOG’s scope. As such, we are unable to provide guidance about the rights and responsibilities you and/or the school district may have pursuant to Wis. Stat. § 103.13.

Finally, because your request for reconsideration alludes to possible destruction or concealment of records, please note that records retention is a subject that is generally

related to, but different from, the access requirements imposed by the public records law. The public records law only addresses how long an authority must keep its records once an authority receives a public records request. A requester cannot seek relief under the public records law for alleged violations of records retention statutes when the non-retention or destruction predates submission of the public records request. *Cf.* Wis. Stat. § 19.35(5); *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶¶ 13–15, 306 Wis. 2d 247, 742 N.W.2d 530.

Although the public records law addresses the duty to disclose records, it is not a means of enforcing the duty to retain records, except for the period after a request for particular records is submitted. *See State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶ 15 n.4 (citing Wis. Stat. § 19.35(5)) (citation omitted). When a requester submits a public records request, the authority is obligated to preserve the requested records until after the request is granted or until at least 60 days after the request is denied (90 days if the requester is a committed or incarcerated person). Other retention periods apply if an authority receives written notice that the requester has commenced a mandamus action (an action to enforce the public records law).

Other than this, the public records law does not address how long an authority must keep its records, and the public records law cannot be used to address an authority's alleged failure to retain records required to be kept under other laws. Instead, records retention is governed by other statutes. Specifically, Wisconsin Stat. § 16.61 addresses the retention of records for state agencies, and Wisconsin Stat. § 19.21 deals with records retention for local government entities. The general statutory requirements for records retention apply equally to electronic records. Most often, records retention schedules, created in accordance with these statutes, govern how long an authority must keep its records and what it must do with them after the retention period ends. The Wisconsin Public Records Board's website, <http://publicrecordsboard.wi.gov/>, has additional information on records retention.

As stated in our office's prior correspondence, the public records law provides several remedies for requesters dissatisfied with an authority's response, or lack thereof, to a request. You, as the requester, may file an action for mandamus, with or without an attorney, asking a court to order release of the requested records. Wis. Stat. § 19.37(1)(a). Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we again respectfully decline to pursue an action for mandamus on your behalf at this time.

Although we continue to decline to pursue a mandamus action on your behalf, I have discussed your concerns with the St. Croix Central School District on several occasions, at length. I am also copying the district and its attorneys on this letter. In discussions with the district and its attorneys, I have emphasized, *inter alia*, the importance of responding to all public records requests as soon as practicable and without undue delay; the activities for which fees may and may not be charged in responding to requests; and the irrelevance of requester identity or motive in almost all cases. I continue to encourage the district and its

attorneys to use our office as a resource when questions or concerns about their responsibilities pursuant to the public records law arise.

The Attorney General and DOJ's Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ is dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Superintendent Tim Widiker, St. Croix Central School District
Attorney Richard F. Verstegen, counsel for St. Croix Central School District



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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Attorney General

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FAX 608/267-2779

May 22, 2026

Heather Jourdeans
heatherjourdeans@gmail.com

Dear Heather Jourdeans:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated December 3, 2025, in which you requested “that [DOJ] open an investigation into the St. Croix Central School District’s handling of my whistleblower report and the surrounding circumstances. Based on the district’s actions and inaction, I believe the district failed to conduct a lawful investigation, mishandled confidential information, and may have engaged in bad-faith or retaliatory neglect.”

DOJ is also in receipt of your correspondence, dated January 5, 2026, in which you wrote, “on October 7, 2025, John Batchelor submitted a public records request seeking a copy of my whistleblower investigation summary” filed with the St. Croix Central School District. You wrote that “no responsive records have been produced.”

Finally, DOJ is in receipt of your May 17, 2026 correspondence, in which you wrote, “I have significant concerns regarding the independence, neutrality, and completeness of the investigative process [into the whistleblower report] itself.” You indicated that you had received a copy of the “whistleblower investigation summary” referenced in your January 5 correspondence “through a third-party public records request.”

The DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. Your December 23, 2025 correspondence – and, in large part, your May 17, 2026 correspondence – concerned matters that are outside the scope of OOG’s responsibilities. As a result, we are unable to offer you assistance or insight regarding “the St. Croix School District’s handling of [your] whistleblower report and surrounding circumstances.”

However, your January 5, 2026 correspondence raises an issue – also discussed in your May 17, 2026 correspondence – that is within the scope of OOG’s responsibilities. You described a third-party request for a copy of the “whistleblower investigation summary” and stated that the requester had not received responsive records as of January 5, roughly three months after the date of the request. By May 17, 2026, you informed our office that you had

“obtained a copy of the district’s ‘Heather Jourdeans Whistleblower Complaint Investigation Summary,’ which was reportedly reviewed by the School Board during a closed session on June 4, 2025.” It appears, based on your correspondence, that you obtained this record after it was provided in response to the third-party records request referenced above. As such, while public records requests and authorities’ handling of the same are within our office’s scope, the matter of this particular third-party records request appears to be resolved and does not appear to require further attention from our office.

For your information, the public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority “shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.” Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response “depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations.” *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm’rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority “can be swamped with public records requests and may need a substantial period of time to respond to any given request”).

If an authority denies a written request, in whole or in part, the authority must provide a written statement of the reasons for denying the written request. Wis. Stat. § 19.35(4)(b). Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

In responding to your correspondence, I have discussed your concerns with the St. Croix Central School District at some length. I am also copying them on this letter.

The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Superintendent Tim Widiker, St. Croix Central School District
Attorney Richard F. Verstegen, counsel for St. Croix Central School District



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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Lili Behm
Assistant Attorney General
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May 29, 2026

Laura Porter
lauracporter38@gmail.com

Dear Laura Porter:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 14, 2026, in which you wrote, “I am requesting that the Wisconsin Department of Justice independently review records related to matters involving the West Bend Police Department. I am making this request because the West Bend Police Department has refused to release records I have requested, and I am concerned that applicable data retention deadlines may result in the destruction or loss of records before I am able to obtain meaningful access.”

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

Records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure. This balancing test determines whether the presumption of openness is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. See Wis. Stat. § 19.36(6).

The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority “shall, as soon as practicable and without delay, either fill the

request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor." Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response "depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations." *WIREDdata, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm'rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority "can be swamped with public records requests and may need a substantial period of time to respond to any given request").

The public records law "does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester." *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

In your correspondence you wrote, "Because I do not currently have access to the requested records, I am asking the Department of Justice to take appropriate steps to ensure that all potentially responsive records are preserved pending review and resolution of my requests." The public records law includes a provision concerning the destruction of requested records. Specifically, the law states that after receiving a request for inspection or copying of a record, an authority may not destroy the requested record until after the request is granted or until at least 60 days after the request is denied (90 days if the requester is a committed or incarcerated person). Wis. Stat. § 19.35(5). These time periods exclude Saturday, Sundays, and legal holidays. Wis. Stat. § 19.345. If an authority receives written notice that a mandamus action under Wis. Stat. § 19.37 has commenced, the authority cannot destroy the record until after the court issues the order related to the record and the deadline for appeal has passed, or if appealed, the order of the court hearing the appeal is issued. *Id.*

Your correspondence also asked for DOJ to "independently review records related to the West Bend Police Department" and "independently review the available materials and determine whether the matters involved warrant further examination, investigation, or additional review." The public records law provides several remedies for a requester dissatisfied with an authority's response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a). Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b).

The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus on your behalf.

However, I have communicated with the West Bend Police Department about your concerns, and I have reiterated the department's obligations pursuant to the public records law. I am also copying the department on this letter.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

Lawyer Referral and Information Service
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The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: West Bend Police Department (via email)



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

**Josh Kaul
Attorney General**

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June 1, 2026

Christine Brennan
brennan1165@gmail.com

Dear Christine Brennan:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated December 8, 2025, in which you wrote, "I submitted an open records request several months ago. Payment was requested over two months ago and I have yet to see any records. This is not an acceptable timeframe. I'm not in the habit of just giving money to the Department of corrections and then hoping maybe a year later they'll deliver what I asked for. . . . Can you advise us to how I can proceed with this please?"

As stated in response to a previous correspondence regarding the Department of Corrections (DOC), DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the DOC. DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact the DOC to make them aware of your concerns, and I am also copying them on this letter.

The Attorney General and DOJ's OOG are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.doj.state.wi.us/office-open-government/office-open-government>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

For your information, the public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority "shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor." Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response "depends on the nature of the request, the staff and

other resources available to the authority to process the request, the extent of the request, and other related considerations.” *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm’rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority “can be swamped with public records requests and may need a substantial period of time to respond to any given request”).

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Corrections



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

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FAX 608/267-2779

June 1, 2026

Roy Dunbar
Roydunbar77@yahoo.com

Dear Roy Dunbar:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated December 5, 2025, in which you wrote, "I am writing to request your immediate assistance with an ongoing violation of Wisconsin's Public Records Law by the Office of the Secretary of State. . . . More than eight months have now passed with zero response – no records, no refund, no acknowledgement whatsoever."

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the Wisconsin Office of the Secretary of State (Secretary). DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact the Secretary to make them aware of your concerns, and I am also copying them on this letter. The Secretary informed our office that your records requests were fulfilled at the end of February, and that you will be receiving a refund due to several records that the Secretary's office does not hold. Therefore, it appears that this matter may now be resolved.

While DOJ is unable to offer legal advice or counsel in this instance, the Attorney General and DOJ's Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Office of the Secretary of State



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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Attorney General

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June 1, 2026

Nicole Strack
nicoleye2014@gmail.com

Dear Nicole Strack:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated October 1, 2024, in which you wrote, "I am reaching out to seek your assistance regarding the tragic death of my daughter on April 2, 2023, under case number 23-01469. Despite my repeated Open Records requests to the Two Rivers Police Department for access to the records related to her case, I have encountered significant obstacles, and the documents that they did release to me were heavily redacted and essentially unusable." You requested "help in obtaining the complete records regarding [your] daughter's case, unredacted except for the necessary exclusions of date of birth and addresses as required by state statute."

The DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. While a portion of your correspondence pertained to the public records law, it also discussed a matter outside the scope of the OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding your "concerns about how [your daughter's] case has been handled."

The public records law authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

As stated in DOJ's April 19, 2024 response to your previous correspondence regarding this matter, records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring limited

access or nondisclosure. This balancing test determines whether the presumption of openness is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. See Wis. Stat. § 19.36(6).

If an authority denies a written request, in whole or in part, the authority must provide a written statement of the reasons for such a denial and inform the requester that the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney. See Wis. Stat. § 19.35(4)(b). Based on the information provided in your correspondence, it is unclear whether you submitted your request in writing. If you have not already done so, we suggest you resubmit your request in writing. While requests do not have to be in writing, in order for the public records law's enforcement provisions to be available to a requester, the request must be submitted in writing. Wis. Stat. § 19.37(1). If your request was in writing, DOJ is unable to determine whether the Two Rivers Police Department provided a sufficient written statement of the reasons for its denial of your public records request.

The public records law provides several remedies for a requester dissatisfied with an authority's response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a). To obtain a writ of mandamus, the requester must establish four things: "(1) the petitioner has a clear legal right to the records sought; (2) the government entity has a plain legal duty to disclose the records; (3) substantial damages would result if the petition for mandamus was denied; and (4) the petitioner has no other adequate remedy at law." *Watton v. Hegerty*, 2008 WI 74, ¶ 8, 311 Wis. 2d 52, 751 N.W.2d 369.

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus on your behalf.

However, the Two Rivers Police Department is copied on this letter to make them aware of your concerns, and they are invited to contact us should questions arise.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

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DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Two Rivers Police Department



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DEPARTMENT OF JUSTICE

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June 2, 2026

Steve Beining
s_beining@yahoo.com

Dear Steve Beining:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated October 16, 2024, regarding your public records request “for communication between several Sawyer County officials regarding a draft Tourist Rooming House licensing ordinance.” Among other questions, you asked, “How long is enough to begin to comply with the records request? And how much redaction would be considered allowable, I was under the impression that personnel and investigative reasons are the only reasons for redaction?”

The DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. While a portion of your correspondence pertained to the public records law, it also discussed a matter outside the scope of the OOG’s responsibilities. As a result, we are unable to offer you assistance or insight regarding “next steps” in “the licensing ordinance” process or the ability of local governments to “research [their] own possible licensing ordinance.” We can, however, provide you with some information about the public records law as it pertains to responding to requests and redacting records.

The public records law authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

Records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring

limited access or nondisclosure. This balancing test determines whether the presumption of openness is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. See Wis. Stat. § 19.36(6).

Pursuant to Wis. Stat. § 19.35(4)(b), “If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

Your correspondence stated that you were “under the impression that personnel and investigative reasons are the only reasons for redaction.” Redaction of responsive records is a partial denial of a public records request. Therefore, as stated above, if the request was made in writing, “the requester shall receive from the authority a written statement of the reasons for denying the written request.” Wis. Stat. § 19.35(4)(b). Reasons must be specific and sufficient. The public records law itself, other statutes, case law, and the balancing test can each provide reasons for which redaction of records may be required. Wis. Stat. § 19.36(2)–(11) and (13)–(16) lists records exempt from disclosure pursuant to the public records law itself. Among these exempt records are several types of personnel and/or employment-related records, among multiple others.

Other state statutes contain dozens of additional types of records that are exempt from disclosure, and/or subject to redaction. Among these exempt categories are, for example, school pupil records (Wis. Stat. § 118.125(1)(d)); patient health care records (Wis. Stat. § 146.82); estate tax returns and related documents (Wis. Stat. § 72.06); plans and specifications of state-owned or -leased buildings (Wis. Stat. § 16.851); law enforcement records regarding children and juveniles (Wis. Stat. §§ 48.396(1)-(1d), (5)-(6), 938.396(1), (1j), (10)); and numerous others. Some federal statutes also provide exemptions from disclosure.

Additionally, as mentioned above, state court decisions have created exemptions from disclosure. For example, district attorney prosecution files are exempt pursuant to *State ex rel. Richards v. Foust*, 165 Wis. 2d 429, 436, 477 N.W.2d 608 (1991). Records may also be withheld if they are subject to, *inter alia*, the attorney-client privilege or the attorney work

product doctrine. Other state court decisions may compel different kinds of documents or information therein to be redacted or withheld.

Beyond exemptions laid out in the public records law, other state and/or federal statutes, and state court decisions, the public records law balancing test can also weigh in favor of prohibiting access to a record, or a portion of a record, by withholding or redacting it. The records custodian must balance the strong public interest in disclosure of the record against the public interest favoring nondisclosure. *State ex rel. Journal Co. v. County Court of Racine County*, 43 Wis. 2d 297, 305, 168 N.W. 2d 836 (1969). The custodian must identify potential reasons for denial, based on public policy considerations indicating that denying access is or may be appropriate. Those factors must be weighed against public interest in disclosure. Generally, there are no blanket exemptions from release, and the balancing test must be applied with respect to each individual record. *Milwaukee Journal Sentinel v. Wisconsin Department of Administration, et al.*, 2009 WI 79, ¶ 56, 768 N.W. 2d 700.

As the foregoing discussion suggests, while records are presumed to be open to public inspection and copying, there are numerous reasons for which a record might be redacted or withheld. For a further discussion of this topic, see pages 30-59 of DOJ's Public Records Law Compliance Guide, available at https://www.wisdoj.gov/Open%20Government/PRL_guide.pdf.

Your correspondence also asked, "How long is enough to begin to comply with the records request?" The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority "shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor." Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response "depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations." *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm'rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority "can be swamped with public records requests and may need a substantial period of time to respond to any given request").

In your correspondence you wrote, "In the future, I would like to know the possibility of reviewing electronically an official's email inbox/Folders/Trash." The public records law does not prohibit an authority from working with a requester to schedule a time for an in-person inspection of records that is convenient to both. For example, under Wis. Stat. § 19.34(2)(a), "[e]ach authority which maintains regular office hours at the location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law."

Under the public records law, however, a requester generally may choose to inspect a record *and/or* to obtain a copy of the record. As stated in Wis. Stat. § 19.35(1)(b), "Except as otherwise provided by law, any requester has a right to inspect a record *and* to make or receive a copy of a record. If a requester appears personally to request a copy of a record that

permits copying, the authority having custody of the record may, at its option, permit the requester to copy the record or provide the requester with a copy substantially as readable as the original.” Wis. Stat. § 19.35(1)(b) (emphasis added). A requester must be provided facilities for inspection and copying of requested records comparable to those used by the authority’s employees. Wis. Stat. § 19.35(2). A records custodian, however, may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged. Wis. Stat. § 19.35(1)(k).

The public records law provides several remedies for a requester dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney’s fees. You may reach the service using the contact information below:

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DOJ is dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The script is cursive and fluid, with the first name "Lili" and last name "Behm" clearly distinguishable.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

17 W. Main Street
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FAX (608) 267-2779

June 2, 2026

Alexander Lennon
alennon727@gmail.com

Dear Alexander Lennon:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated November 25, 2024, in which you wrote, “I am writing to file a formal complaint regarding the Waunakee Community School District’s (WCSD) failure to fulfill my open records request for surety bond information. . . . To date, over 30 days later, I have not received the requested surety bond information or further communication regarding its status.” You “request[ed] that the Department of Justice investigate this matter and take appropriate action to ensure the district fulfills its obligations under the law.”

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority “shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.” Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response “depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations.” *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm’rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority “can be swamped with public records requests and may need a substantial period of time to respond to any given request”).

Pursuant to Wis. Stat. § 19.35(4)(b), “If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*,

163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

The public records law provides several remedies for a requester dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, nonetheless, we respectfully decline to pursue an action for mandamus.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney’s fees. You may reach the service using the contact information below:

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DOJ is dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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June 2, 2026

Frederick John Milens III
frederick@milens3.com

Dear Frederick John Milens III:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated October 18, 2024, in which you asked, “Is there any requirement for a Wisconsin state agency to post its meeting minutes after an open meeting?” You wrote, “I’ve been interacting with one agency which has posted its open meeting minutes online for years, yet in the past year has stopped doing so; a conversation with someone there indicated that a public records request would be necessary. I would have assumed that at least some record of the votes/actions in the meetings would still be posted even if minutes are being phased out.”

The Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, which acknowledges that the public is entitled to the fullest and most complete information regarding government affairs as is compatible with the conduct of governmental business. Wis. Stat. § 19.81(1). All meetings of governmental bodies shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. Wis. Stat. § 19.81(2). The provisions of the open meetings law are to be construed liberally to achieve that purpose. Wis. Stat. § 19.81(4).

You asked whether “a Wisconsin state agency [is required] to post its meeting minutes after an open meeting.” The open meetings law does not contain this kind of requirement. However, DOJ certainly would not discourage a governmental body from posting its meeting minutes. The open meetings law only requires a governmental body to create and preserve a record of all motions and roll-call votes at its meetings. Wis. Stat. § 19.88(3). This requirement applies to both open and closed sessions. *See De Moya Correspondence* (June 17, 2009). Written minutes are the most common method used to comply with the requirement, but they are not the only permissible method. It can also be satisfied if the motions and roll-call votes are recorded and preserved in some other way, such as on a tape recording. *See I-95-89* (Nov. 13, 1989). In an effort to increase transparency, DOJ recommends that governmental bodies keep minutes of all meetings. However, there is no requirement under the open meetings law for a governmental body to do so.

Thus, as long as the body creates and preserves a record of all motions and roll-call votes, the Wis. Stat. § 19.88(3) requirement is satisfied, and the open meetings law does not require the body to take more formal or detailed minutes of other aspects of the meeting.

Other statutes outside the open meetings law, however, may prescribe particular minute-taking requirements for certain governmental bodies and officials that go beyond what is required by the open meetings law. I-20-89 (Mar. 8, 1989). *See, e.g.*, Wis. Stat. §§ 59.23(2)(a) (county clerk); 60.33(2)(a) (town clerk); 61.25(3) (village clerk); 62.09(11)(b) (city clerk); 62.13(5)(i) (police and fire commission); 66.1001(4)(b) (plan commission); 70.47(7)(bb) (board of review).

Although Wis. Stat. § 19.88(3) does not indicate how detailed the record of motions and roll-call votes should be, the general legislative policy of the open meetings law is that “the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” *See* Wis. Stat. § 19.81(1). In light of that policy, it seems clear that a governmental body’s records should provide the public with a reasonably intelligible description of the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and, if a roll-call vote, how each member voted. *See* De Moya Correspondence (June 17, 2009).

In your correspondence you wrote that the state agency “indicated that a public records request would be necessary” to obtain the records you seek. The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

When submitting a public records request, a requester should take care to ask for *records* containing the information they seek, as opposed to simply asking a question or asking for information. This is important because the public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority is not required to create a new record by extracting and compiling information from existing records in a new format. *See* Wis. Stat. § 19.35(1)(L). *See also George v. Record Custodian*, 169 Wis. 2d 573, 579, 485 N.W.2d 460 (Ct. App. 1992). Additionally, an authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

In order to submit a public records request, there are no “magic words” that are required, and an authority may not require that a requester fill out a specific form in order to submit a request. One may submit a request verbally or in writing. A request for records is sufficient if it is directed to an authority and reasonably describes the records or information requested. Wis. Stat. § 19.35(1)(h). Under the public records law, a request need not be made in person, and generally, a requester is not required to identify themselves or to state the purpose of the request. *See* Wis. Stat. § 19.35(1)i (“Except as authorized under this

paragraph, no request . . . may be refused because the person making the request is unwilling to be identified or to state the purpose of the request”).

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DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. §§ 19.39 and 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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June 3, 2026

Edward Kranick
ekranick@gmail.com

Dear Edward Kranick:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated March 3, 2026, in which you wrote, “I am writing to formally request guidance and potential intervention by the Office of Open Government regarding the City of Delafield Common Council’s June 16, 2025 meeting. I have concerns that certain aspects of this meeting, including a closed session convened pursuant to Wis. Stat. § 19.85(1)(e), may not comply with Wisconsin’s Open Meetings Law.”

The Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, acknowledges that the public is entitled to the fullest and most complete information regarding government affairs as is compatible with the conduct of governmental business. Wis. Stat. § 19.81(1). All meetings of governmental bodies shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. Wis. Stat. § 19.81(2). The provisions of the open meetings law are to be construed liberally to achieve that purpose. Wis. Stat. § 19.81(4).

In your correspondence, you wrote, “The agenda described the session as involving ‘bargaining reasons’ related to amendments of the Lake Country Fire & Rescue Intermunicipal Agreement. Based on my observation and review, the discussions appear to have focused largely on policy formulation, governance structures, and financial planning – matters that ordinarily require open deliberation.”

Wisconsin Stat. § 19.85 lists exemptions in which meetings may be convened in closed session. Any exemptions to open meetings are to be viewed with the presumption of openness in mind. Such exemptions should be strictly construed. *State ex rel. Hodge v. Turtle Lake*, 180 Wis. 2d 62, 71, 508 N.W.2d 603 (1993). The exemptions should be invoked sparingly and only where necessary to protect the public interest and when holding an open session would be incompatible with the conduct of governmental affairs. “Mere government inconvenience is . . . no bar to the requirements of the law.” *State ex rel. Lynch v. Conta*, 71 Wis. 2d 662, 678, 239 N.W.2d 313 (1976).

As your correspondence alludes to, a closed session is authorized under the open meetings law for “[d]eliberating or negotiating the purchasing of public properties, the

investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” Wis. Stat. § 19.85(1)(e). Thus, the Wis. Stat. § 19.85(1)(e) exemption is not limited to deliberating or negotiating the purchase of public property or the investing of public funds, because the exemption also authorizes a closed session for “conducting other specified public business.” For example, the Attorney General has determined that the exemption authorized a school board to convene in closed session to develop negotiating strategies for collective bargaining. 66 Op. Att’y Gen. 93, 96-97 (1977).

Again, however, exemptions authorizing a governmental body to meet in closed session should be construed narrowly. Governmental officials must keep in mind that exemptions are restrictive, not expansive, and that only aspects of a matter that fall within a specific exemption may be discussed in a closed session. If aspects of a matter do not properly fall within an exemption, those aspects must be discussed in an open meeting. Also, as your correspondence highlighted, a closed session under this exemption is only permissible “whenever competitive or bargaining reasons require a closed session.” (Emphasis added.) The use of the word “require” in Wis. Stat. § 19.85(1)(e) limits that exemption to situations in which competitive or bargaining reasons leave a governmental body with no option other than to close the meeting. *State ex rel. Citizens for Responsible Dev. v. City of Milton*, 2007 WI App 114, ¶ 14, 300 Wis. 2d 649, 731 N.W.2d 640. When a governmental body seeks to convene in closed session under Wis. Stat. § 19.85(1)(e), the burden is on the body to show that competitive or bargaining interests require closure. *Id.* ¶¶ 6-8.

Taking the above information into consideration, and based solely on your correspondence, while it is possible that a court could find the Board’s at-issue closed session represented an inappropriate use of the Wis. Stat. § 19.85(1)(e) closed session exemption, our office lacks sufficient information to determine whether that is the case. Were you to take further enforcement action (discussed below), a reviewing judge would make the determination.

In your correspondence you wrote, “Prior to the meeting, an email from Alderman Stephen Laughland included the full Common Council and both members of the Fire Board. This may constitute a ‘walking’ or negative quorum, potentially allowing deliberation or consensus-building outside a publicly noticed meeting.” You provided correspondence from the City of Delafield Mayor to you regarding this email in which the Mayor stated that “the more tenured Council members did not respond to this as a group and largely ignored this message until our Council closed session June 16. One exception to this that I am aware of is correspondence between me, Tom H, and our city Atty over possible sanctions or issues toward Councilman Laughland.”

Before addressing “walking quorums” specifically, we note the following. A meeting occurs when a convening of members of a governmental body satisfies two requirements. See *State ex rel. Newspapers, Inc. v. Showers*, 135 Wis. 2d 77, 398 N.W.2d 154 (1987). The first requirement under the so-called *Showers* test is that there must be a purpose to engage in governmental business (the purpose requirement). Second, the number of members present must be sufficient to determine the governmental body’s course of action (the numbers requirement). The numbers requirement can also be satisfied by a convening of the minimum number of a body’s membership necessary to prevent action, known as a negative quorum. Determining the number of members of a particular body necessary to meet the numbers

requirement is fact specific and depends on the circumstances of the particular body. A meeting does not include any social or chance gathering or conference that is not intended to avoid the requirements of the open meetings law.

Courts and DOJ have taken a fairly broad view of what constitutes a “convening” of members of a governmental body. For example, the use of written communications transmitted by electronic means, such as via email, to discuss or debate a matter creates the risk that the members of the governmental body have “convened” within the meeting of the open meetings law, depending on how the communication medium is used. *See* Krischan Correspondence (Oct. 3, 2000). On the one hand, if the emails are used as a one-way conduit of information from one member of a governmental body to another, they might have the characteristics of a letter or memorandum rather than a meeting. *Id.*

The requirements of the open meetings law also extend to walking quorums. A “walking quorum” is a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum. *See Showers*, 135 Wis. 2d at 92. The danger is that a walking quorum may produce a predetermined outcome and thus, render the publicly held meeting a mere formality. *See State ex rel. Lynch v. Conta*, 71 Wis. 2d 662, 685–88, 239 N.W.2d 313 (1976). Therefore, any attempt to avoid the appearance of a “meeting” through use of a walking quorum or other “elaborate arrangements” is subject to prosecution under the open meetings law. *Id.* at 687.

The essential feature of a walking quorum is the element of agreement among members of a body to act uniformly in sufficient numbers to reach a quorum. Where there is no such express or tacit agreement, exchanges among separate groups of members may take place without violating the open meetings law. A walking quorum, however, may be found when the members: 1) have effectively engaged in collective discussion or information gathering outside of the context of a properly noticed meeting; and 2) have agreed with each other to act in some uniform fashion.

Taking the above information into consideration, and based on your correspondence, we are unable to determine whether or not the email message you describe constitutes a walking quorum. The Attorney General has previously opined that, if email communications closely resemble an in-person discussion, then they may constitute a meeting if they involve enough members to control an action by the body. Krischan Correspondence (Oct. 3, 2000). A court evaluating this issue would likely try to determine whether the communications in question are more like an in-person discussion — e.g., a rapid back-and-forth exchange of viewpoints among multiple members — or more like non-electronic written correspondence, which generally does not raise open meetings law concerns. In addressing these questions, courts are likely to consider such factors as the following: (1) the number of participants involved in the communications; (2) the number of communications regarding the subject; (3) the time frame within which the electronic communications occurred; and (4) the extent of the conversation-like interactions reflected in the communications. Schmiede Correspondence (Aug. 22, 2018).

Under the open meetings law, the Attorney General and the district attorneys have authority to enforce the law. Wis. Stat. § 19.97(1). However, the Attorney General normally

exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. While you did not specifically request the Attorney General to file an enforcement action, nonetheless, we respectfully decline to file an enforcement action on your behalf.

However, I am copying the City of Delafield to make them aware of your concerns, and I invite them to contact me should they have any questions.

More frequently, the district attorney of the county where the alleged violation occurred may enforce the law. However, in order to have this authority, an individual must file a verified complaint with the district attorney. Wis. Stat. § 19.97(1). In your correspondence you stated that you “filed a verified complaint with the Waukesha County District Attorney.” If the district attorney refuses or otherwise fails to commence an action to enforce the open meetings law within 20 days after receiving the verified complaint, the individual may bring an action in the name of the state. Wis. Stat. § 19.97(4). (Please note a district attorney may still commence an enforcement action even after 20 days have passed.) Such actions by an individual must be commenced within two years after the cause of action accrues. Wis. Stat. § 893.93(2)(a).

You may wish to contact a private attorney regarding this matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney’s fees. You may reach the service using the contact information below:

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DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: City of Delafield



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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June 3, 2026

Martin Sievert
martin.et.sievert@gmail.com

Dear Martin Sievert:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated October 10, 2025, in which you requested DOJ file a mandamus action on your behalf “to obtain records that were intentionally not provided by two government officials via a legitimate FOIA request.” You described submitting a request with the City of Eau Claire for “all communications sent to or from Aaron Brewster (city council) from the dates of 9/10/2025 through 9/17/2025 . . . [and] all communications sent to or from Joshua Miller (city council) from the dates of 9/10/2025 through 9/17/2025.”

Your correspondence references the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552. FOIA applies to federal agencies and helps ensure public access to records of federal agencies. In Wisconsin, the state counterpart to FOIA is the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998). The public records law authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.”

In your correspondence you wrote that you “asked the city clerk for the missing text messages” of the two city council members, Joshua Miller and Aaron Brewster, suggesting that the City of Eau Claire’s response had not included all of their text messages. You stated that, in reply, “[t]he city clerk said via email ‘In this case, as both Joshua Miller and Aaron Brewster are elected officials, they are the custodians of their own records and are responsible for responding to records requests themselves. I provided you with everything the City of Eau Claire has access to. Council Member Miller provided me documents of his text messages for me to include with my response. Council Member Brewster did not. I obtained messages he exchanged with the City Manager Hirsch from the City Manager because those are the City’s records and done using City property.’”

The Wisconsin public records law defines an authority as any of the following having custody of a record:

a state or local office, elective official, agency, board, commission, committee, council, department or public body corporate and politic created by the constitution or by any law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation; a special purpose district; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50 percent of its funds from a county or a municipality, as defined in s. 59.001(3), and which provides services related to public health or safety to the county or municipality; a university police department under s. 175.42; or a formally constituted subunit of any of the foregoing.

Wis. Stat. § 19.32(1). Only an entity that falls within this definition of “authority” is subject to the provisions of the public records law.

The legal custodian is vested by the authority with full legal power to render decisions and carry out the authority’s statutory public records responsibilities. Wis. Stat. § 19.33(4). An elective official is the legal custodian of his or her records and the records of his or her office. An elective official may designate an employee to act as the legal custodian. Wis. Stat. § 19.33(1). No elective official is responsible for the records of any other elective official unless he or she has possession of the records of that other elected official. Wis. Stat. § 19.35(6).

Therefore, City Council Member Brewster and City Council Member Miller are each the legal custodians of their own records. As such, the City of Eau Claire is not itself responsible for the city council members’ records except insofar as the City possesses such records. Based on your correspondence, it appears that the City did provide you with copies of the responsive records that it possessed. The public records law would not obligate the City to go further by seeking out records possessed only by other authorities.

From your correspondence, it is unclear whether you have already submitted your public records request to both City Council Member Brewster and City Council Member Miller themselves. Because these two city council members are separate authorities under the public records law, you may wish to do so in order to obtain the records you seek.

If an authority denies a written request, in whole or in part, the authority must provide a written statement of the reasons for such a denial and inform the requester that the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney. *See* Wis. Stat. § 19.35(4)(b).

Based on the information in your correspondence, it seems that the City provided a sufficient written explanation of its partial denial of your request. The City also mentioned your ability to “pursue a mandamus action” but it is not clear from your correspondence whether the City explained this further. When a requester is dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus

seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we respectfully decline to pursue an action for mandamus on your behalf at this time.

However, I am copying the Eau Claire City Council and Eau Claire City Manager on this letter to make them aware of your concerns. I invite them to contact our office should they wish to discuss your request and concerns.

You may wish to contact a private attorney regarding this matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

Lawyer Referral and Information Service
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<http://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx>

The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains and Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

Cc: Eau Claire City Council, Eau Claire City Manager



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

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Lili Behm
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FAX 608/267-2779

June 3, 2026

Equantez Sloan, #428387

[REDACTED]
Milwaukee, WI 53227

Dear Equantez Sloan:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated December 22, 2025, in which you wrote, “This complaint is submitted to make clear at the outset that every public records request I submitted to the Wisconsin Department of Corrections—across multiple months and multiple divisions—was either denied or only partially granted, and no request resulted in full disclosure.” You asked for “DOJ review and guidance.”

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent the Wisconsin Department of Corrections (DOC). DOJ strives to provide the public with guidance on the interpretation of our State’s public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact DOC to make them aware of your concerns, and I am also copying them on this letter.

While DOJ is unable to offer legal advice or counsel in this instance, the Attorney General and DOJ’s Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Corrections, Office of Legal Counsel



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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Attorney General

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June 5, 2026

Edward Kranick
ekranick@gmail.com

Dear Edward Kranick:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated March 3, 2026, in which you provided “a courtesy copy of the Verified Open Meetings Law Complaint [you] filed with the Waukesha County District Attorney requesting investigation of Open Meetings Law violations committed by the Western Lakes Fire District Fire Board at its August 25, 2025, meeting.” You stated that the Fire Board “[e]ntered closed session under Wis. Stat. § 19.85(1)(e) for matters that do not qualify for that exemption” and “[f]ailed to reconvene in open session as required by Wis. Stat. § 19.85(2); and [i]ndicated that it may take action in closed session on matters that must be addressed publicly.” In further correspondence, dated March 23, 2026, you stated, “Despite the submission of multiple verified complaints, I have not received a substantive response or determination from the District Attorney’s Office.” Finally, you wrote, “Any guidance the Office of Open Government may provide concerning the application of Wis. Stat. § 19.85(1)(e).”

The DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. While a portion of your correspondence pertained to the open meetings law, it also discussed a matter outside the scope of the OOG’s responsibilities. As a result, we are unable to offer you assistance or insight regarding your “ethics complaint involving the City of Delafield and associated governmental bodies.” Additionally, the information you provided in your correspondence is insufficient to properly evaluate the “related circuit court action” you referenced. We can, however, provide you with relevant information about closed-session exemptions and the enforcement of the open meetings law.

The open meetings law acknowledges that the public is entitled to the fullest and most complete information regarding government affairs as is compatible with the conduct of governmental business. Wis. Stat. § 19.81(1). All meetings of governmental bodies shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. Wis. Stat. § 19.81(2). The provisions of the open meetings law are to be construed liberally to achieve that purpose. Wis. Stat. § 19.81(4).

In your correspondence you wrote:

The Board invoked Wis. Stat. § 19.85(1)(e) to enter closed session to: “Discuss request for proposal from City of Delafield for fire and emergency medical services, revision to service contracts with Town of Ashippun and Town of Concord and possible District action on same.” The subject matter identified does not qualify for the bargaining/competitive exemption under Wis. Stat. § 19.85(1)(e), as it involves general policy review and contract planning rather than confidential negotiation strategy requiring secrecy.

Wisconsin Stat. § 19.85 lists exemptions in which meetings may be convened in closed session. Any exemptions to open meetings are to be viewed with the presumption of openness in mind. Such exemptions should be strictly construed. *State ex rel. Hodge v. Turtle Lake*, 180 Wis. 2d 62, 71, 508 N.W.2d 603 (1993). The exemptions should be invoked sparingly and only where necessary to protect the public interest and when holding an open session would be incompatible with the conduct of governmental affairs. “Mere government inconvenience is . . . no bar to the requirements of the law.” *State ex rel. Lynch v. Conta*, 71 Wis. 2d 662, 678, 239 N.W.2d 313 (1976).

Under the open meetings law, a closed session is authorized for “[d]eliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.” Wis. Stat. § 19.85(1)(e). Thus, the Wis. Stat. § 19.85(1)(e) exemption is not limited to deliberating or negotiating the purchase of public property or the investing of public funds, because the exemption also authorizes a closed session for “conducting other specified public business.” For example, the Attorney General has determined that the exemption authorized a school board to convene in closed session to develop negotiating strategies for collective bargaining. 66 Op. Att’y Gen. 93, 96-97 (1977).

Again, however, exemptions authorizing a governmental body to meet in closed session should be construed narrowly. Governmental officials must keep in mind that exemptions are restrictive, not expansive, and that only aspects of a matter that fall within a specific exemption may be discussed in a closed session. If aspects of a matter do not properly fall within an exemption, those aspects must be discussed in an open meeting. Also, as your correspondence highlighted, a closed session under this exemption is only permissible “whenever competitive or bargaining reasons require a closed session.” (Emphasis added.) The use of the word “require” in Wis. Stat. § 19.85(1)(e) limits that exemption to situations in which competitive or bargaining reasons leave a governmental body with no option other than to close the meeting. *State ex rel. Citizens for Responsible Dev. v. City of Milton*, 2007 WI App 114, ¶ 14, 300 Wis. 2d 649, 731 N.W.2d 640. When a governmental body seeks to convene in closed session under Wis. Stat. § 19.85(1)(e), the burden is on the body to show that competitive or bargaining interests require closure. *Id.* ¶¶ 6–8.

Taking the above information into consideration, and based solely on your correspondence, while it is possible that a court could find the Board’s at-issue closed session represented an inappropriate use of the Wis. Stat. § 19.85(1)(e) closed session exemption, our

office lacks sufficient information to determine whether that is the case. Were you to take further enforcement action (discussed below), a reviewing judge would make the determination.

In your correspondence, you also wrote, “The Board announced it would not reconvene in open session at the conclusion of the closed session. Under § 19.85(2), a governmental body must reconvene in open session unless the notice explicitly provides otherwise.” In fact, Wis. Stat. § 19.85(2) does *not* require a governmental body to reconvene in open session, immediately after every closed session, in order to end the meeting. What Wis. Stat. § 19.85(2) actually states is that a governmental body may not commence a meeting, convene in closed session, and *subsequently* reconvene in open session within 12 hours after completion of a closed session, unless public notice of the subsequent open session is given “at the same time and in the same manner” as the public notice of the prior open session. Wis. Stat. § 19.85(2). Therefore, we cannot conclude that the Board violated the open meetings law by failing to return to open session before ending the meeting in question.

Under the open meetings law, the Attorney General and the district attorneys have authority to enforce the law. Wis. Stat. § 19.97(1). However, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. While you did not specifically request the Attorney General to file an enforcement action, nonetheless, we respectfully decline to file an enforcement action on your behalf.

However, I am copying the Western Lakes Fire District to make them aware of your concerns, and I invite them to contact me should they have any questions. I am also copying the Waukesha County District Attorney’s Office.

In your correspondence you stated that you “filed a verified complaint with the Waukesha County District Attorney.” If the district attorney refuses or otherwise fails to commence an action to enforce the open meetings law within 20 days after receiving an individual’s filed verified complaint, the individual may bring an action in the name of the state. Wis. Stat. § 19.97(4). (Please note that a district attorney may still commence an enforcement action even after 20 days have passed.) Such actions by an individual must be commenced within two years after the cause of action accrues. Wis. Stat. § 893.93(2)(a).

The law does not require a district attorney to commence an enforcement action upon receipt of a verified complaint. *See* Wis. Stat. § 19.97(4). A district attorney has broad discretion to decide whether to bring an action for enforcement. *See State v. Karpinski*, 92 Wis. 2d 599, 607, 285 N.W.2d 729 (1979). The open meetings law considers the fact that district attorneys may not always commence actions for enforcement and provides individuals with the option of commencing an action in the name of the state pursuant to Wis. Stat. § 19.97(4).

You may wish to contact a private attorney regarding this matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney’s fees. You may reach the service using the contact information below:

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DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Western Lakes Fire District (via email: info@westernlakesfd.org)
Waukesha County District Attorney (via email: waukda@da.wi.gov)



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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Lili Behm
Assistant Attorney General
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FAX 608/266-2779

June 8, 2026

Henry Weston, #348249
Kettle Moraine Correctional Institution
Post Office Box 31
Plymouth, WI 53703-0031

Dear Henry Weston:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated December 18, 2024, in which you wrote, "Do you give out postconviction relief motion instructions for preparing motion for postconviction relief under § 974.06, Statutes. I would also like to know if you give out Title II American with Disability Act (ADA) Regulations – 42 U.S.C. § 12131-12134. If so, I would like to receive a free copy of both statutes?"

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

To the extent you intended your correspondence as a public records request submitted to DOJ, pursuant to the public records law, please note that as an individual who is currently incarcerated, your right to request records under the public records law is limited to records that contain specific references to you or your minor children and are otherwise accessible to you by law. *See* Wis. Stat. § 19.32(1c) and (3). If the records you requested pertain to you or your minor children, you may request them pursuant to the public records law. However, under the public records law, certain information may still be redacted from the records.

In this instance, although DOJ is unable to provide you with the statutes you seek, the Wisconsin State Legislature's website (<https://docs.legis.wisconsin.gov/statutes/statutes/974.pdf>) provides the postconviction procedure. The Americans with Disability Act statutes can be found on the U.S. Department of Labor's website (<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-ii-americans-with-disabilities-act-of-1990>).

If you would like to learn more about the public records law, DOJ's Office of Open Government offers several open government resources through the Wisconsin DOJ website

(<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

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Lili Behm
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FAX (608) 267-2779

June 10, 2026

Louella Luedtke
loulued@yahoo.com

Dear Louella Luedtke:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated February 10, 2025, in which you wrote, “Would you please explain how the closed meeting criteria works? My question: When council moves to come out of closed session and votes to pass what was discussed behind doors when can the public expect to see the issues? Ex: wages, once they vote yes to pass isn’t the clerk required to include the closed session item, the vote result and if yes also post the issue plus the result?”

The Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, acknowledges that the public is entitled to the fullest and most complete information regarding government affairs as is compatible with the conduct of governmental business. Wis. Stat. § 19.81(1). All meetings of governmental bodies shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. Wis. Stat. § 19.81(2). The provisions of the open meetings law are to be construed liberally to achieve that purpose. Wis. Stat. § 19.81(4).

The open meetings law requires a governmental body to create and preserve a record of all motions and roll-call votes at its meetings. Wis. Stat. § 19.88(3). This requirement applies to both open and closed sessions. De Moya Correspondence (June 17, 2009). Written minutes are the most common method used to comply with the requirement, but they are not the only permissible method. It can also be satisfied if the motions and roll-call votes are recorded and preserved in some other way, such as on a tape recording. I-95-89 (Nov. 13, 1989). As long as the body creates and preserves a record of all motions and roll-call votes, it is not required by the open meetings law to take more formal or detailed minutes of other aspects of the meeting. Other statutes outside the open meetings law, however, may prescribe particular minute-taking requirements for certain governmental bodies and officials that go beyond what is required by the open meetings law. I-20-89 (Mar. 8, 1989); *see, e.g.*, Wis. Stat. §§ 59.23(2)(a) (county clerk), 60.33(2)(a) (town clerk), 61.25(3) (village clerk), 62.09(11)(b) (city clerk), 62.13(5)(i) (police and fire commission), 66.1001(4)(b) (plan commission), 70.47(7)(bb) (board of review).

Although Wis. Stat. § 19.88(3) does not indicate how detailed the record of motions and roll-call should be, the general legislative policy of the open meetings law is that “the

public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” Wis. Stat. § 19.81(1). In light of that policy, it seems clear that a governmental body’s records should provide the public with a reasonably intelligible description of the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and, if a roll-call vote, how each member voted. De Moya Correspondence (June 17, 2009).

In your correspondence you wrote, “When I asked our administrator for his wages as it appears to have been a substantial raise on approved budget, his response was I have to file an open record request. Looking for the correct way to handle this.” DOJ interpreted this portion of your correspondence as seeking general information about how to request public records. The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

In order to submit a public records request, there are no “magic words” that are required and an authority may not require that a requester fill out a specific form in order to submit a request. One may submit a request verbally or in writing. A request for records is sufficient if it is directed to an authority and reasonably describes the records or information requested. Wis. Stat. § 19.35(1)(h). Under the public records law, a request need not be made in person, and generally, a requester is not required to identify themselves or to state the purpose of the request. *See* Wis. Stat. § 19.35(1)i (“Except as authorized under this paragraph, no request . . . may be refused because the person making the request is unwilling to be identified or to state the purpose of the request”).

Pursuant to Wis. Stat. § 19.35(4)(b), “If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that, “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

If you would like to learn more about the public records law and open meetings law, DOJ's Office of Open Government offers several open government resources through the Wisconsin DOJ website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and open meetings law and maintains a Public Records Law Compliance Guide and Open Meetings Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. §§ 19.39 and 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, slightly slanted style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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June 25, 2026

Ron Tourville
tourvilleronald@gmail.com

Dear Ron Tourville:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated February 26, 2025, in which you wrote, “I am writing to request that the State Attorney General’s Office brings an action of Mandamus to obtain an open records request that I was denied by the Village of Mazomanie. I requested a copy of all residential HVAC permits issued by the Village of Mazomanie for the years of 2023 and 2024. . . . They sent me a document that was basically blank.”

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

Your correspondence seems to refer to redactions made to a record provided to you by the Village of Mazomanie. A redaction is a partial denial of a public records request. Records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure. This balancing test determines whether the presumption of openness is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. See Wis. Stat. § 19.36(6).

Pursuant to Wis. Stat. § 19.35(4)(b), “[i]f an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere

statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

Based solely on your correspondence, we lack sufficient information to determine whether the Village of Mazomanie provided a sufficiently specific “written statement of the reasons for denying the written request.” Wis. Stat. § 19.35(4)(b).

The public records law provides several remedies for a requester dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we respectfully decline to pursue an action for mandamus on your behalf at this time.

However, I am copying the Village of Mazomanie on this letter to make them aware of your concerns. I invite them to contact our office should they wish to discuss your request and concerns.

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney’s fees. You may reach the service using the contact information below:

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DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Village of Mazomanie



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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Lili Behm
Assistant Attorney General
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June 26, 2026

Paul Falkenberg
paulfalkenbergwelds@gmail.com

Dear Paul Falkenberg:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated February 4, 2025, in which you wrote, “The Ashwaubenon Department of Public Safety has denied my full disclosure request for all axon body/dash cam footage concerning both incidents on 4-4-2022. . . . It is imperative that I have this footage for evidence as a pro se attorney in Brown County family court . . . I demand this be subject to review by a Judge and action for mandamus under Wisconsin Statute Sec. 19.37(1).”

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

Records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure. This balancing test determines whether the presumption of openness is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. *See* Wis. Stat. § 19.36(6).

Whether an investigation or litigation is ongoing and whether the confidentiality of the requested records is material to that ongoing investigation or litigation are factors that an authority may consider in applying the balancing test. *Cf. Linzmeyer v. Forcey*, 2002 WI 84, ¶¶ 30, 32, 39, 41, 254 Wis. 2d 306, 646 N.W.2d 811; *Journal/Sentinel, Inc. v. Aagerup*,

145 Wis. 2d 818, 824-27, 429 N.W.2d 772 (Ct. App. 1988); *Democratic Party of Wisconsin v. Wisconsin Dep't of Justice*, 2016 WI 100, ¶ 12, 372 Wis. 2d 460, 888 N.W.2d 584. An authority could determine that release of records while an investigation or litigation is in progress could compromise the investigation or litigation. Therefore, when performing the public records balancing test, an authority could conclude that the public interest in effectively investigating and litigating a case and in protecting the integrity of the current investigation or litigation outweighs the public interest in disclosing the requested records at that time. *Id.*; Wis. Stat. § 19.35(1)(a).

Pursuant to Wis. Stat. § 19.35(4)(b), “[i]f an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

The public records law provides several remedies for a requester dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we respectfully decline to pursue an action for mandamus on your behalf at this time.

The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin’s proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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FAX 608/267-2779

June 26, 2026

Michael Lenz
mlenz@wizardinnovations.com

Dear Michael Lenz:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated April 1, 2025, regarding your public records request to the Waukesha Police Department. You wrote, "With exception of the recent disclosure of the police report, I have been denied the body cam footage as requested. . . . I believe that the matter can be settled with a phone call directing Dan Baumann to release the balance of the requested records in the possession of the Waukesha Police Department."

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

In your correspondence, you provided the Waukesha Police Department's response to your request, dated March 4, 2025, which stated, "the release of this record is being denied under State Statute 19.35 (1)(am)1 as an exception to public records law as the record has been collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding." The Waukesha Police Department stated that the "reports on this arrest have been referred to the Waukesha County District Attorney's Office for prosecution" and suggested you may wish to contact the Waukesha County District Attorney's Office "to determine if the records may be available under discovery."

Pursuant to Wis. Stat. § 19.35(4)(b), "[i]f an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request." Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that "if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney." Wis. Stat. § 19.35(4)(b).

Based solely on your correspondence, our office is unable to determine with certainty whether the Waukesha Police Department's response denying your request was sufficiently specific under the public records law. The public records law provides several remedies for a requester dissatisfied with an authority's response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we respectfully decline to pursue an action for mandamus on your behalf at this time.

You may wish to contact a private attorney regarding this matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a private attorney may charge attorney's fees. You may reach the service using the contact information below:

Lawyer Referral and Information Service
State Bar of Wisconsin
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(608) 257-4666

<http://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx>

The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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June 26, 2026

Sarah Larson
larsonsm17@gmail.com

Dear Sarah Larson:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated March 12, 2025, in which you wrote, "Our municipality recently purchased properties and it was all handled in closed session up to 2/17/25 so the public didn't have any awareness on what properties, the purchase price, funding, etc. That evening (2/17) a closed session was on the agenda and public pressure forced it to open because it didn't meet the stated statutory reference." You also wrote, "This lack of clarity of motions is continual with our board and certainly leaves the public at a loss as we try and research issues. Most of the closed session motions simply read: Direct administration to take actions discussed. I greatly appreciate your review."

The DOJ Office of Open Government (OOG) works to increase government openness and transparency with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. While a portion of your correspondence pertained to the open meetings law and public records law, it also discussed a matter outside the scope of the OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding the process of forming a TID District.

The open meetings law acknowledges that the public is entitled to the fullest and most complete information regarding government affairs as is compatible with the conduct of governmental business. Wis. Stat. § 19.81(1). All meetings of governmental bodies shall be held publicly and be open to all citizens at all times unless otherwise expressly provided by law. Wis. Stat. § 19.81(2). The provisions of the open meetings law are to be construed liberally to achieve that purpose. Wis. Stat. § 19.81(4).

Wisconsin Stat. § 19.85 lists exemptions in which meetings may be convened in closed session. Any exemptions to open meetings are to be viewed with the presumption of openness in mind. Such exemptions should be strictly construed. *State ex rel. Hodge v. Turtle Lake*, 180 Wis. 2d 62, 71, 508 N.W.2d 603 (1993). The exemptions should be invoked sparingly and only where necessary to protect the public interest and when holding an open session would be incompatible with the conduct of governmental affairs. "Mere government inconvenience

is . . . no bar to the requirements of the law.” *State ex rel. Lynch v. Conta*, 71 Wis. 2d 662, 678, 239 N.W.2d 313 (1976).

Every meeting must be initially convened in open session. At an open meeting, a motion to enter into closed session must be carried by a majority vote. No motion to convene in closed session may be adopted unless an announcement is made to those present the nature of the business to be considered at the proposed closed session and the specific exemption or exemptions by which the closed session is claimed to be authorized. Wis. Stat. § 19.85(1).

Notice of a contemplated closed session (and any motion to enter into closed session) must contain the subject matter to be considered in closed session. Merely identifying and quoting a statutory exemption is not sufficient. The notice or motion must contain enough information for the public to discern whether the subject matter is authorized for closed session. If a body intends to enter into closed session under more than one exemption, the notice or motion should make clear which exemptions correspond to which subject matter.

Furthermore, some specificity is required since many exemptions contain more than one reason for authorizing a closed session. For example, Wis. Stat. § 19.85(1)(c) provides an exemption for the following: “Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.” Merely quoting the entire exemption, without specifying the portion of the exemption under which the body intends to enter into closed session, may not be sufficient. Only aspects of a matter that fall within a specific exemption may be discussed in a closed session. If aspects of a matter do not properly fall within an exemption, those aspects must be discussed in an open meeting.

Based on your correspondence, our office is not able to determine whether or not the Village Board’s closed session notices and/or its use of closed sessions complied with the requirements of the open meeting’s laws.

In your correspondence, dated April 11, 2025, you wrote, “The closed sessions are not the only area of concern, I have 5 open records requests, the oldest dating back to September 2024 and most recent being 3/14/25. I know mine are not the only ones outstanding. It does make the public question what a “reasonable” time for satisfaction is.”

The public records law authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority “shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.” Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response “depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations.” *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm’rs Bd.*, 2015

WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority “can be swamped with public records requests and may need a substantial period of time to respond to any given request”).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; *see also State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

The public records law does provide several remedies for a requester who may be dissatisfied with an authority’s response or lack of response to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. Although you did not specifically request the Attorney General to file an action for mandamus, we nonetheless respectfully decline to pursue an action for mandamus on your behalf.

However, I am copying the Germantown Village Board on this letter to make them aware of your concerns. I invite them to contact our office should they wish to discuss your request and concerns.

Under the open meetings law, the Attorney General and the district attorneys have authority to enforce the law. Wis. Stat. § 19.97(1). However, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern.

More frequently, the district attorney of the county where the alleged violation occurred may enforce the law. However, in order for the district attorney to have this authority, an individual must first file a verified complaint with the district attorney. Wis. Stat. § 19.97(1). If the district attorney refuses or otherwise fails to commence an action to enforce the open meetings law within 20 days after receiving the verified complaint, the individual may bring an action in the name of the state. Wis. Stat. § 19.97(4). (Please note that a district attorney may still commence an enforcement action even after 20 days have passed.) Such actions by an individual must be commenced within two years after the cause of action accrues. Wis. Stat. § 893.93(2)(a).

You may wish to contact a private attorney regarding your matter. The State Bar of Wisconsin operates an attorney referral service. The referral service is free; however, a

private attorney may charge attorney's fees. You may reach the service using the contact information below:

Lawyer Referral and Information Service

State Bar of Wisconsin

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The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and open meetings law and maintains a Public Records Law Compliance Guide and Open Meetings Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. §§ 19.39 and 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm

Assistant Attorney General

Office of Open Government

LCB:lah

cc: Germantown Village Board



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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June 29, 2026

Doug Gallun
dgallun@icloud.com

Dear Doug Gallun:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 21, 2026, in which you wrote, "I am writing to file a formal complaint against the Washington County Sheriff's Office for its refusal to produce public records in response to a request I submitted. . . . Specifically, the Sheriff's Office has failed to release a traffic study conducted on or pertaining to Paradise Road in the Town of West Bend, Wisconsin, a record I believe is subject to mandatory disclosure under Wisconsin law." You requested DOJ "[r]eview and investigate this complaint."

In your correspondence, you requested that DOJ "[i]ssue a formal opinion or directive requiring the Washington County Sheriff's Office to release the requested traffic study without further delay." Regarding your request for an opinion, the Attorney General and DOJ's Office of Open Government (OOG) appreciate your concern and your request for an opinion. Wisconsin law provides that the Attorney General must, when asked, provide the legislature and designated Wisconsin state government officials with an opinion on legal questions. Wis. Stat. § 165.015. The Attorney General may also provide formal legal opinions to district attorneys and county corporation counsel under certain circumstances. Wis. Stat. §§ 165.25(3) and 59.42(1)(c). The Attorney General cannot provide you with the opinion you requested because you do not meet these criteria.

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of "records" created or maintained by an "authority." The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

In your correspondence, you also requested that DOJ "[a]dvise the Sheriff's Office of its obligations under the Wisconsin Public Records Law." You also provided the Sheriff Office's response to your request. This response stated, "At some point since our November 2024 meeting, the report has been discarded. Who discarded the report is unknown, but I have no knowledge of it being discarded deceitfully or through intentional mismanagement. . . . This is not the Sheriff's Office equipment, so both Deputy Graper and I are not 100% sure

if the 2024 report information is still on/in the equipment.” The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority, such as the Washington County Sheriff’s Department, cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so. Based on the materials you provided, it appears that the Washington County Sheriff’s Office notified you that it did not have the requested record.

Records retention is a subject that is generally related to, but different from, the access requirements imposed by the public records law. The public records law only addresses how long an authority must keep its records once an authority receives a public records request. A requester cannot seek relief under the public records law for alleged violations of records retention statutes when the non-retention or destruction predates submission of the public records request. Cf. Wis. Stat. § 19.35(5); *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶¶ 13–15, 306 Wis. 2d 247, 742 N.W.2d 530.

Although the public records law addresses the duty to *disclose* records, it is not a means of enforcing the duty to *retain* records, except for the period after a request for particular records is submitted. See *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶ 15 n.4 (citing Wis. Stat. § 19.35(5)) (citation omitted). When a requester submits a public records request, the authority is obligated to preserve the requested records until after the request is granted or until at least 60 days after the request is denied (90 days if the requester is a committed or incarcerated person). Other retention periods apply if an authority receives written notice that the requester has commenced a mandamus action (an action to enforce the public records law).

Other than this, the public records law does not address how long an authority must keep its records, and the public records law cannot be used to address an authority’s alleged failure to retain records required to be kept under other laws. Instead, records retention is governed by other statutes. Specifically, Wisconsin Stat. § 16.61 addresses the retention of records for state agencies, and Wisconsin Stat. § 19.21 deals with records retention for local government entities. The general statutory requirements for records retention apply equally to electronic records. Most often, records retention schedules, created in accordance with these statutes, govern how long an authority must keep its records and what it must do with them after the retention period ends. The Wisconsin Public Records Board’s website, <https://publicrecordsboard.wi.gov/Pages/home.aspx>.

I am copying the Washington County Sheriff’s Office on this letter to make them aware of your concerns. I invite them to contact our office should they wish to discuss your request and concerns.

If you would like to learn more about the public records law, DOJ’s Office of Open Government offers several open government resources through the Wisconsin DOJ website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the

full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in cursive script that reads "Lili Behm".

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Washington County Sheriff's Office



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

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FAX 608/267-2779

June 30, 2026

Patrick Delrow
farikodelrow@gmail.com

Dear Patrick Delrow:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 15, 2026, in which requested "review of a public records matter involving the Wisconsin Department of Corrections (DOC)." You wrote, "DOC produced certain records" in response to your public records request, "[h]owever DOC withheld numerous categories of records. . . . Additionally, DOC advised that emails relating to investigations were being reviewed for release. Approximately three months have elapsed since submission of my request, and no responsive email records have been produced."

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent DOC. DOJ strives to provide the public with guidance on the interpretation of our State's public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I did contact DOC to ensure that they are aware of your concerns, and I am also copying them on this letter. I invite DOC to contact our office with any further questions that may arise about its response to your public records requests.

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ's Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in dark ink that reads "Lili Behm". The signature is written in a cursive, flowing style.

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Corrections



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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June 30, 2026

Kirill Ilin
kirill.ilin@gmail.com

Dear Kirill Ilin:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 12, 2026, in which you requested review “of a matter involving the University of Wisconsin—Stevens Point (‘UWSP’) and the Universities of Wisconsin (the ‘System’).” You wrote, “I filed a formal public-records request with the Records Custodian, Rob Manzke, for the records of the completed search. . . . Mr. Manzke acknowledged the request on September 24, 2025, but gave no production schedule. . . . The first substantive production did not arrive until October 23, 2025 — thirty-four days after the request.”

The Attorney General and DOJ’s Office of Open Government (OOG) are committed to increasing government openness and transparency. The OOG works in furtherance of this with a focus on the Wisconsin Open Meetings Law, Wis. Stat. §§ 19.81 to 19.98, and the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39. The OOG is only authorized to provide assistance within this scope. Therefore, the OOG is unable to offer you assistance regarding the portions of your correspondence that discuss matters outside the scope of the OOG’s responsibilities.

Additionally, DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent UWLC. DOJ strives to provide the public with guidance on the interpretation of our State’s public records and open meetings statutes. However, DOJ must balance that role with its mandatory obligation to defend state agencies and employees in litigation pursuant to Wis. Stat. § 165.25(6). Where that statutory obligation is at play, DOJ has a conflict in providing advice on the same topic.

However, I contacted the University of Wisconsin System and discussed your concerns. I am also copying them on this letter.

While DOJ is unable offer legal advice or counsel in this instance, the Attorney General and DOJ’s Office of Open Government (OOG) are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the

full Wisconsin public records law and maintains a Public Records Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. § 19.39 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

A handwritten signature in cursive script that reads "Lili Behm".

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: University of Wisconsin System, Office of General Counsel



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June 30, 2026

Makayla Murtha
jahns.makayla@gmail.com

Dear Makayla Murtha:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 18, 2025, in which you wrote, “I am submitting this formal complaint under Wisconsin’s Public Records Law (Wis. Stat. §§ 19.31–19.39) regarding the St. Croix Central School District’s failure to fulfill its statutory obligations in response to my lawful public records requests submitted via my attorney, Malina Piontek.” You requested DOJ “investigate this matter and take appropriate action to ensure compliance with Wisconsin’s Public Record Law.”

DOJ is also in receipt of your December 1, 2025 correspondence in which you wrote, “[M]y attorney submitted multiple requests for emails, internal communications, and the whistleblower investigation report. None of these records have been released.” You also stated, “[T]he District has not fulfilled a single request submitted by me or my attorney in more than six months.”

The Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39, authorizes requesters to inspect or obtain copies of “records” created or maintained by an “authority.” The purpose of the public records law is to shed light on the workings of government and the official acts of public officers and employees. *Bldg. & Constr. Trades Council v. Waunakee Cmty. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998).

In your June 18, 2025, correspondence, you wrote that “[t]his complaint specifically concerns Superintendent Tim Widiker, who serves both as Records Custodian and the subject of my requests.” You suggested that “this dual role presents a significant conflict of interest and has resulted in apparent misuse of authority.” The public records law does not address conflicts of interest of this kind; as such, Superintendent Widiker’s concurrent role as the district’s records custodian would not violate the public records law. Regardless, we discussed this concern with Superintendent Widiker and the district’s legal counsel, who explained that due to the “conflict of interest” concern, the district was working through alternative records custodians (also district personnel) to handle your and other community members’ public records requests.

Throughout your correspondence with our office, you raised concerns about the amount of time that elapsed between the submission of your public records requests and the district's response to each request. The public records law does not require a response to a public records request within a specific timeframe. In other words, after a request is received, there is no set deadline by which the authority must respond. However, the law states that upon receipt of a public records request, the authority "shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor." Wis. Stat. § 19.35(4)(a). A reasonable amount of time for a response "depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations." *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 56, 310 Wis. 2d 397, 751 N.W.2d 736; see *Journal Times v. Police & Fire Comm'rs Bd.*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563 (an authority "can be swamped with public records requests and may need a substantial period of time to respond to any given request").

In several conversations during the last year with Superintendent Widiker and legal counsel for the district, we discussed your concerns that the district was not handling your public records requests in a reasonable amount of time. We also discussed your concern (expressed in your March 4, 2026, correspondence) that the district may have handled requests from "other requestors . . . markedly differently," for example by fulfilling certain individuals' requests "within a matter of days," "nearly immediately," and "prompt[ly]." The district stated that it has been working to ensure that all requests are handled similarly, without reference to requestor identity; that the volume of requests received contributed to a longer response time, as did personnel availability during a period of time including at least one public holiday; that delegating response duties to other district personnel than Superintendent Widiker may result in a longer response time; and that attending to mandatory statutory notice requirements associated with some records responsive to some requests lengthens the response time frame. Overall, based on the information available to us, our office is unable to determine whether the district engaged in "delay" or otherwise failed to respond to your public records requests "as soon as practicable."

The Office of Open Government encourages authorities and requesters to maintain an open line of communication. This helps to avoid misunderstandings between an authority and a requester. For example, if it becomes apparent to an authority that a public records request may require a longer response time, it may be prudent for the authority to send the requester a letter providing an update on the status of the response and, if possible, indicating when a response might be anticipated. Similarly, if an authority receives an inquiry from a requester seeking an update on the status of the request, it is advisable for the authority to respond to the requester with an update.

Records are presumed to be open to public inspection and copying, but there are exceptions. Wis. Stat. § 19.31. Requested records fall into one of three categories: (1) absolute right of access; (2) absolute denial of access; and (3) right of access determined by the balancing test. *Hathaway v. Joint Sch. Dist. No. 1 of Green Bay*, 116 Wis. 2d 388, 397, 342 N.W.2d 682 (1984). If neither a statute nor the common law requires disclosure or creates a general exception to disclosure, the records custodian must decide whether the strong public policy favoring disclosure is overcome by some even stronger public policy favoring limited access or nondisclosure. This balancing test determines whether the presumption of openness

is overcome by another public policy concern. *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 4, 284 Wis. 2d 162, 699 N.W.2d 551. If a records custodian determines that a record or part of a record cannot be disclosed, the custodian must redact that record or part of that record. See Wis. Stat. § 19.36(6).

Pursuant to Wis. Stat. § 19.35(4)(b), “[i]f an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request.” Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. *Pangman & Assocs. v. Zellmer*, 163 Wis. 2d 1070, 1084, 473 N.W.2d 538 (Ct. App. 1991); *Vill. of Butler v. Cohen*, 163 Wis. 2d 819, 824-25, 472 N.W.2d 579 (Ct. App. 1991). In every written denial, the authority must also inform the requester that “if the request for the record was made in writing, then the determination is subject to review by mandamus under s. 19.37(1) or upon application to the attorney general or a district attorney.” Wis. Stat. § 19.35(4)(b).

The public records law “does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester.” *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). An authority cannot fulfill a request for a record if the authority has no such record. While the public records law does not require an authority to notify a requester that the requested record does not exist, it is advisable that an authority do so.

Also in your correspondence dated December 1, 2025, you wrote, “Superintendent Widiker publicly released the separate Ervin *employment* investigation report regarding alleged ‘time manipulation’ without notifying me. I was not given any opportunity to refute or correct my record, and the District failed to include my rebuttal in my personnel file.” Wis. Stat. § 19.356 codifies and clarifies pre-release notice requirements for specific kinds of records, and the statute also codifies judicial review procedures. By enacting Wis. Stat. § 19.356, the legislature sought to limit the extent to which notice was required while recognizing an interest in the privacy and reputation of certain record subjects. Under the public records law, the notice required by Wis. Stat. § 19.356(2)(a) is limited to three categories of records. The first category requires notice prior to releasing records containing information relating to an “employee” created or kept by an authority and that are the result of an investigation into a disciplinary matter involving the “employee” or possible employment-related violation by the employee of a statute, ordinance, rule, regulation, or policy of the employer. Wis. Stat. § 19.356(2)(a)1. After receiving notice that the authority intends to release records, a record subject may seek to challenge the authority’s decision to release the records by initiating a circuit court action seeking an order to restrain the authority from providing access to the records pursuant to Wis. Stat. § 19.356(3)-(5).

The authority may not provide access to the records for a period of 12 days after the notice is sent. Wis. Stat. § 19.356(5). If an action is not timely filed with the court to restrain the release of the records pursuant to Wis. Stat. § 19.356(4), the records may be released on the thirteenth business day after the date the notice is sent. If an action is filed with the court, the records may not be released until judicial proceedings have concluded. For further information regarding notices, please see Wis. Stat. § 19.356, and also see pages

52-61 of the Public Records Law Compliance Guide available through DOJ's website (https://www.wisdoj.gov/Open%20Government/PRL_guide.pdf).

Regarding your concern about not having received notice before the release of certain records, our office lacks sufficient information – for example, about the type of records released – to determine whether this violated the public records law's notice requirements. Your correspondence specified that you were “not given any opportunity to refute or correct my record, and the District failed to include my rebuttal in my personnel file.” This may be a reference to provisions of Wis. Stat. § 103.13, which is not contained within the public records law and therefore falls outside the scope of our office.

Throughout your correspondence with our office, you raised concerns about the fees associated with responding to your public records requests that you stated the district was charging you. Under the public records law, “[A]n authority may charge a fee not exceeding the actual, necessary, and direct costs of four specific tasks: (1) ‘reproduction and transcription’; (2) ‘photographing and photographic processing’; (3) ‘locating’; and (4) ‘mailing or shipping.’” *Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65, ¶ 54, 341 Wis. 2d 607, 815 N.W.2d 367 (citation omitted) (emphasis in original). An authority may not profit from complying with public records requests. *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶¶ 103, 107, 310 Wis. 2d 397, 751 N.W.2d 736 (concluding an authority may not profit from its response to a public records request but may recoup all its actual costs). An authority may choose to provide copies of a requested record without charging fees or by reducing fees where an authority determines that waiver or reduction of the fee is in the public interest. Wis. Stat. § 19.35(3)(e). In general, an authority may *not* charge for the time it takes to redact records. *Milwaukee Journal Sentinel*, 2012 WI 65, ¶¶ 1 & n.4, 6, 58 (Abrahamson, C.J., lead opinion); *Id.* ¶ 76 (Roggensack, J., concurring). Except for certain circumstances as provided in Wis. Stat. § 19.35(3)(h) (and inapplicable here), the costs of redaction are *not* a permissible fee under the public records law, no matter if the fees are incurred by the authority itself or by a contractor.

The law permits an authority to impose a fee for locating records if the cost is \$50.00 or more. Wis. Stat. § 19.35(3)(c). “Locating” a record means to find it by searching, examining, or experimenting. Subsequent review and redaction of the record are separate processes, not included in location of the record, for which a requester may not be charged. *Milwaukee Journal Sentinel*, 2012 WI 65, ¶ 29 (Abrahamson, C.J., lead opinion). Only actual, necessary, and direct location costs are permitted. Wis. Stat. § 19.35(3)(c). An authority may require a requester prepay any such fees if the total amount exceeds \$5.00. Wis. Stat. § 19.35(3)(f). Generally, the rate for an actual, necessary, and direct charge for staff time should be based on the pay rate (including fringe benefits) of the lowest paid employee capable of performing the task.

For more information on permissible fees, please see the Office of Open Government Advisory: Charging Fees under the Wisconsin Public Records Law, which can be found on DOJ's website (https://www.wisdoj.gov/Documents/8.8.18_OOG_Advisory_Fees_0.pdf).

Based on the information available to our office, we are unable to determine whether the district charged you fees associated with your public records requests that were not permissible under the public records law. However, during our teleconferences with district

personnel and counsel, we emphasized the limitations upon fees; we paid special attention to the distinction between “locating” a record – a task for which fees may be imposed if the cost is at least \$50.00 – and subsequent review and redaction of located records. We ensured that the district understands that the public records law does *not* permit fees to be imposed for these latter tasks.¹ I encourage the district, or its legal counsel, to contact me if questions arise about the distinction between permissible location fees and impermissible review/redaction fees.

DOJ is also in receipt of your correspondence dated August 29, 2025, in which you wrote, “Pursuant to Wis. Stat. §§ 19.97 and 19.98, we hereby file a complaint against the [St. Croix Central School District’s (SCCSD)] Board of Education for violations of Wisconsin’s Open Meetings Law, Wis. Stat. §§ 19.81–19.98.” You stated, “Public records (board agendas, notices, and minutes) reveal no properly noticed school board meeting at which the full board voted to appoint or authorize the hiring of Mr. Ervin. . . . Instead, the appointment decision was allegedly made by the Board President, Erica Herink, and legal counsel, with no evidence of a public meeting, vote, or recorded action.” You “submitted multiple public records requests to SCCSD” regarding this matter and stated that “SCCSD has not acknowledged receipt of these requests, has failed to provide any response, and has not produced or denied the requested records.” Please note that school board governance is outside the scope of our office, and we are therefore unable to provide information or assistance regarding the school board’s hiring of Ervin. However, we can provide you with general information about the open meetings law’s requirements.

The open meetings law requires that public notice of all meetings of a governmental body must be given by communication from the governmental body’s chief presiding officer or his or her designee to the following: (1) the public; (2) to news media who have filed a written request for such notice; and (3) to the official newspaper (designated under Wis. Stat. §§ 985.04, 985.05, and 985.06) or, if there is no such paper, to a news medium likely to give notice in the area. Wis. Stat. § 19.84(1). In addition to these requirements, other statutes may also set forth the type of notice required for a meeting of a governmental body.

Every public notice of a meeting must give the time, date, place and subject matter of the meeting, and the notice must be in such a form so as to reasonably apprise the public of this information. Wis. Stat. § 19.84(2). The notice requirement gives the public information about the business to be conducted that will alert them to the importance of the meeting, so that they can make an informed decision whether to attend. *State ex rel. Badke v. Vill. Bd. of Vill. of Greendale*, 173 Wis. 2d 553, 573–78, 494 N.W.2d 408 (1993).

A governmental body, when conducting a meeting, is free to discuss any aspect of any subject identified in the public notice of that meeting, as well as issues reasonably related to that subject, but may not address any topics that are not reasonably related to the information in the notice. *State ex rel. Buswell v. Tomah Area Sch. Dist.*, 2007 WI 71, ¶ 34, 301 Wis. 2d 178, 732 N.W.2d 804. There is no requirement, however, that a governmental body must follow the agenda in the order listed on the meeting notice, unless a particular agenda item has been noticed for a specific time. Stencil Correspondence (Mar. 6, 2008).

¹ Except for certain circumstances as provided in Wis. Stat. § 19.35(3)(h) (and inapplicable here), the costs of redaction are not a permissible fee under the public records law.

The open meetings law requires a governmental body to create and preserve a record of all motions and roll-call votes at its meetings. Wis. Stat. § 19.88(3). This requirement applies to both open and closed sessions. De Moya Correspondence (June 17, 2009). Written minutes are the most common method used to comply with the requirement, but they are not the only permissible method. It can also be satisfied if the motions and roll-call votes are recorded and preserved in some other way, such as on a tape recording. I-95-89 (Nov. 13, 1989). As long as the body creates and preserves a record of all motions and roll-call votes, it is not required by the open meetings law to take more formal or detailed minutes of other aspects of the meeting. Other statutes outside the open meetings law, however, may prescribe particular minute-taking requirements for certain governmental bodies and officials that go beyond what is required by the open meetings law. I-20-89 (Mar. 8, 1989); *see, e.g.*, Wis. Stat. §§ 59.23(2)(a) (county clerk), 60.33(2)(a) (town clerk), 61.25(3) (village clerk), 62.09(11)(b) (city clerk), 62.13(5)(i) (police and fire commission), 66.1001(4)(b) (plan commission), 70.47(7)(bb) (board of review).

Although Wis. Stat. § 19.88(3) does not indicate how detailed the record of motions and votes should be, the general legislative policy of the open meetings law is that “the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” Wis. Stat. § 19.81(1). In light of that policy, it seems clear that a governmental body’s records should provide the public with a reasonably intelligible description of the essential substantive elements of every motion made, who initiated and seconded the motion, the outcome of any vote on the motion, and, if a roll-call vote, how each member voted. De Moya Correspondence (June 17, 2009).

Under the open meetings law, the Attorney General and the district attorneys have authority to enforce the law. Wis. Stat. § 19.97(1). However, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we respectfully decline to file an enforcement action on your behalf at this time.

More frequently, the district attorney of the county where the alleged violation occurred may enforce the law. However, in order to have this authority, an individual must file a verified complaint with the district attorney. Wis. Stat. § 19.97(1). If the district attorney refuses or otherwise fails to commence an action to enforce the open meetings law within 20 days after receiving the verified complaint, the individual may bring an action in the name of the state. Wis. Stat. § 19.97(4). (Please note a district attorney may still commence an enforcement action even after 20 days have passed.) Such actions by an individual must be commenced within two years after the cause of action accrues. Wis. Stat. § 893.93(2)(a).

The public records law also provides several remedies for a requester dissatisfied with an authority’s response, or lack of response, to a public records request. A requester may file an action for mandamus, with or without an attorney, asking a court to order release of the records. Wis. Stat. § 19.37(1)(a).

Alternatively, the requester may submit a written request for the district attorney of the county where the record is found, or the Attorney General, to file an action for mandamus seeking release of the requested records. Wis. Stat. § 19.37(1)(b). The Attorney General is authorized to enforce the public records law; however, the Attorney General normally exercises this authority in cases presenting novel issues of law that coincide with matters of statewide concern. As your matter does not appear to present novel issues of law that coincide with matters of statewide concern, we respectfully decline to pursue an action for mandamus on your behalf at this time.

However, I have discussed your concerns at length with the St. Croix Central School District. These discussions have consistently emphasized the need to handle public records requests without regard to requester identity, as a general rule; to respond as soon as practicable and without delay to public records requests; to ensure that requesters are only charged fees in accordance with the public records law; and to comply with all requirements imposed by the open meetings law. I am copying the district and its legal counsel on this letter, and they are encouraged to contact me again if questions regarding the public records law or the open meetings law arise in the future.

The Attorney General and the Office of Open Government are committed to increasing government openness and transparency, and DOJ endeavors to offer guidance in these areas. DOJ offers several open government resources through its website (<https://www.wisdoj.gov/Pages/AboutUs/office-of-open-government.aspx>). DOJ provides the full Wisconsin public records law and open meetings law and maintains a Public Records Law Compliance Guide and Open Meetings Law Compliance Guide on its website.

DOJ appreciates your concern. We are dedicated to the work necessary to preserve Wisconsin's proud tradition of open government. Thank you for your correspondence.

The information provided in this letter is provided pursuant to Wis. Stat. §§ 19.39 and 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,



Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Superintendent Tim Widiker, St. Croix Central School District
Attorney Richard F. Verstegen, counsel for St. Croix Central School District