2026 1st Quarter Correspondence

Index

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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January 7, 2026

Christine Brennan
cewerdt@gmail.com

Dear Christine Brennan:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated September 6, 2025, in which you discussed your concerns regarding your August 5, 2025, public records request to the Lomira School District. You wrote, "I have requested through open records, a copy of the data and as of today's writing, it has been exactly one month. The initial request came in August 5 and today is September 6. . . . I would like to start the process of going through the courts in getting a mandamus to obtain these records."

DOJ is also in receipt of your September 8, 2025, correspondence, in which you wrote, "Separately, I am concerned because I was charged $143.24 to obtain records that the school is now telling me that they don't have. They charged me to locate records that they do not have."

Finally, you wrote to our office on December 25, 2025, to inform us that your public records request-related issue with the Lomira School District had been resolved to your satisfaction. We appreciate that important update. The discussion contained herein is provided for your information, in case it remains helpful or is relevant in the future.

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. Both your September 6 and your September 8 correspondence dealt with the public records law, and we will address your September 6 correspondence first.

You stated that "exactly one month" had elapsed between the date that your request was made and September 6, 2025, and that you had not yet received a response. Please note that 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").

Based solely on the information provided in your correspondence, we are unable to determine whether the Lomira School District engaged in "delay" or failed to respond "as soon as practicable" to your August 5, 2025, public records request. However, in the time since you wrote to our office, you may also have received a response from the school district. Please feel free to inform us if so.

You also stated that you wished to "start the process of going through the courts in getting a mandamus to obtain [the] records." As you may know, 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). Because your issue has been resolved to your satisfaction, per your December 25 correspondence, and there is therefore no remaining conflict, we respectfully decline to pursue an action for mandamus on your behalf.

We turn now to your September 8, 2025, correspondence. You wrote:

> "My concerns are several[:]
>
> 1. The fact that they charged me a very specific amount ($143.24) told me they were able to locate the records and that was locating cost. We corresponded back-and-forth as to what all would be included in the records because I want to be 100% certain it would contain the information I was requesting.
>
> 2. After waiting 33 days, it was determined that they will not be able to give me the information I'm requesting, nor will they provide the information as to how many staff members have access to and/or we're using the Facebook account."

You later specified that the school district did provide you with a refund of the amount you had paid. Again, since the issue has been resolved, the following discussion is provided for informational purposes.

The public records law allows an authority to charge a fee for location costs that exceed $50. The law states, "Except as otherwise provided by law or as authorized to be prescribed by law, an authority may impose a fee upon a requester for locating a record, not exceeding the actual necessary and direct cost of location, if the cost is $50 or more." Wis. Stat. § 19.35(3)(c). The statute permits an authority to assess a fee for "locating a record," not simply for searching for a record or trying to locate a record. Based on the language of the

statute, a court would likely determine that the public records law does not permit an authority to assess location costs if no records are actually located.

This conclusion is further supported by DOJ's guidance as well as the Wisconsin Supreme Court. To "locate" a record means to find it by searching, examining, or experimenting, as DOJ's Public Records Law Compliance Guide states. Subsequent review and/or redaction of records are separate processes, not included in the "location" of the records. The Wisconsin Supreme Court stated, in *Milwaukee Journal Sentinel v. Milwaukee*, 2012 WI 65, ¶31, 341 Wis. 2d 607, 815 N.W.2d 367, that "[a] custodian who knows that a record is located somewhere in a large file cabinet downstairs has not `located' the record." (Internal citation omitted). However, "[o]nce the custodian goes to the file cabinet (or the computer file), removes the responsive record, and holds that responsive record in his or her hands (or views it on a computer screen), the record has been located." This discussion suggests that a record is only "located" when it exists and is found, and therefore, that the public records law likely does not permit location costs unless a record is located.

Therefore, based on the information provided in your correspondence, it appears a court could likely have determined that the Lomira School District was in violation of the public records law by charging you location costs in this instance. We discussed your concerns at some length with Lomira School District administrator Ty Breitlow. Thereafter, you stated that the costs were refunded to you by the district, and, as of late December 2025, you stated that your concerns had been fully resolved.

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 Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Lomira School District

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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January 7, 2026

Edward Hoffmann
edwardhoffmann@dr.com

Dear Edward Hoffmann:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 22, 2024, in which you wrote, "I anonymously requested the body camera footage of The Kenosha County Sheriff being pulled over and given a citation. . . . The police chief for the [V]illage of [S]turtevant is now denying my records request for the body camera footage of the sheriff's traffic stop and citation and attempting to extort me for $25." You requested DOJ to "intervene in this unlawful violation of Wis. Stat. [§] 19.31 and commence [an] immediate investigation."

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 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). In certain circumstances, 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).

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), 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. Please note that, as of March 31, 2024, Wis. Stat. § 19.35(3)(h) provides that an authority that is a law enforcement agency may – subject to certain conditions – impose a fee upon a requester for the actual, necessary, and direct cost of redacting, whether by pixelization or other means, recorded audio or video content to the extent redaction is necessary to comply with applicable constitutional, statutory, or common law. More information on this provision is available in DOJ's Wisconsin Public Records Law Compliance guide available on DOJ's website at https://www.wisdoj.gov/Open%20Government/PRL_guide.pdf.

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 of the lowest paid employee capable of performing the task.

From the information provided in your correspondence, our office cannot determine whether the $25 fee you stated the authority requested reflects costs that are permissible or impermissible pursuant to the public records law. Due to the 2024 amendment of Wis. Stat. § 19.35(3)(h), redaction costs may be a permissible fee in this circumstance, as the authority in question is a law enforcement agency. Again, we are unable to determine whether the stated fee would be permissible. However, fee provisions should not be used by authorities to deter access to records. Law enforcement authorities should take care to impose a fee only for the actual, necessary, and direct cost of redacting recorded audio and video content. Authorities and requesters should maintain an open line of communication regarding fees and are encouraged to work collaboratively to tailor precise requests to ensure requesters

receive the desired records while reducing redaction time and costs. Communication also helps to resolve issues and avoid misunderstandings between an authority and a requester. If a requester is concerned about potential fees, it may be helpful that he or she express such concerns in the request.

For more information on permissible fees, please see the Office of Open Government Advisory: Charging Fees under the Wisconsin Public Records Law, which was issued on August 8, 2018 and can be found on DOJ's website (https://www.wisdoj.gov/Documents/8.8.18_OOG_Advisory_Fees_0.pdf).

There may be other laws outside of the public records law establishing fees for the records in question, potentially rendering those fees permissible under the public records law. *See* Wis. Stat. § 19.35(3) (allowing fees outside the public records law if those fees are established by another law). However, the Office of Open Government (OOG) is unable to offer you assistance regarding other laws that are outside the scope of the OOG's responsibilities and authority under the public records law.

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).

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.

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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(608) 257-4666
http://www.wisbar.org/forpublic/ineedalawyer/pages/lris.aspx

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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.

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Sincerely,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

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January 7, 2026

Karen Kastenson
tnkkastenson@aol.com

Dear Karen Kastenson:

The Wisconsin Department of Justice (DOJ) is in receipt of your April 1, 2024, correspondence regarding your public records requests to the Village of Raymond. You wrote, "I am trying to get information from my local municipality regarding actual vs budget figures for the last several years. I have submitted an open records request asking for this information, and have been told they do not have a physical document on file to give to me." You asked, "If there is a report available to run the requested information for an open records (FOIA) request even if it is not printed and kept in a file, does that fall under open records law? I believe, electronic records are subject to open records law, since records produced by the computer program are subject to inspection and copying." In a follow up correspondence dated April 3, 2024, you asked "Does a report actually have to be printed or saved in order to be considered for an open record request? . . . I know the municipality is using the report to prepare their budget, but they are telling me that one does not exist for the time frame that I am requesting."

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."

The public records law defines a "record" as any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. Wis. Stat. § 19.32(2). A record includes handwritten, typed, or printed documents; maps and charts; photographs, films, and tape recordings; tapes, optical disks, and any other medium on which electronically generated or stored data is recorded or preserved; and electronic records and communications. In general, the same principles apply to electronic and non-electronic records.

Whether material is a "record" subject to disclosure under the public records law depends on whether the record is created or kept in connection with the official purpose or function of the agency. *See* OAG I-06-09, at 2 (Dec. 23, 2009). Not everything a public official or employee creates is a public record. The substance or content, not the medium, format, or location, controls whether something is a record. *State ex rel. Youmans v. Owens*, 28 Wis. 2d 672, 679, 137 N.W.2d 470 (1965).

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). Furthermore, 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). However, the Attorney General has advised that where information is stored in a database, a person can "within reasonable limits" request a data run to obtain the requested information. An authority could then use a rule of reason to determine whether retrieving electronically stored data entails the creation of a new record. *See* 68 Op. Att'y Gen. 231, 232 (1979).

From the limited information provided in your April 2024 correspondence, we are unable to determine whether the Village of Raymond would have needed to create a new record in order to respond to your public records request, or whether it would have been reasonable for the Village of Raymond to conduct a data run for the requested data. The distinction between redaction of existing records and the creation of entirely new records can become difficult to discern when records are stored electronically. *See Osborn v. Board of Regents*, 2002 WI 83, ¶¶ 41–46, 254 Wis. 2d 266, 647 N.W.2d 158.

In additional May 7, 2024, correspondence you wrote, "I responded to the Treasurer that I did not want hard copies, please scan and send an electronic copy to my email. I was told that she did not need to make a new record, and the only way I would get this request fulfilled was if I came in and picked up and paid for the hard copies." If a requester appears personally to request a copy of a record, Wis. Stat. § 19.35(1)(b) requires that copies of written documents be "substantially as readable" as the original. *Lueders v. Krug*, 2019 WI App 36, ¶ 6, 388 Wis. 2d 147, 931 N.W.2d 898. Wisconsin Stat. § 19.35(1)(c) and (d) also require that audiotapes be "substantially as audible," and copies of videotapes be "substantially as good" as the originals. By analogy, providing a copy of an electronic document that is "substantially as good" as the original is a sufficient response where the requester does not specifically request access in the original format. *See WIREdata, Inc. v. Vill. of Sussex* ("*WIREdata II*"), 2008 WI 69, ¶¶ 97–98, 310 Wis. 2d 397, 751 N.W.2d 736 (provision of records in PDF format satisfied requests for records in "electronic, digital" format); *State ex rel. Milwaukee Police Ass'n v. Jones*, 2000 WI App 146, ¶ 10, 237 Wis. 2d 840, 615 N.W.2d 190 (holding that provision of an analog copy of a digital audio tape ("DAT") complied with Wis. Stat. § 19.35(1)(c) by providing a recording that was "substantially as audible" as the original); *see also Autotech Techs. Ltd. P'ship v. Automationdirect.com, Inc.*, 248 F.R.D. 556, 558 (N.D. Ill. 2008) (where litigant did not specify a format for production during civil discovery,

responding party had option of providing documents in the "form ordinarily maintained or in a reasonably usable form").

The court of appeals provided some guidance in *Lueders* on whether an authority needs to provide records in a format specified by the requester, holding that the requester in that case was "entitled to the e-mails in electronic form" when the request was for emails "in electronic form." *Lueders*, 2019 WI App 36, ¶ 15. The court also stated that the authority must provide "electronic copies," not paper copies of records, to a requester who asks for records in electronic format. *Id.* DOJ recommends communicating with an authority if you would like the records in a specific format, and we would encourage an authority to accommodate a requester's request for a different format if possible.

In your May 7 correspondence regarding your public records requests, you also wrote, "Each time I was met with some sort of resistance whether it be the records aren't available or it taking 10 days to respond to very simple requests that could take a matter of minutes to respond to." 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.

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).

Finally, in your correspondence you asked, "What can I do as a resident of the Village to get the information I have requested[?]" 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 the Village of Raymond 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,

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Village of Raymond Administrator (via email: admin@raymondwi.com)

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

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March 13, 2026

Daniel Holzman
holzmdw2@gmail.com

Dear Daniel Holzman:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated August 6, 2024, in which you wrote, "County Governments are getting away with open meetings violations. They need to be prosecuted."

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 correspondence did not name the county governments in question or provide details regarding the alleged open meetings law violations. As such, our office was unable to review your concerns.

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).

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 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

If you would like to learn more about the 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 open meetings law and maintains an 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. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili Behm

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

March 13, 2026

Marshall Linde
mrshlllinde@gmail.com

Dear Marshall Linde:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 26, 2024, in which you wrote, "Is it a problem that our Board of Directors deliberately deceive the stakeholders about finances, and that they repeatedly are dishonest with the stakeholders. . . . We are a 181 non stock, nonprofit. We have asked for financial this past October and have yet to receive the ability to view them."

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 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.

Based on the information you provided in your correspondence, DOJ cannot make a definitive determination as to whether the non-profit in question would be considered an "authority" subject to the public records law. Generally, however, a non-profit organization such as you describe would not fit within this definition.

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 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,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

STATE OF WISCONSIN
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March 13, 2026

Tanu Shikha
tanuashikha@icloud.com

Dear Tanu Shikha:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 20, 2024, in which you wrote, "I had an accident in Wisconsin [W]est [A]llis on…. I need your help to get my crash report for my accident. It's been 2 weeks police not giving me any update regarding my case."

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).

If you have not already done so, you may wish to use the public records law to obtain the information you seek by submitting a public records request to the appropriate authority. 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").

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 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.

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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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 Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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Attorney General

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FAX 608/266-2779

March 23, 2026

Kevin Domrois
kd79ctls@aol.com

Dear Kevin Domrois:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated July 22, 2024, and related subsequent emails, in which you wrote, "Milwaukee county is not providing records under the Wisconsin open records laws." You have "requested info on repairs done," costs, and building plans regarding the Milwaukee Public Museum.

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).

Under the public records law, plans or specifications for state-owned or state-leased buildings are exempt from disclosure. Wis. Stat. § 19.36(9). As such, Milwaukee County likely did not violate the public records law by withholding these types of records. Regarding the other types of records you requested, based on the information provided in your July 22, 2024 and later correspondence, our office is unable to determine whether Milwaukee County redacted or withhold any records in violation of the public records law.

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.

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). Importantly, please note that, in Milwaukee County, it is the Milwaukee County Office of Corporation Counsel, and not the district attorney, that serves as legal counsel for the purposes of enforcing the public records law. Therefore, in Milwaukee County, requesters would submit their written requests to the Office of Corporation Counsel. 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.

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 Behm

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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608/266-1221
TTY 1-800-947-3529
FAX 608/267-2779

March 23, 2026

Christine Illgen
chrissi.illgen@gmail.com

Dear Christine Illgen:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated July 11, 2024, in which you wrote, "I filed a report with Child Protection Services in Iowa County at the end of May. This past Monday I learned that my identity and all emails sent to the detective were released to the family. CPS said they are bound by statute not to reveal my identity but said that they shared the info with the sheriff." You asked, "How is it possible that my identity and all of my detailed emails be given to the family? . . . Can the family do an open records request?"

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).

Under the public records law, any person may request inspection or copies of any record, except a currently committed or incarcerated person, unless the person requests records that contain specific references to themselves or their minor children and are otherwise accessible by law. *See* Wis. Stat. §§ 19.32(1c) and (3).

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).

Based on the information provided in your correspondence, we are unable to determine whether any portion of the information allegedly disclosed to the family should have been redacted or withheld pursuant to statute, common law, or the public records balancing test. You may wish to contact the Iowa County Sheriff's Office regarding this matter, because public records requests and the responses thereto are themselves "records" for purposes of the public records law. *See Nichols v. Bennett*, 199 Wis. 2d 268, 275, 544 N.W.2d 428 (1996).

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,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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Attorney General

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608/266-1221
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FAX 608/267-2779

March 23, 2026

Kevin Pickar
kevin5800@comcast.net

Dear Kevin Pickar:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated May 28, 2024, in which you wrote, "[I] want to file a complaint and investigation into the Township of Freedom. . . . [A] legal notice for property reassessment for the second year in a row was sent out less than a week prior. They advertised open book on [May 20th] from 5pm to 7 pm. I was there at 5pm and the door was locked to the public. . . . I believe some back room deal is going on, and [I] want a full investigation." You also stated, "please stop the Wed, the 29th board of review, as the open book was not legally held, then the board of review is not valid."

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 correspondence discussed matters outside the scope of the OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding the Township of Freedom's property reassessments and the "board of review" process.

However, we did contact the Town of Freedom regarding your concerns. We have also reviewed the Open Book Notice that the town provided in advance of the May 20, 2024 Open Book. It appears likely that the Open Book was held publicly and was open to all citizens who wished to participate. When we contacted the Town of Freedom, the Town Clerk stated that the Village of North Freedom and the Town of Freedom share a municipal building but use separate entrances to that building. As such, the Town Clerk stated that it is possible for residents to attempt to enter via the Village's entrance rather than the Town's entrance. The Town Clerk encourages residents to contact the Town if they encounter difficulty entering the municipal building. The Town Clerk stated that you "never contacted Mike Rogers or myself with any questions or concerns" regarding access to the May 20, 2024 Open Book. Please feel free to inform our office if this is incorrect.

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).

If you would like to learn more about the 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 open meetings law and maintains an Open Meetings 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. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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FAX (608) 267-2779

March 23, 2026

Christine Reid
creid0913@gmail.com

Dear Christine Reid:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated October 8, 2024, regarding your public records request to the Door County Land Use Services Director for a "Sanitary Systems report similar to the Kewaunee County report." DOJ was copied on your response to Door County Corporation Counsel and Door County Land Use Services Director in which you stated, "Don't accumulate any billable hours until I have an opportunity to discuss this with the Office of Open Government and our attorney." Please note that, to date, DOJ has not received any specific questions from you regarding this matter. Therefore, we will provide you with information relevant to the issues raised in the email referenced above.

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 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). In certain circumstances, 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).

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), 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.

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 was issued on August 8, 2018 and can be found on DOJ's website (https://www.wisdoj.gov/Documents/8.8.18_OOG_Advisory_Fees_0.pdf).

There may be other laws outside of the public records law establishing fees for the records in question, potentially rendering those fees permissible under the public records law. *See* Wis. Stat. § 19.35(3) (allowing fees outside the public records law if those fees are established by another law). However, the Office of Open Government (OOG) is unable to offer you assistance regarding other laws that are outside the scope of the OOG's responsibilities and authority under the public records law.

The OOG also encourages authorities and requesters to maintain an open line of communication. This helps to avoid misunderstandings between an authority and a requester. It is also helpful in resolving issues such as those related to fees. If a requester is concerned about potential fees, it may be helpful that he or she express such concerns in the request.

In an October 6, 2024 email to Mariah Good, you stated, "Your [April 25] reply to me states, 'We do not have ANY reports in a format such as you have requested, and we do not even collect some of the types of data depicted.'" (Emphasis in original.) 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.

An authority is also 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).

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,

Lili Behm

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 608/266-2779

March 23, 2026

Mary Severson
severson@hickorytech.net

Dear Mary Severson:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 10, 2024, in which you wrote, "I have a question about my road. In 2018 it was tar, then the town of Cable made it gravel without any notification to land owners [sic]. Should I have been notified by public hearing that the road surface was being changed?"

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 correspondence discussed a matter outside the scope of the OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding whether you should "have been notified by public hearing that the road surface was being changed." However, we can provide information about the notice requirements contained within the open meetings law that may be helpful.

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).

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)(b).

The open meetings law provides for the level of specificity required in agenda items for open meetings as well as the timing for releasing agendas in order to provide proper

notice. Wis. Stat. § 19.84(2). Public notice of every meeting of a governmental body must be provided at least 24 hours prior to the commencement of such a meeting. Wis. Stat. § 19.84(3). If, for good cause, such notice is impossible or impractical, shorter notice may be given, but in no case may the notice be less than two hours in advance of the meeting. *Id.* Furthermore, the law requires separate public notice for each meeting of a governmental body at a time and date "reasonably proximate to the time and date of the meeting." Wis. Stat. § 19.84(4).

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).

Whether the notice is specific enough is determined on a case-specific basis, based on a reasonableness standard. *State ex rel. Buswell v. Tomah Area Sch. Dis*t., 2007 WI 71, ¶¶ 27–29, 301 Wis. 2d 178, 732 N.W.2d 804. This includes analyzing such factors as the burden of providing more detailed notice, whether the subject is of particular public interest, and whether it involves non-routine action that the public would be unlikely to anticipate. *Id.* ¶ 28. There may be less need for specificity where a meeting subject occurs frequently, because members of the public are more likely to anticipate that the meeting subject will be addressed, but novel issues may require more specific notice. *Id.* ¶ 31. Based solely on the information provided in your correspondence, we are unable to determine whether the road maintenance issues in question were discussed during an open meeting and, if they were, whether the public notice of the meeting provided sufficient notice of the subject matter of the meeting.

If you would like to learn more about the 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 open meetings law and maintains an 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. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

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March 23, 2026

Tim Stone
tswi@mailbox.org

Dear Tim Stone:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated September 23, 2024, in which you wrote, "I requested additional body cam footage from an incident with police . . . in July. Almost two months later (September 5th) received a [sic] email asking for clarification on my request which was pretty straightforward." You asked, "Does your office feel waiting almost two months *before even contacting the public* about a request an acceptable level of time?"

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").

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.

In your correspondence you provided the text of an "email from Records Manager on September 12, 2024." The text you provided reads as follows: "I am currently at a conference this week but will have the records clerk pull the footage you are looking for. I will follow up with you at the beginning of the week to advise you of the cost for the records." Our office lacks sufficient information to determine whether the city or police department in question may have violated the public records law. Your correspondence did not specify the name of the city or police department, and our office was therefore unable to contact the authority to discuss your concerns. If you would like to provide additional information, please feel free to do so by contacting opengov@widoj.gov.

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,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

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March 23, 2026

Amanda Wettengel
ajbat10@yahoo.com

Dear Amanda Wettengel:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated June 11, 2024, in which you wrote, "I would like to report a possible open meeting law violation." As of today's date, DOJ's Office of Open Government has not received details about the alleged possible violation.

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).

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. If you would like to provide details of a "possible open meeting[s] law violation" to DOJ, you may send those details to opengov@wisdoj.gov or through DOJ's website (https://wi.accessgov.com/doj-wi/Forms/Page/doj-wi/contact-doj/1).

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 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 open meetings law and maintains an 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. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

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March 24, 2026

Kim King
msking4u@gmail.com

Dear Kim King:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated September 14, 2024, in which you wrote, "I filed a Notarized Affidavit to Disqualify Judge into the public record in Milwaukee county on 9/13/2024 around 3:06pm. . . . This morning (9/14/2024) around 5am I noticed the affidavit has completely VANISHED from the court docket." You continued, "I am hoping someone can intervene and see who was the person who deleted that filing and forward me that information please?"

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 correspondence concerns matters outside the scope of the OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding the court filings in your Milwaukee County circuit court case. You may wish to contact the Milwaukee County Clerk of Circuit Court regarding your concerns.

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).

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,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

STATE OF WISCONSIN
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March 25, 2026

Laura Porter
lauracporter38@gmail.com

Dear Laura Porter:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated September 9, 2025, in which you wrote, "I am writing to formally submit a complaint under Wisconsin's Public Records Law regarding the handling of my records requests by the West Bend Police Department. . . . I am now filing this as a formal complaint and request that it be logged and reviewed by your office. This matter requires urgent review because withheld and incomplete records appear to have prevented me from protecting myself."

In your September 9, 2025 correspondence, you provided the City of West Bend Police Department's response, dated September 3, 2025, to your public records request. That response stated, "You have previously requested and have been provided with information related to West Bend Police Department investigations 23-37662 and 23-46577 on two separate occasions. Following an exhaustive review, we can confirm that the West Bend Police Department is not in possession of any additional records beyond those already provided." In your February 1, 2026 correspondence, you included a screenshot of a message which stated, "The Police Chief is aware of your ongoing concerns. As previously explained . . . you have been provided with all records related to this matter. After a thorough review, the police department has determined that this issue falls outside the scope of what we are able to resolve to your satisfaction."

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 with OOG between September 2025 and March 2026 pertains to the public records law, it primarily concerns matters that are outside the scope of OOG's responsibilities. As a result, we are unable to offer you assistance or insight regarding these matters.

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).

Based solely on the correspondence you provided between yourself and the West Bend Police Department from September 2025, it appears that the latter has taken steps to respond to your public records requests in compliance with the public records law. Based on the information you provided, our office is unable to conclude that the West Bend Police Department violated the public records law in its responses to your correspondence by withholding records improperly, redacting records improperly, or failing to fulfill or deny your requests.

In your February 18, 2026 correspondence regarding your public records request to the West Bend Police Department you wrote, "I received body cam footage in [the] mail today, but have not had a chance to review it." In your February 21, 2026 correspondence to DOJ and the West Bend Police Department you wrote, "I requested the video I received last Wednesday 2 years ago." The February 21 correspondence appears to reference the "body cam footage" you received on February 18. 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 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 contacted the West Bend Police Department to ensure that they are aware of your concerns and reiterate 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
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: West Bend Police Department (via email)

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
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March 26, 2026

Peter Heimlich
peter.m.heimlich@gmail.com

Dear Peter Heimlich:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated August 9, 2024, in which you wrote, "I filed a public records request with a WI police department for an incident report. The public records officer emailed me that I had to pay $10 for the report. I replied that it was my understanding that the report was covered under the WI Open Records Law and therefore should be provided free of charge. I wanted the record so I paid the $10, but I am still curious to learn if the fee was justified or not under the statute."

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 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). In certain circumstances, 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).

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). Except as otherwise provided by Wis. Stat.

§ 19.35(3)(h), 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), 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.

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.

Based on the limited information provided in your correspondence, we are unable to contact the police department in question regarding your concerns, or to properly evaluate whether the department violated the public records law by charging you $10.00. For example, your correspondence did not provide the name of the police department or state the task(s) – that is, reproduction, location, photographing, and/or shipping – that the department charged you for.

For more information on permissible fees, please see the Office of Open Government Advisory: Charging Fees under the Wisconsin Public Records Law, which was issued on August 8, 2018 and can be found on DOJ's website (https://www.wisdoj.gov/Documents/8.8.18_OOG_Advisory_Fees_0.pdf).

There may be other laws outside of the public records law establishing fees for the records in question, potentially rendering those fees permissible under the public records law. *See* Wis. Stat. § 19.35(3) (allowing fees outside the public records law if those fees are established by another law). However, the Office of Open Government (OOG) is unable to offer you assistance regarding other laws that are outside the scope of the OOG's responsibilities and authority under the public records law.

The OOG also encourages authorities and requesters to maintain an open line of communication. This helps to avoid misunderstandings between an authority and a requester. It is also helpful in resolving issues such as those related to fees. If a requester is concerned about potential fees, it may be helpful that he or she express such concerns in the request.

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,

Lili Behm

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

March 26, 2026

Attorney Tom Kamenick
tom@wiopenrecords.com

Dear Attorney Kamenick:

The Wisconsin Department of Justice (DOJ) is in receipt of your client's verified complaint, dated July 17, 2024, regarding the Town of Grant, Town of Grant Board of Supervisors, Town of Grant Plan Commission, and other Town of Grant officials. The complaint alleges violations of the open meetings law "on multiple occasions by improperly noticing meetings, holding unnoticed, non-public meetings with electronic communication, and discussing topics at meetings outside of the noticed subject matters."

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).

It appears that a lawsuit was filed in Portage County Circuit Court on July 5, 2024, regarding your client's matter. Since Portage County Case Number 2024-CV-000194 is apparently still pending in the circuit court, we respectfully decline to investigate this matter or file an enforcement action 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 open meetings law and maintains an 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. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

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March 26, 2026

Attorney Tom Kamenick
tom@wiopenrecords.com

Dear Attorney Kamenick:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated February 10, 2025, in which you enclosed "a verified complaint filed by Village of Roberts resident and Trustee Peter Tharp, [your client], against the Village of Roberts." You wrote, "The Village Clerk, Megan Dull, repeatedly fails to provide the required 15-day statutory notice for the annual Village budget hearing. Wis. Stat. 65.90(3)(a) and (4) require a class 1 notice of the budget summary to be published at least 15 days in advance of the public hearing. . . . When my client brought the most recent failure to her attention, her response was effectively 'Too bad, we're holding it anyway.'"

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. 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 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.

OOG cannot advise you on other statutes that fall outside of the scope of the OOG's authority and responsibilities. In general, however, the open meetings law requires that when "any other" specific statute prescribes the type of meeting notice a governmental body must give, the body must comply with the requirements of that statute *as well as* the notice

requirements of the open meetings law. Wis. Stat. § 19.84(1)(a). Therefore, a court could conclude that, if a governmental body is required to comply with notice requirements set by "any other" statute in addition to the open meetings law, the governmental body violates the open meetings law if it does not comply with the other statute's notice requirements.

For additional information on the notice requirements of the open meetings law, please see pages 14 through 19 of the Open Meetings Law Compliance Guide available through DOJ's website (https://www.wisdoj.gov/Open%20Government/OML_guide.pdf).

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).

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 Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

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STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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March 27, 2026

Brian Fraley
Dairyland Sentinel
info@dairylandsentinel.com

Dear Brian Fraley:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated March 24, 2026, in which you wrote, "The Dairyland Sentinel has submitted multiple public records requests to the Department of Public Instruction [DPI]. DPI confirmed receipt of these requests but did not provide the requested records within the timelines described in the DOJ guide. DPI released some records . . . Other records . . . have not been released at all. DPI has not cited any statutory exemption for withholding the contract or any other documents we are seeking." You requested that DOJ "review DPI's handling of these requests and take enforcement action as necessary to ensure compliance with Wisconsin's Public Records Law."

DOJ cannot offer you legal advice or counsel concerning this issue as DOJ may be called upon to represent DPI. 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 DPI 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,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

cc: Wisconsin Department of Public Instruction

STATE OF WISCONSIN
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FAX (608) 267-2779

March 27, 2026

Attorney Tom Kamenick
tom@wiopenrecords.com

Dear Attorney Kamenick:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated August 16, 2024, in which you enclosed "a verified complaint filed on behalf of [your] client, Andrea Hayse, against the Lake Country Classical Academy, a public charter school." (Emphasis in original.) You wrote, the Lake Country Classical Academy Board of Directors (Board) "pays only passing mind to its obligations under the Open Meetings Law, routinely holding offsite meetings completely closed to the public, providing improper notice of other meetings, and abusing closed session exemptions."

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 applies to every meeting of a governmental body. The definition of a governmental body includes a "state or local agency, board, commission, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order[.]" Wis. Stat. § 19.82(1). The list of entities is broad enough to include essentially any governmental entity, regardless of what it is labeled. Purely advisory bodies are subject to the law, even though they do not possess final decision making power, as long as they are created by constitution, statute, ordinance, rule, or order. *See State v. Swanson*, 92 Wis. 2d 310, 317, 284 N.W.2d 655 (1979). An entity that fits within the definition of governmental body must comply with the requirements of the open meetings law.

The open meetings law requires that meeting locations be reasonably accessible to the public and open to all citizens at all times. This means that governmental bodies must hold their meetings in places that are reasonably calculated to be large enough to accommodate all citizens who wish to attend the meetings. *State ex rel. Badke v. Vill. Bd. of Greendale*, 173 Wis. 2d 553, 580-81, 494 N.W.2d 408 (1993). Absolute access is not, however, required. *Id*. In *Badke*, for instance, the Wisconsin Supreme Court concluded that a village board

meeting that was held in a village hall capable of holding 55–75 people was reasonably accessible, although three members of the public were turned away due to overcrowding. *Id.* at 561, 563, 581. Whether a meeting place is reasonably accessible depends on the facts in each individual case. Any doubt as to whether a meeting facility—or remote meeting platform—is large or sufficient enough to satisfy the requirement should be resolved in favor of holding the meeting in a larger facility or with a remote meeting platform with sufficient capacity.

The policy of openness and accessibility also requires that governmental bodies hold their meetings at locations near to the public they serve. Accordingly, the Attorney General has concluded that a school board meeting held 40 miles from the district which the school board served was not "reasonably accessible" within the meaning of the open meetings law. Miller Correspondence (May 25, 1977). The Attorney General advises that, in order to comply with the "reasonably accessible" requirement, governmental bodies should conduct all their meetings at a location within the territory they serve, unless there are special circumstances that make it impossible or impractical to do so. I-29-91 (Oct. 17, 1991).

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).

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).

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. We respectfully decline to pursue an action for mandamus 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 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 open meetings law and maintains an 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. § 19.98 and does not constitute an informal or formal opinion of the Attorney General pursuant to Wis. Stat. § 165.015(1).

Sincerely,

Lili Behm

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah

STATE OF WISCONSIN
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March 30, 2026

Wendy Schmitz
wendyschmitz1206@gmail.com

Dear Wendy Schmitz:

The Wisconsin Department of Justice (DOJ) is in receipt of your correspondence, dated August 29, 2024, in which you wrote, "I would like to file an Open Record's [sic] Complaint regarding Marshall Public Schools. . . . On August 14, 2024 an Open Record's [sic] request was submitted to: Michele Miller, Marshall Public Schools Executive Administrator Assistant. It has been 11 business days and my request for the average cost per pupil for transportation in the 2023-2024 school year has not been denied or acknowledged by the represented individual of Marshall Public Schools."

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").

We contacted Michelle Miller regarding your correspondence and inquired whether the school district had, in the time since you sent your correspondence, responded to your public records request. Ms. Miller stated that the school district responded to your request on or around August 28 and 29, 2024. As such, it is likely that your concerns have been

resolved. However, 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.

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.

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Sincerely,

Lili C. Behm
Assistant Attorney General
Office of Open Government

LCB:lah