



DEMOCRATIC PARTY *of* WISCONSIN

110 KING STREET, SUITE 203 | MADISON, WI 53703 | WWW.WISDEMS.ORG | P. 608.255.5172 | F. 608.255.8919

September 21, 2011

Via Hand Delivery and Electronic Mail: vanhollenjb@doj.state.wi.us

Attorney General J.B. Van Hollen
114 East State Capitol
Madison, WI 53702-7857

Re: Open Records Request

Dear Mr. Van Hollen:

This letter is to request the following records, under the state's Open Records Law (19.31-39, Wisconsin Statutes):

1. Any and all documents and correspondence to or from your office from January 1, 2010 to present, including electronic correspondence, between your office and the office of Governor Scott Walker, that contains any or all of the following terms – “Cynthia Archer,” “Cindy Archer,” “Archer,” “Tom Nardelli,” “Nardelli,” “Tim Russell,” “Russell,” “Darlene Wink,” “Wink,” “John Doe,” “Doe,” “Milwaukee County District Attorney (DA),” “William Gardner,” “Gardner,” “Michael Brickman,” “Brickman,” “Keith Gilkes,” “Gilkes,” “Steven Biskupic,” “Biskupic,” “Bruce Landgraf,” “Landgraf,” “Fran McLaughlin,” “McLaughlin,” “Jim Villa,” “Villa,” “Kelly Rindfleisch,” “Rindfleisch.”

2. Any and all documents and correspondence to or from your office from January 1, 2010 to present, including electronic correspondence, between your office and the Milwaukee County District Attorney's Office, that contains any or all of the following terms – “Cynthia Archer,” “Cindy Archer,” “Archer,” “Tom Nardelli,” “Nardelli,” “Tim Russell,” “Russell,” “Darlene Wink,” “Wink,” “John Doe,” “Doe,” “William Gardner,” “Gardner,” “Michael Brickman,” “Brickman,” “Keith Gilkes,” “Gilkes,” “Steven Biskupic,” “Biskupic,” “Bruce Landgraf,” “Landgraf,” “Fran McLaughlin,” “McLaughlin,” “Jim Villa,” “Villa,” “Kelly Rindfleisch,” “Rindfleisch.”

3. Any and all documents and correspondence to or from your office from January 1, 2010 to present, including electronic correspondence that contains any or all of the following terms – “Cynthia Archer,” “Cindy Archer,” “Archer,” “Tom Nardelli,” “Nardelli,” “Tim Russell,” “Russell,” “Darlene Wink,” “Wink,” “John Doe,” “Doe,” “Milwaukee County District Attorney (DA),” “William Gardner,” “Gardner,” “Michael Brickman,” “Brickman,” “Keith Gilkes,” “Gilkes,” “Steven Biskupic,” “Biskupic,” “Bruce Landgraf,” “Landgraf,” “Fran McLaughlin,” “McLaughlin,” “Jim Villa,” “Villa,” “Kelly Rindfleisch,” “Rindfleisch.”

As you are aware, if you or any members of your staff are conducting state business on personal e-mail addresses in addition to or in lieu of your state-issued email account(s), those e-



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mails constitute a "record" and are pursuant to disclosure under the provisions of Chapter 19, Wisconsin Statutes.¹

Please be aware that the Open Records law defines "record" to include information that is maintained on paper as well as electronically, such as data files and unprinted emails. Wis. Stat. § 19.32(2).

Please also be aware that the Open Records law "shall be construed in every instance with the presumption of complete public access consistent with the conduct of governmental business. The denial of access generally is contrary to the public interest and only in exceptional cases can access be denied." If you deny my request, the law requires you to do so in writing and state what part of the law you believe entitles you to deny my request. Wis. Stat. § 19.35(4)(a).

The Open Records law states that you may charge for "the actual, necessary and direct cost" of locating records, if this exceeds \$50, and for photocopies. The Wisconsin Department of Justice advises that copying fees under the Open Records law will be 15 cents per page. Please advise me before processing this request if the total cost will exceed \$50.

As you know, the law requires you to respond to this request "as soon as practicable and without delay."

In order to expedite this request, responsive documents may be sent via email melissab@wisdems.org or faxed to my attention at (608) 255-8919. Please feel free to contact me via email or at (608) 260-2409 if you require any further information.

Thank you for your prompt attention to this matter.

Sincerely,

Melissa M. Baldauff
Research Director
Democratic Party of Wisconsin

¹ "E-mail conducting government business sent or received on the personal e-mail account of an authority's officer or employee also constitutes a record." Wisconsin Department of Justice, Wisconsin Public Records Law, Wis. Stat. §§ 19.31-19.39, Compliance Outline, Attorney General J.B. Van Hollen, August 2010. *See also* OAG 1-06-09 (December 23, 2009), at 2 (Content determines whether a document is a "record," not medium, format, or location.) and *Schill v. Wisconsin Rapids School District*.