



September 5, 2024

TO: David Baker
David.baker@marathoncountyspotlight.com

RE: Response to public records request sent via email to Clerk Bobbi Birk-LaBarge August 29, 2024, at 12:52: PM CDT.

Dear Mr. Baker:

I received via email your public records request identified above. The response to your request is as follows:

The requested record is enclosed. Although there are reasons for it not to be released, it is also a document of very high public interest on a topic of ongoing concern: specifically, the conduct of Village officials. In addition, the document has already been reported on and summarized in the media. The existing public availability of the information contained in a record weakens any argument for withholding the same information pursuant to the balancing test. *Milwaukee Journal Sentinel v. Wis. Dept. of Admin.*, 2009 WI 79, ¶ 61, 768 N.W.2d 700, 319 Wis. 2d 439.

However, a few employee names have been redacted. None of the redacted names are an individual who holds Village public office as that is defined in Wis. Stat. §§ 19.36(7w) & (7x). Neither are these emergency personnel such as law enforcement. Redaction was thus made for public policy reasons related to Village employees, including the following:

To avoid retaliation and retribution against Village employees, which was, in part, the very subject matter of the requested document; to avoid potential loss of employee morale; to avoid difficulty in attracting quality candidates for public employment; to avoid any chilling of candid assessments that were utilized in making the report; and, most importantly, to avoid any chilling effects on potential future witnesses and complainants. *Kroeplin v. Wis. Dept. of Natural Resources*, 2006 WI App 227, 725 N.W.2d 286, 297 Wis. 2d 254; *Hempel v. City of Baraboo*, 2005 WI 120, 284 Wis. 2d 162, 699 N.W.2d 551.

Denial of a written request is subject to review in an action for mandamus under Wis. Stat. § 19.37(1), or by application to the local district attorney or Attorney General.

Sincerely,

Chris Voll, President & Acting Interim Administrator

Enclosure