

Fuller, Lucas

From: Fuller, Lucas
Sent: Thursday, June 18, 2015 11:24 AM
To: 'Kate Knowlton'
Subject: RE: Open Records Request per Wis. Stat. secs. 19.31-19.39

Ms. Knowlton,

My email was not a denial of the request, it is a request for a subject matter or topic. As you reach out to the Attorney General's Office, Daniel Lennington, Assistant Deputy Attorney General, is the attorney who has spoken with me regarding the limits upon open records requests.

Thank you.

Luke

From: Kate Knowlton [mailto:kate@knowltonlawgroup.com]
Sent: Thursday, June 18, 2015 11:07 AM
To: Fuller, Lucas
Subject: Re: Open Records Request per Wis. Stat. secs. 19.31-19.39

Thank you. The limitations upon which you rely are disjunctive (time OR subject), which I addressed in specifying time.

I understand your response as a denial of my request, and will forward my request to the Office of the Attorney General for review.

On Tue, Jun 16, 2015 at 10:05 AM, Fuller, Lucas <Lucas.Fuller@legis.wisconsin.gov> wrote:

Ms. Knowlton,

Wisconsin courts have held that requests must have reasonable limits when it comes to subject matter as well as time limits. You can find the information in the attached document that is also available on the Attorney General's website. The relevant information is on page 12 of the document (page 18 of the PDF).

Please provide a subject matter for your request.

Thank you.

Luke

From: Kate Knowlton [mailto:kate@knowltonlawgroup.com]
Sent: Monday, June 15, 2015 3:35 PM
To: Fuller, Lucas
Subject: Re: Open Records Request per Wis. Stat. secs. 19.31-19.39

Mr. Fuller:

Thank you for your email.

As you point out, a "reasonable limitation" can correspond to subject matter or time period. I provided a specific and reasonable time period, and refer you back to that: April 1 to May 31, 2015.

Please confirm the logistical arrangements for me to review those records.

Thank you.

On Wed, Jun 10, 2015 at 11:51 AM, Fuller, Lucas <Lucas.Fuller@legis.wisconsin.gov> wrote:

Kathryn L. Knowlton
7219 West Center Street
Wauwatosa, WI 53210

Ms. Knowlton,

We have received your open records request dated June 8, 2015. I believe your request is overly broad and not reasonably specific. Wisconsin Statute 19.35(1) (h) states:

“A request under pars. (a) to (f) is deemed sufficient if it reasonably describes the requested record or the information requested. *However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request.* (Emphasis mine) A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under s. 19.37.”

Please clarify or refine your request to provide a subject matter.

Thank you.

Lucas Fuller

Office of State Senator Leah Vukmir

5th Senate District

From: Kate Knowlton [mailto:kate@knowltonlawgroup.com]
Sent: Monday, June 08, 2015 2:54 PM
To: Sen.Vukmir
Subject: Open Records Request per Wis. Stat. secs. 19.31-19.39

This correspondence is to request access for review of the following records, under the state's Open Records Law (§§19.31-39, Wisconsin Statutes): any and all correspondence sent and/or received, and records created or received, referred to, discussed or otherwise relied upon by Senator Leah Vukmir or her staff, between and including April 1, 2015 to and including May 31, 2015. Per Wisconsin Statutes (§§19.34(2) and 19.35(2)) please respond with the location and times these records will be available for our review.

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 should be "around 15 cents per page and that anything in excess of 25 cents may be suspect." As I am specifically requesting access for review without necessity of printing by you or your office, it is expected that no charge will be required or assessed. 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."

Per Wis. Stat. §19.33, you are the authority with the responsibility of responding as legal custodian of these records for this request. Please let me know if I can clarify or refine this request.

Thank you for your time and consideration. I look forward to your timely response.

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Attorney Kathryn L. Knowlton

Knowlton Law Group, LLC

7219 West Center Street

Wauwatosa, WI 53210

direct: 414-202-2444 / office: 414-375-4880

facsimile: 414-939-8830

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Attorney Kathryn L. Knowlton

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Attorney Kathryn L. Knowlton

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