



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

October 14, 2015

Attorney General Schimel
114 East State Capitol
Madison, WI 53702

Dear AG Schimel,

During yesterday's hearing on Senate Bill 292/Assembly Bill 387, GAB chair Gerald Nichol made the following statement about communications between GAB members and their subordinate Kevin Kennedy:

The reason he talks to me every day is: then I say "That's got to go out to all the members" or "This is what I think, memorialize it in an email to all members and see if you get any response." So, that's good, because that means we're in communication and we know and aware of everything that's going on

As legislators and committee chairs, we are acutely aware of the Wisconsin Open Meetings Law and the concept of a walking quorum. Although not defined in statute, the Wisconsin Legislative Council has defined a "walking quorum" as:

A series of discussions between small numbers of a governmental body's members, with the implied or express agreement to act uniformly in a sufficient number to reach a quorum.

Any investigation into a violation of the Open Meetings Law, and a walking quorum investigation, would be intensely fact-specific. We recognize that fact. GAB chair Nichol's comments raise serious questions as to whether or not the GAB violated the Open Meetings Law and warrant further scrutiny.

We ask that your Division of Open Government investigate these comments to determine if the GAB, intentionally or not, violated the Open Meetings Law and take the appropriate action.

Sincerely,

Van Wanggaard
State Senator

Dean Knudson
State Representative

Devin LeMahieu
State Senator



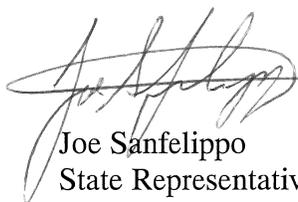
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