

State of Wisconsin\Government Accountability Board

Post Office Box 7984
212 East Washington Avenue, Third Floor
Madison, WI 53707-7984
Voice (608) 266-8005
Fax (608) 267-0500
E-mail: gab@wisconsin.gov
<http://gab.wi.gov>



JUDGE THOMAS H. BARLAND
Chair

KEVIN J. KENNEDY
Director and General Counsel

February 3, 2014

Sent by Email

The Honorable J.B. Van Hollen, Attorney General
Wisconsin Department of Justice
State Capitol, Room 114 East
Madison, Wisconsin

Opinion Request: Access to Investigative Records of the Government Accountability Board

Dear Attorney General Van Hollen:

I write on behalf of the Government Accountability Board (hereinafter G.A.B.) to ask your formal opinion on access to investigative records of the G.A.B. Our agency is working with the Legislative Audit Bureau (LAB) to facilitate a complete audit of agency operations directed by the Joint Legislative Audit Committee. An issue has arisen regarding access to investigative records of the G.A.B.

The LAB requests access to any and all confidential records it deems pertinent to enable it to perform its responsibility to conduct a comprehensive audit in an independent, objective and thorough manner. The Board and its staff fully support the objective; however the Legislature has imposed criminal sanctions for the unauthorized disclosure of information or release of any record related to an investigation of the Board or subsequent prosecution unless specifically authorized by law. Wis. Stat. §12.13 (5).

On behalf of the Board, I am asking for guidance on how the agency can fully cooperate with the LAB, while protecting its employees and others from potential criminal or civil liability. We have discussed this issue with your staff. In our discussions, we have concluded that a formal opinion would provide the G.A.B. with the most reliable direction.

The G.A.B. has provided your staff with correspondence between the G.A.B. and the LAB on this issue that describes the positions of the two agencies. I have attached a copy of the correspondence along with this request.

Thank you for your consideration of our request.

Government Accountability Board

A handwritten signature in black ink that reads "Kevin J. Kennedy".

Kevin J. Kennedy
Director and General Counsel

C: Government Accountability Board Members
Joe Chrisman, State Auditor

Attachments (2)