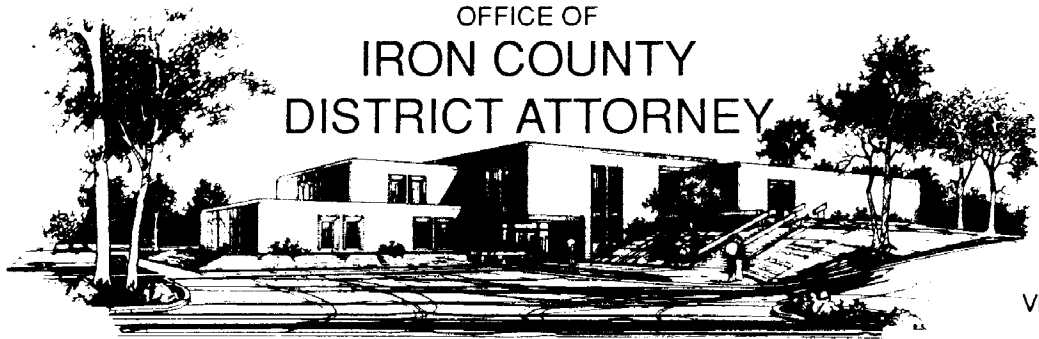


APR 14 2008

OFFICE OF  
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DISTRICT ATTORNEY



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April 14, 2008

AAG Alan M. Lee  
Office of the Attorney General  
WI Dept. of Justice  
Post Office Box 7857  
Madison, WI 53707-7857

Dear AAG Lee:

It has come to the attention of the Iron County Board that they have been allowing the current Sheriff to retain one-half of the service fees which amounts to approximately \$7,000 a year. They realize that this is in violation of Section 59.22(1)(a)2 of the Wisconsin Statutes which does not allow the Sheriff to retain fees.

This particular incident occurred as a part of negotiations with the prior Iron County Board and Corporation Counsel in the late 90's and it is our understanding that the Sheriff was allowed, albeit not statutorily allowed, since 1989. The Sheriff then continued to collect one-half of those fees and provided them to the Iron County Treasurer. In the early 2000's, the auditors, seeing such payments, recommended that those payments attach as a part of the Sheriff's salary, leading to a post salary of approximately \$53,000 (plus or minus) of an actual salary of approximately \$60,000 (plus or minus).

The Sheriff had accepted this arrangement as a part of the negotiations in the 90's, in lieu of salary increases and apparently negotiated in good faith to accept those in lieu of a salary increase.


Now that it has been brought to the Iron County Board's attention that these fees are inappropriate, the County Board has voted to disallow the Sheriff to retain one-half of the fees.

The issue now becomes one of the Sheriff's salary. What if any actions can be taken to allow the Sheriff to accept negotiated salary, or can no changes be made during his term of office?

Secondly, there are some people that are concerned about the issue as to whether it is the Sheriff's responsibility to repay these fees in light of the Statutes.

The Iron County Board would appreciate any direction you can give them on both of those issues.

Sincerely,



Martin J. Lipske  
Iron County District Attorney

MJL/nlr

PC: Dennis DeRosso, Chairman  
Iron County Board of Supervisors