



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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October 18, 2017

Colleen Henry
WISN-TV
chenry@hearst.com

Dear Ms. Henry:

This is in response to your correspondence, received on October 16, 2017, in which you requested "copies of any communication, audio, video, digital or otherwise, between the DOJ and any District Attorney or Assistant District Attorney in Milwaukee, Waukesha, Ozaukee, Washington, Kenosha and Racine Counties related to turnaround times/delays in getting results of Blood Alcohol tests for felony DUI cases." Department of Justice (DOJ) Director of Communications and Public Affairs Johnny Koremenos asked if you had a timeframe for your request and if you had specific names of individuals to search since district attorney emails are not separated by county. You amended your request by asking for records since January 1, 2017 and asked that DOJ search "all '@da.wi.gov' emails with key words 'BAC' or 'Blood Alcohol.'" DOJ construes your correspondence as a public records request pursuant to the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39.

A search based on your criteria resulted in approximately 1,446 emails that would require review to identify any possible redactions prior to release. While we appreciate your effort to narrow the request, we must deny your request as insufficient pursuant to Wis. Stat. § 19.35(1)(h). This request is excessively burdensome and not reasonably limited as to subject matter and time. The public records law does not impose such heavy burdens on a record custodian that normal functioning of the office would be severely impaired, and does not require expenditure of excessive amounts of time and resources to respond to a public records request. *Schopper v. Gehring*, 210 Wis. 2d 208, 213, 565 N.W.2d 187 (Ct. App. 1997); *State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶ 17, 306 Wis. 2d 247, 742 N.W.2d 530. If you wish to narrow your request by providing specific individuals, a different timeframe, or a subject matter or key words, you may do so at any time.

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Pursuant to Wis. Stat. § 19.35(4)(b), this determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "P.M. Ferguson", with a long horizontal flourish extending to the right.

Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:pjm