

FILED
02-19-2024
CIRCUIT COURT
DANE COUNTY, WI
2022CV001583

DATE SIGNED: February 19, 2024

Electronically signed by Jacob B. Frost
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT
Branch 9

DANE COUNTY

AMERICAN OVERSIGHT,

Plaintiff,

v.

OFFICE OF SPECIAL COUNSEL,

Defendant.

Case No. 22CV1583

30701 Declaratory Judgment

30952 Petition for Writ of Mandamus

FINAL JUDGMENT AND ORDER FOR DISMISSAL

UPON REVIEW of the parties' Stipulation for Judgment and Order for Dismissal, filed on February 16, 2024, and based on the pleadings, rulings, and all other filings herein, IT IS HEREBY ADJUDGED AND ORDERED as follows:

1. The Public Records Retention Law, Wis. Stat. § 16.61, incorporates an implied private right of action by which parties with an interest in seeking public records pursuant to the Open Records Law, Wis. Stat. § 19.31 *et seq.*, can seek judicial review of an authority's compliance with the Public Records Retention Law.
2. Because the OSC was created by the Wisconsin State Assembly and is funded by the Wisconsin State Assembly, it is a state agency under Wis. Stat. § 16.61(2)(d).

3. Because the OSC is a specialized administrative unit appointed by the Wisconsin State Assembly, it is a bureau of state government under Wis. Stat. § 16.61(2)(d).
4. The Special Counsel is an officer under Wis. Stat. § 16.61(2)(b), (d).
5. The OSC is subject to the Public Records Retention Law. Its status as a state agency under Wis. Stat. § 16.61(2)(d) and its status as a bureau of state government under Wis. Stat. § 16.61(2)(d) are each independently sufficient to subject the OSC to the Public Records Retention Law.
6. The OSC previously violated the Public Records Retention Law by destroying records without following the procedures required under the Public Records Retention Law.
7. Pursuant to the parties' stipulation and Wis. Stat. § 805.04(1), this case is hereby dismissed in its entirety, upon the merits, with prejudice and without costs to any of the parties, except as expressly agreed between the parties.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL.