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May 25, 2022

GODFREY & KAHN, S.C.
c/o: James A. Friedman
Brian C. Spahn
414-287-9314
Bspahn@gklaw.com

Re: Allegedly Outstanding Open Records
Requests from the Milwaukee Journal Sentinel

Dear Mr. Friedman and Mr. Spahn,

We have received a letter dated May 19, 2022, on behalf of the Milwaukee Journal Sentinel (“**Journal Sentinel**”) and reporter Patrick Marley, detailing certain records requests to the Office of the Special Counsel (“**OSC**”) that you believe have not been responded to or fulfilled to the Journal Sentinel’s satisfaction (“**May 19 Letter**”). We respond as follows.

I. Requests Received

A. Public Records Requests

The various Journal Sentinel requests are listed below¹:

1. September 2–3, 2021 open records request for any contracts or subcontracts with any person or entity regarding Justice Gableman’s review of the 2020 election.
2. September 14, 2021 open records request for copies of any contracts or subcontracts between September 2, 2021 and September 14, 2021 with any person or entity regarding Justice Gableman’s review of the 2020 election.
3. September 21, 2021 open records request for documents showing who has been hired, resume and/or CVs for all staff and/or contractors, the cell phone call log

¹Subsequently herein, each of these requests will be referred to as “Request” followed by only the *subsection* number corresponding to the request (e.g., the request described in Part I.A.1 will be designated “Request 1,” and so on).

for Justice Gableman from July 1, 2021 to September 21, 2021, paper and electronic calendars for Justice Gableman from July 1, 2021 to September 21, 2021, various email and/or text communications, a press distribution list, computer security protocols, transcripts of witness interviews since July 1, 2021, and audio and/or video recordings of witness interviews since July 1, 2021.

4. September 21, 2021 open records request for the complete, unedited footage that was shot for the video posted September 20, 2021 on the OSC's YouTube page.
5. September 28, 2021 open records request for copies of any contracts or subcontracts between September 14, 2021 and September 28, 2021 with any person or entity regarding Justice Gableman's review of the 2020 election.
6. October 12, 2021 open records request for copies of all records requested by American Oversight since May 1, 2021, but not provided to American Oversight.
7. October 25, 2021 open records request for documents from September 28, 2021 to October 25, 2021 showing who has been hired, resumes and/or CVs for all staff members and/or contractors, the cell phone call log for Justice Gableman, paper and electronic calendars for Justice Gableman, various email and/or text communications, a press distribution list, computer security protocols, transcripts of witness interviews, and audio and/or video recordings of witness interviews.
8. October 27, 2021 open records request for all records showing the identity of "Carol M.", the resume and/or CV for "Carol M."; all emails sent to, sent from, or copied to the address 3@wispecialcounsel.org since the email account was created, all records showing the job description for "Carol M.", and all records showing the hire date and pay rate for "Carol M."
9. November 9, 2021 open records request for all communications between Gableman and Ron Heuer from July 1, 2021 to November 9, 2021.
10. December 7, 2021 open records request for all communications from attorney Jeffrey Mandell from November 21, 2021 referring to sanctions.
11. December 17, 2021 open records request for all communications between any and all employees and/or contractors and Phill Kline and/or Phil Waldron since June 1, 2021.
12. January 3, 2022 open records request for a copy of Carol Matheis' resignation letter.
13. February 7, 2022 open records request for the following documents since the time Gableman began performing work for the state Assembly: call logs showing all calls to and from cell phones used by Gableman and cell phones used by any

staff, all paper and electronic calendars for Gableman, and various email and/or text communications; and the following documents since September 28, 2021: various email and/or text communications, the computer security protocols for the OSC, transcripts of witness interviews, audio and/or video recordings of witness interviews, and all submissions to wifraud.com.

14. March 10, 2022 open records request for the following documents since the time Gableman began performing work for the state Assembly: call logs showing all calls to and from cell phones used by Gableman and cell phones used by any staff, all paper and electronic calendars for Gableman, all reports prepared for or by John Ker, various communications, the computer security protocols for the OSC, transcripts of witness interviews, audio and/or video recordings of witness interviews, and all submissions to wifraud.com.

B. Additional Correspondence from Journal Sentinel

Additionally, the OSC has received the following letters in relation to certain of the above-listed requests:

1. A letter dated December 22, 2021 (“**December 22 Letter**”), alleging various deficiencies.
2. A letter dated April 4, 2022 (“**April 4 Letter**”), renewing and asking the OSC to reconsider various requests, including Request 1 (September 2–3, 2021), Request 2 (September 14, 2021), Request 3 (September 21, 2021), Request 4 (September 21, 2021), Request 5 (September 28, 2021), Request 6 (October 12, 2021), Request 7 (October 25, 2021), Request 8 (October 27, 2021), and Request 14 (March 10, 2022).

II. OSC Response to the April 4th Letter

In the OSC’s Response to the April 4 Letter, the OSC produced various responsive documents to all but two of the outstanding requests noted in that letter. The OSC produced documents to Request 1, 2, 3, 5, 7, 8, and 14. Further, the OSC directed the Journal Sentinel to two different websites to find any and all documents further responsive to its requests including <https://www.wielectionreview.org/> and <https://www.documentcloud.org/documents/21398319-wisconsin-assemblys-office-of-special-counsel> (“**DocumentCloud Link**”), where the whole production of documents to American Oversight can be found. Aside from Request 6, which was denied (Request 6 was referred to as “Renewed Request 6” therein), there were no other responsive documents found to any remaining request (viz., Request 4 (referred to as “Renewed Request 4” therein)).

We note that although Request 6 was, as mentioned, denied in the OSC response, the OSC has since produced all records requested by American Oversight. *See infra* Part III.F.

In responding to the April 4 Letter, the OSC searched any and all locations where documents could be found, including, but not limited to, all filing cabinets, desks, offices, walls, computers, computer files, email accounts, and deleted folders. The OSC further searched the records produced to American Oversight found on their website (*see* DocumentCloud Link) for records responsive to Journal Sentinel’s request. From that search, the OSC produced any and all responsive documents found to the Journal Sentinel.

Further, the OSC produced all records previously produced to American Oversight.

III. Current Letter

In May 19 Letter, the Journal Sentinel states that “[t]he OSC has not provided satisfactory responses to any of the requests attached.” However, as stated above, the OSC has responded to all of the requests in the April 4 Letter—either by producing documents or stating explicitly that no responsive documents were located—notwithstanding the initial denial of Request 6 (*see infra* Part III.F). Furthermore, the OSC has also responded to the other requests listed in the present letter. In an effort to conform with the OSC’s stated commitment to provide the greatest transparency, the OSC now responds to all requests, outstanding or not.

- A.** Any and all documents responsive to Request 1 have been produced.²
- B.** Any and all documents responsive to Request 2 have been produced.
- C.** For Request 3, please find attached any computer security protocols requested. Otherwise, any and all responsive documents have been produced.
- D.** No documents responsive to Request 4 have been found.
- E.** Any and all documents responsive to Request 5 have been produced.
- F.** For Request 6, when this request was first made, the OSC had still denied certain public records requests made by American Oversight. Now, however, no records have been withheld from American Oversight, and all records produced to American Oversight are available at the DocumentCloud Link. As such, no documents have been withheld, and the OSC has no additional documents responsive to this request.
- G.** For Request 7, please find attached any computer security protocols requested. Otherwise, any and all responsive documents have been produced.
- H.** Any and all documents responsive to Request 8 have been produced.

²“Produced” includes both documents delivered directly to you and documents made publicly available via the websites listed above.

- I. Any and all documents responsive to Request 9 have been produced.
- J. Any and all documents responsive to Request 10 have been produced.
- K. Any and all documents responsive to Request 11 have been produced.
- L. No documents responsive to Request 12 have been found.
- M. For Request 13, please find attached any computer security protocols requested and all submissions to wifraud.com. Otherwise, any and all responsive documents have been produced.
- N. For Request 14, please find attached any computer security protocols requested and all submissions to wifraud.com. Otherwise, any and all responsive documents have been produced.
- O. For December 22 Letter, any and all responsive documents have been produced.
- P. For April 4 Letter, any and all responsive documents have been produced.

As such, for all requests that Journal Sentinel has issued to the OSC, any and all responsive documents have been produced. For requests where no responsive documents have been produced, no responsive records were found.

Further, every document that the OSC has used in its investigation can be found on its website at <https://www.wielectionreview.org/>. Again, the whole production of documents to American Oversight can be found at <https://www.documentcloud.org/documents/21398319-wisconsin-assemblys-office-of-special-counsel>.

IV. Additional Production

In addition, in an effort to continue promoting full transparency, the OSC will be voluntarily mailing you a flash drive containing documents received from various cities in Wisconsin. The OSC notes that many of the documents were not able to be opened, used, and/or were indecipherable. The OSC originally retained DownStream to put the documents into a coherent form. However, DownStream was unable to do so. The OSC has now received these documents back and produces them on its own volition. The documents have been copied on to the Flash Drive in their original form.

Sincerely,

Special Counsel Michael Gableman