

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_JCR-AR_Misc_pt29b_SofC
- Record of Comm. Proceedings ... RCP
-

1997 Service of complaints —

MEMORANDUM

To: Members, JCRAR
From: Senator Richard Grobschmidt, Co-Chairman
Representative Glenn Grothman, Co-Chairman
Date: April 25, 1997
Re: Service of Lawsuit

Pursuant to s. 227.40(5), Stats, the Joint Committee for Review of Administrative Rules has been served with notice in the matter of *Allen Person v. John Husz, Chairperson, Arely Gonnering, Member, Wisconsin Parole Commission*. A copy of the lawsuit is attached for your review.

Subchapter III of Chapter 227, Stats, establishes an action for declaratory judgment in the circuit court for Dane County to be the primary means for judicial review in a dispute concerning the validity of an administrative rule. Subject to the approval of the Joint Committee on Legislative Organization, the Joint Committee for Review of Administrative Rules may choose to be made a party to the suit, and thereby be entitled to be heard.

If you are interested in a further pursuit of the rights of the JCRAR under this suit, please forward your request in writing to the offices of the co-chairmen of the committee.

MAR 26 1997

STATE OF WISCONSIN

CIRCUIT COURT

WAUSHARA COUNTY

FILED

ALLEN PERSON
Box 147, Unit 3
Fox Lake, WI 53933,

MAR 18 1997

Plaintiff,

-v-

CIRCUIT COURT
WAUSHARA CO., WIS Case No. 97CV-42

JOHN HUSZ, CHAIRPERSON,
ARELY GONNERING, MEMBER,
WISCONSIN PAROLE COMMISSION,
149 E. Wilson St.
Madison, WI 53707,

Other extraordinary writ 30707
Declaratory judgment 30701

Defendants,

SUMMONS (COMPLAINT ATTACHED)

THE STATE OF WISCONSIN TO: each person named above as defendants:
you are hereby notified that the plaintiff named above has
filed a lawsuit or other legal action against you. The complaint,
which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must
respond with a written answer, as that term is used in chapter
802 of the Wisconsin Statutes, to the complaint. The court may
reject or disregard an answer that does not follow the require-
ments of the statutes. The answer must be sent or delivered to
the court, whose address is Box 508, Wautoma, WI, 54982-0508,
and to plaintiff, Allen Person, whose address is Box 147, Unit 3
Fox Lake, WI 53933. You may have an attorney help or represent
you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 3RD day of MARCH, 1997.

Allen Person
Allen Person
Box 147, Unit 3
Fox Lake, WI 53933

ALLEN PERSON,
Box 147, Unit 3
Fox Lake, WI 53933,

FILED

Plaintiff,

MAR 18 1997

-v-

CIRCUIT COURT
WAUSHARA CO., WIS

Case No.

97CV-42

JOHN HUSZ, CHAIRPERSON,
ARELY GONNERING, MEMBER,
WISCONSIN PAROLE COMMISSION,
149 E. Wilson ST.
Madison, WI 53707,

Other extraordinary writ 30707
Declaratory judgment 30701

Defendant.

CIVIL COMPLAINT

Nature of the action

1. This is an action for common law certiorari review of a denial of a request for parole made by the above named defendants and an action for declaratory judgment under sec. 227.40, Wis. Stats., to determine whether PAC 1.06(7)(b) is contrary to sec. 301.001, Wis. Stats.

Parties

2. Plaintiff Allen Person is serving a twenty-five year sentence housed in Fox Lake Correctional Institution.

3. John Husz is the chairperson of the Wisconsin Parole Commission and as such is the final administrative authority empowered to grant parole under sec. 304.06(1), Wis. Stats.

4. Arely Gonnering is a parole commission member who held a hearing to consider plaintiff Person's request for parole and subsequently recommended a denial of parole.

5. The Wisconsin Parole Commission is the administrative agency whose rule is being challenged via declaratory judgment in this action.

Facts

6. On February 7, 1989, plaintiff Allen Person was convicted of armed robbery, armed burglary, intimidation of a victim/witness, and conspiracy to commit armed robbery and sentenced to a total of twenty-five years.

7. On October 25, 1996, Person submitted his parole planning information sheet to his social worker for consideration by the parole commission after being notified that he would be appearing before the parole commission in January, 1997.

8. On January 23, 1997, Person appeared before parole commission member Arely Gonnering to request parole where he was informed that Gonnering would be recommending a 24 month defer.

9. On January 29, 1997, Person sent a letter of appeal to parole commission chairman John Husz specifically contesting the use or application of the sufficient time for punishment rule used by Ms. Gonnering because it is contrary to law.

10. On February 19, 1997, Person received written decisions from commission member Gonnering and Chairperson Husz deferring plaintiff's parole eligibility for another 24 months.

11. The reasons given by defendants were that plaintiff had not served enough time for punishment and that he posed an unreasonable risk to the public.

12. Gonnering provided no factual basis to support her finding that Person's release would constitute an unreasonable risk to the public.

13. There were no objections to plaintiff's parole by the sentencing judge, Hon. Robert Curtain, the district attorney, the victim or her family and no known community opposition to plaintiff's release.

14. There are numerous letters in plaintiff's file written to Huz by family members, clergy, community leaders, and legal professionals supporting Person's release.

Statement of Claim

15. The decisions of defendants were arbitrary and capricious and not supported by substantial evidence in the record regarding the finding that plaintiff posed an unreasonable risk to the public and that plaintiff had not served sufficient time for punishment.

16. The decisions of defendants were contrary to law regarding the finding that plaintiff had not served sufficient time for punishment under PAC 1.06(7)(b) because the legislative purpose of the department of corrections as codified in sec. 301.001, Wis. Stats., does not permit incarceration based on punishment.

Relief Requested

17. Plaintiff prays that this court will declare PAC 1.06(7)(b) to be contrary to sec. 301.001, Wis. Stats., and to issue an order proscribing defendants from using said rule against plaintiff in any future parole hearing.

18. Plaintiff requests that upon review of the record of proceedings at plaintiff's January 1997 parole hearing the court will reverse the decision of defendants and remand this action for a new parole hearing absent the errors identified in this complaint.

19. Any other relief the court deems proper.

Dated this 3 day of March, 1997.

Respectfully submitted,

Allen Person

Allen Person
Box 147, Unit 3
Fox Lake, WI 53933

I, Allen Person, being duly sworn on oath, affirm that the facts contained in the foregoing civil complaint are true and correct to the best of my knowledge and belief.

Allen Person

Allen Person

Subscribed and sworn to before me
this 3rd day of March, 1997.

P. Trochinski
Notary Public

My commission expires: 8-20-2000

ALLEN PERSON,
Box 147, Unit 3
Fox Lake, WI 53933,

Plaintiff,

FILED

-v-

Case No. 97CV-42

JOHN HUSZ, CHAIRPERSON,
ARELY GONNERING, MEMBER,
WISCONSIN PAROLE COMMISSION,
149 E Wilson, ST.
Madison, WI 53707

MAR 18 1997

CIRCUIT COURT
WAUSHARA CO., WIS.

Other extraordinary writ 30707
Declaratory judgment 30701

Defendants.

ORDER TO PRODUCE RECORD

To: JOHN HUSZ, CHAIRPERSON,
ARELY GONNERING, MEMBER,
WISCONSIN PAROLE COMMISSION,
149 E. Wilson St.
Madison, WI 53707

WHEREAS the above named plaintiff, Allen Person, has represented to this court in his verified complaint that the January 1997 parole hearing held by defendants was arbitrary and capricious, not supported by substantial evidence in the record and contrary to law;

IT IS HEREBY ORDERED THAT defendants Husz and Gonnering shall cause the tape recording of plaintiff's January 1977 parole hearing to be transcribed within thirty (30) days of the date this order is served upon you:

IT IS FURTHER ORDERED THAT defendants Husz and Gonnering shall prepare a complete record of all evidence relied upon or considered at the January 1997 parole hearing of plaintiff and shall forward copies of this record along with copies of the transcript to this court whose address is Box 508, Wautoma, WI 54982-0508 and to plaintiff Allen Person whose address is Box 147, Unit 3, Fox Lake, WI 53933, within thirty (30) days of the date this order is served upon you.

Dated: March 18, 1997

BY THE COURT:

/S/ LEWIS MURACH

CIRCUIT COURT JUDGE

ALLEN PERSON,

Plaintiff,

-v-

JOHN HUSZ, ET AL.,

Defendants,

FILED

MAR 13 1997

Case No.

97CV-42

CIRCUIT COURT
WAUSHARA CO., WIS.

MOTION TO WAIVE COSTS AND FEES

COMES NOW the above named plaintiff, Allen Person, and moves the court pursuant to sec. 814.29, Wis. Stats., to waive the filing and service fees in this action. In support of this motion, plaintiff submits his affidavit of indigency.

Dated this 3RD day of March, 1997.

Respectfully submitted,

Allen Person
Allen Person
Box 147, Unit 3
Fox Lake, WI 53933

ALLEN PERSON,

Plaintiff,

FILED

-v-

MAR 18 1997

Case No. 97CV42

JOHN HUSZ, ET AL.,

Defendants,

CIRCUIT COURT
WAUSHARA CO., WIS

AFFIDAVIT OF INDIGENCY

STATE OF WISCONSIN)
(SS
COUNTY OF WAUSHARA)

I, Allen Person, being duly sworn on oath depose and say that:

1. I am the plaintiff in the above action who is currently serving a twenty-five year sentence and is housed in Fox Lake Correctional Institution:

2. I believe that I am entitled to the relief I am seeking:

3. I make \$1.00 per hour in prison wages:

4. I have less than \$100.00 in my prison account:

5. Of my prison wages I send my wife \$50.00 every month and on occasion pay some of her bills to ease her financial burden:

6. I do not own and stocks, bonds, securities, real estate, automobiles, or other valuable property except for a mandatory release account containing \$500.00 which I will not have access to until I am released from prison:

7. Because of my poverty, I am unable to pay the filing and service fees in this action or to give security for costs.

Dated this 3 day of March, 1997.

Allen Person
Allen Person
Box 147, Unit 3
Fox Lake, WI 53933

Subscribed and sworn to before me
this 3rd day of March, 1997.

P. J. Tschinski
Notary Public

My commission expires: 8-20-2000

SERVED ~~PERSONAL~~ SUBSTITUTE AT 8:31A M
THIS 26 DAY OF MARCH 19 97
AT THE CITY OF MADISON
RICHARD E. DEAN
BY Richard E. Dean
Deputy Sheriff

MEMORANDUM

To: Members, JCRAR
From: Senator Richard Grobschmidt, Co-Chairman
Representative Glenn Grothman, Co-Chairman
Date: April 25, 1997
Re: Service of Lawsuit

Pursuant to s. 227.40(5), Stats, the Joint Committee for Review of Administrative Rules has been served with notice in the matter of *Richard Seider and Jean Seider v. Josephine W. Musser, Commissioner of Insurance*. A copy of the lawsuit is attached for your review.

Subchapter III of Chapter 227, Stats, establishes an action for declaratory judgment in the circuit court for Dane County to be the primary means for judicial review in a dispute concerning the validity of an administrative rule. Subject to the approval of the Joint Committee on Legislative Organization, the Joint Committee for Review of Administrative Rules may choose to be made a party to the suit, and thereby be entitled to be heard.

If you are interested in a further pursuit of the rights of the JCRAR under this suit, please forward your request in writing to the offices of the co-chairmen of the committee.

2 copies
stapled

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

RICHARD SEIDER and
JEAN SEIDER
9225 Rissman Lane
Kiel, WI 53042

Plaintiffs,

97CV1061

vs.

JOSEPHINE W. MUSSER, COMMISSIONER OF INSURANCE,
121 East Wilson Street
P.O. Box 7873
Madison, WI 53707-7873

Defendant.

State of Wisconsin
County of Dane
I hereby certify this is a true
copy of the original Summons
and Complaint, filed in my office
Attest: 
Clerk of Courts
by Deputy Clerk

SUMMONS

Case Classification Code No. 30701

THE STATE OF WISCONSIN TO SAID DEFENDANT AS NAMED ABOVE:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes.

The Answer must be sent or delivered to the Court, whose address is:

Clerk of Court
Dane County Courthouse
202 City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI 53709

and to,

Derek McDermott
Attorney at Law
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Plaintiffs' attorney.

You may have an attorney help you or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 15th day of April, 1997.

LUTZ, BURNETT, McDERMOTT, JAHN & KING
Attorneys for Plaintiffs

BY:



DEREK McDERMOTT
A Member of the Firm
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Telephone No. (414) 849-9323

State Bar I.D. No. 1018386

RICHARD SEIDER and
JEAN SEIDER
9225 Rissman Lane
Kiel, WI 53042

Plaintiffs,

vs.

97CV1061

JOSEPHINE W. MUSSER, COMMISSIONER OF INSURANCE,
121 East Wilson Street
P.O. Box 7873
Madison, WI 53707-7873

Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT

Case Classification Code No. 30701

Now come the above named Plaintiffs, Richard Seider and Jean Seider, by their attorneys, Lutz, Burnett, McDermott, Jahn & King, and as and for a Complaint against the Defendant, Josephine W. Musser, Commissioner of Insurance, allege and show to the Court as follows:

1. The Plaintiffs bring this cause of action pursuant to secs. 227.40 and 806.04, Wis. Stats.
2. The Plaintiffs are, and at all times mentioned in this Complaint, residents of Manitowoc County, State of Wisconsin.

DANE COUNTY, WI

APR 10 10 30 AM '97

CIRCUIT COURT

3. The Defendant, in its capacity as Commissioner of Insurance for the State of Wisconsin, has promulgated the following administrative rule:

INS 4.01 Interpretation and implementation of s. 632.05(2), Stats., Total loss

(1) SCOPE. Section 632.05, Stats., and this section apply to policies issued or renewed on or after November 29, 1979, which insure real property owned and occupied by the insured as a dwelling.

(2) INTERPRETATIONS. (a) Seasonal dwellings. A dwelling used seasonally shall be considered as owned and occupied by the insured if it is not rented to a non-owner for any period of time.

(b) Outbuildings. Outbuildings insured under the same policy as an owner-occupied dwelling are not subject to s. 632.05(2), Stats.

(c) Mobile homes. Mobile homes as defined in s. 66.058(1)(d), Stats., shall not be considered real property and shall not be subject to the requirements of s. 632.05(2), Stats.

(d) Multifamily units. A policy insuring multiple unit residential property, with at least one unit occupied by the owner shall be subject to s. 632.05(2), Stats., if there are no more than 4 dwelling units on the property.

(e) **Combined commercial and residential properties. A policy insuring real property any part of which is used for commercial (non-dwelling) purposes other than on an incidental basis is not subject to s. 632.05(2), Stats.**

(g) Property under construction. Section 632.05(2), Stats., shall not apply to a policy which insures real property under construction unless the property is completed and is occupied by the owner as a dwelling.

(h) Operation of building laws. Real property owned and occupied by the insured which is partially destroyed but ordered destroyed under a fire ordinance or similar law shall be considered wholly destroyed for purposes of s. 632.05(2), Stats.

Wis. Adm. Code sec. INS 4.01 (emphasis added).

4. Section 632.05(2), Wis. Stats., states as follows:

(2) TOTAL LOSS. Whenever any policy insures real property which is owned and occupied by the insured as a dwelling and the property is wholly destroyed, without criminal fault on the part of the insured or the insured's assigns, the amount of the loss shall be taken conclusively to be the policy limits of the policy insuring the property.

Wis. Stat. sec. 632.05(2) (1995-96).

5. The application of the above cited INS 4.01(2)(e) interferes with and impairs the legal rights and privileges of the Plaintiffs in that it denies them the benefit of sec. 632.05(2), Wis. Stats., as demonstrated by the following:

- (a) On November 28, 1995, the Plaintiffs were the owners of a building and real estate located at 22124 Town Line Road, Kiel, Wisconsin. The Plaintiffs used said building to conduct their restaurant business, Steintal Valley Lodge, and also occupied the building as their dwelling.
- (b) On November 28, 1995, said building was wholly destroyed by fire without criminal fault on the part of the Plaintiffs.
- (c) At the time of the fire, the Plaintiffs' were insured under a policy of insurance issued by Wilson Mutual Insurance Company in the amount of \$150,000.00. Said policy insured the Plaintiffs against loss by fire to the building and real estate described above.
- (d) Based on sec. 632.05(2), Wis. Stats., the Plaintiffs filed a claim with Wilson Mutual Insurance Company in the amount of \$150,000.00.
- (e) Wilson Mutual Insurance Company refused to pay the policy limits of \$150,000.00 to the Plaintiffs, but instead paid the Plaintiffs \$129,053.39 (actual cash value of building) asserting that said amount was all it was obligated to pay the Plaintiffs under the policy. Wilson Mutual Insurance Company relies on INS 4.01(2)(e) in support of its position that it does not have to pay the policy limits to the Plaintiffs.
- (f) The Plaintiffs have filed suit against Wilson Mutual Insurance Company in Manitowoc County seeking recovery of the balance of the policy limits (Case No. 96-CV-250). Pursuant to the requirements of sec. 227, Wis. Stats., the trial court has stayed the proceedings pending the conclusion of the Plaintiffs' anticipated challenge to the regulations of the Commissioner of Insurance interpreting Wisconsin's valued policy law (Scheduling Order dated February 12, 1997).

6. Under sec. 632.05(2), Wis. Stats., the Plaintiffs are entitled to the policy limits of \$150,000.00. The application of INS 4.01(2)(e) denies the Plaintiffs the benefit of sec. 632.05(2), Wis. Stats.

7. By promulgating INS 4.01(2)(e), the Commissioner of Insurance exceeded its statutory authority in that there is no express or implied authorization for excluding owner-occupants from the benefit of sec. 632.05(2), Wis. Stats., on the basis that the owner-occupant's dwelling is used in part for commercial purposes.

8. That the trial court should apply a de novo standard of review pursuant to DeBeck v. Department of Natural Resources, 172 Wis. 2d 382, 493 N.W.2d 234 (1992).

WHEREFORE, the Plaintiffs request that the Court declare INS 4.01(2)(e) invalid and also award costs and disbursements to the Plaintiffs and any other relief as the Court deems just and appropriate under the circumstances.

Dated this 15th day of April, 1997.

LUTZ, BURNETT, McDERMOTT, JAHN & KING
Attorneys for Plaintiff

BY:



DEREK McDERMOTT
A Member of the Firm
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Telephone No. (414) 849-9323

State Bar I.D. No. 1018386

SERVED ~~PERSONAL~~ SUBSTITUTE AT 8:39 A M
THIS 25 DAY OF APRIL 19 97
AT THE CITY OF MADISON
RICHARD F. RAEMISCH
BY *Richard F. Raemisch* Deputy Sheriff

MEMORANDUM

To: Members, JCRAR
From: Senator Richard Grobschmidt, Co-Chairman
Representative Glenn Grothman, Co-Chairman
Date: April 25, 1997
Re: Service of Lawsuit

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JEAN SEIDER
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Plaintiffs,

97CV1061

vs.

JOSEPHINE W. MUSSER, COMMISSIONER OF INSURANCE,
121 East Wilson Street
P.O. Box 7873
Madison, WI 53707-7873

Defendant.

State of Wisconsin
County of Dane
I hereby certify this is a true
copy of the original Summons
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Attest: 
Clerk of Courts
by Deputy Clerk

SUMMONS

Case Classification Code No. 30701

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210 Martin Luther King Jr. Blvd.
Madison, WI 53709

and to,

Derek McDermott
Attorney at Law
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Plaintiffs' attorney.

You may have an attorney help you or represent you.

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Dated this 15th day of April, 1997.

LUTZ, BURNETT, McDERMOTT, JAHN & KING
Attorneys for Plaintiffs

BY:



DEREK McDERMOTT
A Member of the Firm
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Telephone No. (414) 849-9323

State Bar I.D. No. 1018386

RICHARD SEIDER and
JEAN SEIDER
9225 Rissman Lane
Kiel, WI 53042

Plaintiffs,

vs.

97CV1061

JOSEPHINE W. MUSSER, COMMISSIONER OF INSURANCE,
121 East Wilson Street
P.O. Box 7873
Madison, WI 53707-7873

Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT

Case Classification Code No. 30701

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2. The Plaintiffs are, and at all times mentioned in this Complaint, residents of Manitowoc County, State of Wisconsin.

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Wis. Adm. Code sec. INS 4.01 (emphasis added).

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Wis. Stat. sec. 632.05(2) (1995-96).

5. The application of the above cited INS 4.01(2)(e) interferes with and impairs the legal rights and privileges of the Plaintiffs in that it denies them the benefit of sec. 632.05(2), Wis. Stats., as demonstrated by the following:

- (a) On November 28, 1995, the Plaintiffs were the owners of a building and real estate located at 22124 Town Line Road, Kiel, Wisconsin. The Plaintiffs used said building to conduct their restaurant business, Steintal Valley Lodge, and also occupied the building as their dwelling.
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7. By promulgating INS 4.01(2)(e), the Commissioner of Insurance exceeded its statutory authority in that there is no express or implied authorization for excluding owner-occupants from the benefit of sec. 632.05(2), Wis. Stats., on the basis that the owner-occupant's dwelling is used in part for commercial purposes.

8. That the trial court should apply a de novo standard of review pursuant to DeBeck v. Department of Natural Resources, 172 Wis. 2d 382, 493 N.W.2d 234 (1992).

WHEREFORE, the Plaintiffs request that the Court declare INS 4.01(2)(e) invalid and also award costs and disbursements to the Plaintiffs and any other relief as the Court deems just and appropriate under the circumstances.

Dated this 15th day of April, 1997.

LUTZ, BURNETT, McDERMOTT, JAHN & KING
Attorneys for Plaintiff

BY:



DEREK McDERMOTT
A Member of the Firm
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Telephone No. (414) 849-9323

State Bar I.D. No. 1018386

MEMORANDUM

To: Members, JCRAR
From: Senator Richard Grobschmidt, Co-Chairman
Representative Glenn Grothman, Co-Chairman
Date: April 25, 1997
Re: Service of Lawsuit

Pursuant to s. 227.40(5), Stats, the Joint Committee for Review of Administrative Rules has been served with notice in the matter of *Richard Seider and Jean Seider v. Josephine W. Musser, Commissioner of Insurance*. A copy of the lawsuit is attached for your review.

Subchapter III of Chapter 227, Stats, establishes an action for declaratory judgment in the circuit court for Dane County to be the primary means for judicial review in a dispute concerning the validity of an administrative rule. Subject to the approval of the Joint Committee on Legislative Organization, the Joint Committee for Review of Administrative Rules may choose to be made a party to the suit, and thereby be entitled to be heard.

If you are interested in a further pursuit of the rights of the JCRAR under this suit, please forward your request in writing to the offices of the co-chairmen of the committee.

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

RICHARD SEIDER and
JEAN SEIDER
9225 Rissman Lane
Kiel, WI 53042

Plaintiffs,

97CV1061

vs.

JOSEPHINE W. MUSSER, COMMISSIONER OF INSURANCE,
121 East Wilson Street
P.O. Box 7873
Madison, WI 53707-7873

Defendant.

State of Wisconsin
County of Dane
I hereby certify this is a true
copy of the original Summons
and Complaint, filed in my office
Attest: 
Clerk of Courts
by Deputy Clerk

SUMMONS

Case Classification Code No. 30701

THE STATE OF WISCONSIN TO SAID DEFENDANT AS NAMED ABOVE:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is:

Clerk of Court
Dane County Courthouse
202 City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI 53709

and to,

Derek McDermott
Attorney at Law
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Plaintiffs' attorney.

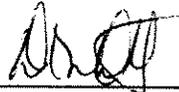
You may have an attorney help you or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 15th day of April, 1997.

LUTZ, BURNETT, McDERMOTT, JAHN & KING
Attorneys for Plaintiffs

BY:



DEREK McDERMOTT
A Member of the Firm
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Telephone No. (414) 849-9323

State Bar I.D. No. 1018386

RICHARD SEIDER and
JEAN SEIDER
9225 Rissman Lane
Kiel, WI 53042

Plaintiffs,

vs.

97CV1061

JOSEPHINE W. MUSSER, COMMISSIONER OF INSURANCE,
121 East Wilson Street
P.O. Box 7873
Madison, WI 53707-7873

Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT

Case Classification Code No. 30701

Now come the above named Plaintiffs, Richard Seider and Jean Seider, by their attorneys, Lutz, Burnett, McDermott, Jahn & King, and as and for a Complaint against the Defendant, Josephine W. Musser, Commissioner of Insurance, allege and show to the Court as follows:

1. The Plaintiffs bring this cause of action pursuant to secs. 227.40 and 806.04, Wis. Stats.
2. The Plaintiffs are, and at all times mentioned in this Complaint, residents of Manitowoc County, State of Wisconsin.

3. The Defendant, in its capacity as Commissioner of Insurance for the State of Wisconsin, has promulgated the following administrative rule:

INS 4.01 Interpretation and implementation of s. 632.05(2), Stats., Total loss

(1) SCOPE. Section 632.05, Stats., and this section apply to policies issued or renewed on or after November 29, 1979, which insure real property owned and occupied by the insured as a dwelling.

(2) INTERPRETATIONS. (a) Seasonal dwellings. A dwelling used seasonally shall be considered as owned and occupied by the insured if it is not rented to a non-owner for any period of time.

(b) Outbuildings. Outbuildings insured under the same policy as an owner-occupied dwelling are not subject to s. 632.05(2), Stats.

(c) Mobile homes. Mobile homes as defined in s. 66.058(1)(d), Stats., shall not be considered real property and shall not be subject to the requirements of s. 632.05(2), Stats.

(d) Multifamily units. A policy insuring multiple unit residential property, with at least one unit occupied by the owner shall be subject to s. 632.05(2), Stats., if there are no more than 4 dwelling units on the property.

(e) Combined commercial and residential properties. A policy insuring real property any part of which is used for commercial (non-dwelling) purposes other than on an incidental basis is not subject to s. 632.05(2), Stats.

(g) Property under construction. Section 632.05(2), Stats., shall not apply to a policy which insures real property under construction unless the property is completed and is occupied by the owner as a dwelling.

(h) Operation of building laws. Real property owned and occupied by the insured which is partially destroyed but ordered destroyed under a fire ordinance or similar law shall be considered wholly destroyed for purposes of s. 632.05(2), Stats.

Wis. Adm. Code sec. INS 4.01 (emphasis added).

4. Section 632.05(2), Wis. Stats., states as follows:

(2) TOTAL LOSS. Whenever any policy insures real property which is owned and occupied by the insured as a dwelling and the property is wholly destroyed, without criminal fault on the part of the insured or the insured's assigns, the amount of the loss shall be taken conclusively to be the policy limits of the policy insuring the property.

Wis. Stat. sec. 632.05(2) (1995-96).

5. The application of the above cited INS 4.01(2)(e) interferes with and impairs the legal rights and privileges of the Plaintiffs in that it denies them the benefit of sec. 632.05(2), Wis. Stats., as demonstrated by the following:

- (a) On November 28, 1995, the Plaintiffs were the owners of a building and real estate located at 22124 Town Line Road, Kiel, Wisconsin. The Plaintiffs used said building to conduct their restaurant business, Steintal Valley Lodge, and also occupied the building as their dwelling.
- (b) On November 28, 1995, said building was wholly destroyed by fire without criminal fault on the part of the Plaintiffs.
- (c) At the time of the fire, the Plaintiffs' were insured under a policy of insurance issued by Wilson Mutual Insurance Company in the amount of \$150,000.00. Said policy insured the Plaintiffs against loss by fire to the building and real estate described above.
- (d) Based on sec. 632.05(2), Wis. Stats., the Plaintiffs filed a claim with Wilson Mutual Insurance Company in the amount of \$150,000.00.
- (e) Wilson Mutual Insurance Company refused to pay the policy limits of \$150,000.00 to the Plaintiffs, but instead paid the Plaintiffs \$129,053.39 (actual cash value of building) asserting that said amount was all it was obligated to pay the Plaintiffs under the policy. Wilson Mutual Insurance Company relies on INS 4.01(2)(e) in support of its position that it does not have to pay the policy limits to the Plaintiffs.
- (f) The Plaintiffs have filed suit against Wilson Mutual Insurance Company in Manitowoc County seeking recovery of the balance of the policy limits (Case No. 96-CV-250). Pursuant to the requirements of sec. 227, Wis. Stats., the trial court has stayed the proceedings pending the conclusion of the Plaintiffs' anticipated challenge to the regulations of the Commissioner of Insurance interpreting Wisconsin's valued policy law (Scheduling Order dated February 12, 1997).

6. Under sec. 632.05(2), Wis. Stats., the Plaintiffs are entitled to the policy limits of \$150,000.00. The application of INS 4.01(2)(e) denies the Plaintiffs the benefit of sec. 632.05(2), Wis. Stats.

7. By promulgating INS 4.01(2)(e), the Commissioner of Insurance exceeded its statutory authority in that there is no express or implied authorization for excluding owner-occupants from the benefit of sec. 632.05(2), Wis. Stats., on the basis that the owner-occupant's dwelling is used in part for commercial purposes.

8. That the trial court should apply a de novo standard of review pursuant to DeBeck v. Department of Natural Resources, 172 Wis. 2d 382, 493 N.W.2d 234 (1992).

WHEREFORE, the Plaintiffs request that the Court declare INS 4.01(2)(e) invalid and also award costs and disbursements to the Plaintiffs and any other relief as the Court deems just and appropriate under the circumstances.

Dated this 15th day of April, 1997.

LUTZ, BURNETT, McDERMOTT, JAHN & KING
Attorneys for Plaintiff

BY:



DEREK McDERMOTT
A Member of the Firm
50 East Main Street
P.O. Box 146
Chilton, WI 53014

Telephone No. (414) 849-9323

State Bar I.D. No. 1018386



Mr. Oskar B. McMillian #42747-A.
Green Bay Correctional Institution
Post Office Box 19033 / G.B.C.I.
Green Bay, Wisconsin 54307-9033

* The Wisconsin Prison System,
In Its All Out Onslaught Of
Prisoner's Minimum Rights Of
Of Self Development And Fair
Treatment Under The Political
Regimen Of Governor Thompson.
Have Been As Arrogant In Their
Presumptions Of Impunity As
The Practitioner's Of Apartheid
Ever Were ... *

MAY 09 1997

May 7, 1997.

Joint Committee For Review
Of Administrative Rules.
Chairman - Dem. Senator Plewa
South, State Capitol, Rm: 310
Post Office Box 7882
Madison, Wisconsin. 53707-7882

John need to respond

Re: Notice And Notice Of Intent Pursuant To Sec. §806.04(11)
Wis. Stats., Of Declaratory Judgment Litigation Promised

Dear Senator Plewa:

I respectfully submit this legal address before your office, in representation of your authority on the Legislative Joint Committee For Review Of Administrative Rules. Herein, it is requested that the enclosed Wisconsin Statute, Article I, Sec. #4 Grievance please be shared with the full Committee in address to Sec. §806.04(11) Wis. Stats., guaranteed litigation via myself et al. In redress to the presently sought violation of prisoner's First Amendment protections by Governor Tommy Thompson's agenda to arbitrarily ban all erotic materials and personal photograph(s) receipt by prisoner's of the State Department of Corrections.

I believe, that the enclosed Grievance contains relevant data that should be considered by the Joint Committee For Review of Administrative Rules, in address to the DOC proposed revisionment of the current allowed receipt of such 1st Amendment protected materials. I myself, have been an active pro se litigator for over 15-years, and have never found a case that allowed a defendant to try and claim that he was moved to committee a sexual crime by looking at erotic materials. For such a defense would get laughed out of Court, as being without an accepted scientific basis.. And I view this most recent move of Governor Thompson, to be nothing more than another political propaganda actuality of the Governor using State prisoner's as a door mat to wipe his political feet on... Hereon, I respectfully request, that I please be allowed receipt of any and all materials submitted before the Rules Committee regarding this latest reality of Just-Us! Thank You, for your attention to this.

OBM/File.
Enclosure.

Respectfully Submitted By;

Oskar B. McMillian
X

Mr. Oskar B. McMillian #42747-A.
Green Bay Correctional Institution
Post Office Box 19033 / G.B.C.I.
Green Bay, Wisconsin 54307-9033

May 2, 1997.

Mr. Michael J. Sullivan, Secretary
State Department of Corrections/DOC.
Post Office Box 7925
Madison, Wisconsin 53707-7925

Re: Oskar B. McMillian, Thomas J. Cox, Casey Fisher, et al
v. Tommy Thompson, Michael J. Sullivan, et al; 42 U.S.C
§ 1983 Administrative Remedies) Exhaustion Exercise.

Dear Secretary Sullivan:

The above-named prisoner, Oskar B. McMillian, in his position as lead litigator in the forth coming judicial challenge to the current Sec. §2277 Revisement of the allowed materials and personal nude photograph(s) allowed prisoner's within the DOC of Governor Tommy Thompson's political agenda (Attachment - A). Does hereby, submit this instant grievance before your office, in the exhaustion of the only meaningful available administrative remedy office, on behalf of the Governor's political desires of treatment of prisoner's. I.e., deprivation of rights by any pretextual means available, and/or useful for achievement of the political goal.

That this Grievance is brought forth pursuant to Article I, Sec. #4 of the State Of Wisconsin Constitution, and Amendments, 1, 9 and 14 of the United States Constitution. In fulfillment of the exhaustion requirements of the 1996 Prisoner Litigation Reform Act, for bringing a 42 U.S.C. § 1983 Civil Rights Law Suit in the Reviewer/Challenge of this pending violation of the above-named GBCI Prisoner's Constitutional protections, and all other such inmates. Hayes v. City Of Urbana, Ill., 104 F.3d 102, 103-104 (7th Cir. 1997). ("Person who must comply with law or face sanctions has standing to challenge its application to him, even if threat of prosecution is not immediate--indeed, even if law is not yet in effect").

Being that myself (McMillian) has a personal photo album full of nude photograph(s) of female(s) of my interaction(s), current and past. That Co-Plaintiff(s) Cox and Fisher, both individually have personal nude photographs of female interaction(s), as well as, personal magazine(s) containing nudity. We all will personally potentially be affected by the sweep of the Governor's political motivate punitive imposition of censorship of prisoner's receipt of any type of First Amendment protected materials, or photographs remotely erotic in nature, under the pretext of rehabilitation and/or legitimate penological interest, beyond that currently in effect pursuant to DOC: 309.06 and DOC: 309, IMP-#1-C restriction(s). Ab-Dolt Laboratories v. Gardner, 387 U.S. 136, 153-154, 87 S.Ct. 1507, 1517-1519, 18 L.Ed.2d 681 (1967); Stanley v. Georgia, 394 U.S. 557, 563-568, 89 S.Ct. 1243, 1246-1249 (1969); Lepperling v. Crist, 678 F.2d 787, 790-791 (9th Cir. 1982) ("Prison officials have no legiti-

mate government interest in imposing their own standards of sexual morality on inmates"). See also, Inmates Of Milwaukee County Jail v. Petersen, 353 F. Supp. 1157, 1169 (E.D. Wis.1973) ("Published materials may be designated as "contraband" and denied to pretrial detainees only if they are found to be obscene under standards enunciated by the Supreme Court or otherwise not entitled to First Amendment protection, despite contention that restrictive approach to erotic materials is necessary to avoid stimuli for homosexual attacks and other illicit sexual conduct").

Here, the entire purpose of the suggested revision of the current allowance of nude materials, and personal photographs, is the furtherance of a political agenda of the Governor, that was initially proposed in his 1996 State Of The State Address, of how he was going to make prison life hell for prisoner's. And the DOC Administrations employment of pretextual justification of the rehabilitation concerns, and prison penological interest are nothing more than neutral--sounding justification of a political motivated agenda of the Governor that appointed the Secretary to his present position in the DOC. Thompson v. Patterson, 985 F.2d 202, 207 (5th Cir. 1993) ("Prison rules restricting receipt by inmates of sexually explicit material necessarily confer certain degree of discretion on prison authorities in making determination as to whether receipt of materials would harm prison security and rehabilitation, and absent allegation of improper motive"). I.e., American Civil Liberties Union Of New Jersey v. Black Horse Pike Regional Bd. of Educ., 84 F.3d 1471 (3rd Cir. 1996) ("Very purpose of Bill of Rights is to withdraw certain subjects from vicissitudes of political controversy, to place them beyond reach of majorities and officials and to establish them as legal principles to be applied by courts").

Being that I have personally served over 20-years in this State Prison System, I am well educated in its inmate history, as well as the inmate sexual interactions. In the early 70's Homosexual activity was rampant (But all the while Nude Photo's and Magazines were banned), after the Federal Court's rulings in cases such as Inmates Of Milwaukee County Jail, 353 F. Supp. 1157 (E.D. Wis. 1973); and Pitts v. Knowles, 339 F. Supp. 1183 (W.D. Wis. 1972). And such nude photo's and magazine(s) were allowed receipt by the inmate population, a surprising thing happen; homosexual activity began to decline. And if the United States Department Of Justice, statistics is continually at the bottom of State's prison system inmate rape reportings. So what is the actuality of the Governor's alleged need to remove such nude materials from prisoner's under the assertion of rehabilitation, penological interest, public safety, and female Officer's wants (Attachment - A). For it can't be the truth; George C. Thomas III. A Critique Of The Anti-Pornography Syllabus, 52 MD L. REV. 122 (1993) ("Concluding that the link between pornography and rape is conjectural"); Cantefino v. Wilson, 546 F. Supp. 174, 208-209 (W.D. Ky. 1982) ("State could not deny right of individual inmates to be free from arbitrary and punitive form of behavior modification by procedural technique of imposing it on entire prison population"). I.e., Chambers v. State Of Florida, 309 U.S. 227, 240-241, 60 S.Ct. 472, 479 (1940) ("Under our constitutional system, courts stand against any winds that blow as havens of refuge for

those who might otherwise suffer because they are helpless, weak, outnumbered, or because they are non-conforming victims of prejudice and public excitement").

Being that my well executed legal research on this type of complete banning censorship of erotic materials, has documented that sufficient individual prison(s) evidentiary showings were made for such justification, what is the justification of the State Of Wisconsin DOC, for a complete erotic materials censorship ban, that is not presently served by the discretionary censorship provision(s) of DOC: 309.06 and DOC: 309, IMP-#1-C? And What is The Alternative Venue Of This Type Erotic Materials Receipt? For only one District Court has allowed a complete banning of all forms of erotic materials, or personal photograph(s); and only after a meaningful evidentiary showing of that individual prisons needs. See, Giano v. Senkowiak, 54 F.3d 1050 (2nd Cir. 1995); Hodges v. Com. Of Virginia, 871 F. Supp. 873 (W.D. Va. 1994); and; Trapnell v. Riggaby, 622 F.2d 290 (7th Cir. 1980).

For the comment contained in the New Release of this political agenda of Governor Thompson, that inmates will still be allowed to receive National Geographic which may occasionally have a picture of nudity, is quite evident of the bias mentality of this punitive censorship actual design. For its alright if they see a nude native now and then (For they are really uncivilized/savages anyway). But God forbid they ever lay eyes on the nude body, of a White Woman.. United States v. Clark, 846 F. Supp. 768, 796 (E.D. Mo. 1994), rev. on other grounds, 34 F.3d 709 (8th Cir. 1994) (This Court further finds that while overt racism has largely disappeared as a result of the civil rights victories, racism still remains in its more subtle convert form. This unconscious racism preemates the lives of nearly all Americans and is further embedded in the psyche of executives and legislators alike. Many times their actions reflect racist opinions regarding minorities though they may not be consciously and knowingly aware of their own slant of mind.); McCleskey v. Kemp, 481 U.S. 279, 343, 107 S.Ct. 1756, 1793, 95 L.Ed.2d 262 (1987) (Those whom we would banish from society or from the human community itself often speak in too faint a voice to be heard above society's demand for punishment. It is the particular role of courts to hear these voices, for the Constitution declares that the majoritarian chorus may not alone dictate the conditions of social life.).

Instant lead litigant (McMillian), is serving a 50-Year Sentence that guarantees he will die in prison; Co-plaintiff's Cox and Fisher individually are serving Life Sentences, with a parole eligibility dates well beyond the life expectancy of a African-American Male. So what do these asserted pretextual justifications for banning erotic materials have to do with us? You care not of the continuous racism we face from the DOC's 99% White Staff (Attachment - B).. But yet, you go to great lengths to create a reality of illusion to execute the Governor's Victorian political agenda upon us (Attachment - C)... Now Prove To Me I'm Wrong! (Attachment - A).

OBM/File.
Attachments: A-C.

cc: Tommy Thompson, Gov.
Other Concerned Parties(s).

Respectfully Filed By:

Adrian McMillian
Oskar B. McMillian #42747-A.

3.

LOCAL/STATE

No more porn for prisons: Thompson

■ Any materials featuring nudity that appeals to a prurient interest in sex would be banned

Associated Press

MADISON — The governor proposed banning pornography in prisons Tuesday, saying publications from *Playboy* to hard-core porn — even a picture of a naked spouse — undermine efforts to reform

inmates.

"Our prisoners are going to be too busy working to sit around idly in their cells reading pornography," Gov. Tommy Thompson said.

Any materials featuring nudity that appeals to a prurient interest in sex would be banned, Thompson spokesman Kevin Keane said.

"So it would include *Playboy*, but it wouldn't necessarily include *National Geographic*, that has an occasional picture of nudity in a different context," Keane said.

Banning a magazine, which includes articles in addition to nude pictures, raises First Amendment questions, said Peter Koneazny, legal director of the American Civil Liberties Union of Wisconsin.

The ACLU will wait to see how the proposal is worded before taking a stand, Koneazny said. Key factors will be exactly how pornography is defined, and who decides whether a publication fits that definition, he said.

"The problem with all this is it's

hard to define pornography. There is no working definition," Koneazny said. "It's not anything that deals with sex" because there are many things that fit that category that are not pornography.

Thompson plans to implement the ban through the administrative rule process. The change will take effect unless the Legislature's Joint Administrative Rules Committee objects. The committee will hold public hearings on the proposal.

Pornographic material that involves bestiality, necrophilia and sadomasochism is already banned from state prisons, said David Whitcomb, legal counsel for the state Department of Corrections.

Possession of child pornography is a criminal offense in Wisconsin. The ban would also affect women's prisons. *Playgirl*, received by at least three inmates at a women's prison in Fond du Lac, would be banned under the change, Warden Kristine Krenke said.

State plans to ban *Playboy* from prisons

Rules on pornography would be expanded

By Eileen Koneazny
also found Koneazny said

Gov. Tommy Thompson said he would like to see how the proposal is worded before taking a stand. Key factors will be exactly how pornography is defined, and who decides whether a publication fits that definition, he said.

The State Department of Corrections will wait to see how the proposal is worded before taking a stand, Koneazny said. Key factors will be exactly how pornography is defined, and who decides whether a publication fits that definition, he said.

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Attachment - A ***
WEDNESDAY, APRIL 30, 1997 - STATE EDITION
JOURNAL

Prisons/ Publications to be banned

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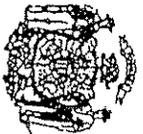
Tommy G. Thompson
Governor
Michael J. Sullivan
Secretary



State of Wisconsin
Department of Corrections

Mailing Address
Green Bay Correctional Institution
Post Office Box 19033
Green Bay, WI 54307-9033
Telephone (414) 432-4877

Attachment - B



TOMMY G. THOMPSON
Governor
State of Wisconsin

Attachment - C

MEMORANDUM

February 14, 1997

To: All Staff
From: Daniel R. Bertrand
Warden

Re: Distribution of Racially Derogatory Material

It has come to my attention on this date that a sheet of paper containing a parody on the current issue of Ebonics being taught in school is being copied and circulated within GBCL. I have seen it and consider this to be a violation of the Department and Institution policies on harassment.

All staff should be aware that anyone caught with this material or observed circulating the material is in violation of DOC Work Rule # A-13 which establishes as prohibited conduct: "Intimidating, interfering with, harassing (including sexual or racial harassment), demeaning, or abusive language in dealing with others". This material is obviously aimed at a particular group and is very demeaning in nature. Its circulation cannot be tolerated in the work place. Discipline will be pursued for those observed circulating or in possession of the material.

CC: File

April 28, 1994
Sec. Michael J. Sullivan
Department of Corrections
149 East Wilson Street
Madison, WI 53707-7925
Dear Secretary Sullivan:

I write to you today regarding the administration of Wisconsin's mandatory release law.

I recently proposed and subsequently signed into law a bill to end mandatory parole for violent offenders in Wisconsin. In enacting that important change, legal counsel advised that any retroactive change in the law would be unconstitutional.

Therefore, although I have ended mandatory parole for violent offenders, there are some inmates already in prison who are still governed by the old release law.

I believe that mandatory release of violent criminals is wrong. That is why I called a Special Session of the legislature in 1987 to pass a "life means life" sentencing bill, and that is why I moved to end mandatory parole for violent offenders this year.

In order to implement that policy as fully as possible, I hereby direct the Department of Corrections to pursue any and all available legal avenues to block the release of violent offenders who have reached their mandatory release date.

The policy of this Administration is to keep violent offenders in prison as long as possible under the law.

Thank you for your immediate attention to this important issue.

Sincerely,

Tommy G. Thompson
Governor

NOTICE

JUN 30 1997

TO: JOINT COMMITTEE FOR REVIEW
OF ADMINISTRATIVE RULES
P.O. Box 7882
MADISON, WISCONSIN
53707-7882

(Situation-Condition)

Denied release from Tolau back to population after twenty-one days,
punitive segregation WGI-1375-97, C.R.# 816193-571, 816194-574, 816195-575,
815746-839, 814879-1089 (Certified MAIL stamps, notice of claims and
NOTICES, LAW BOOKS, LEGAL MAIL MISSING Federal CRIMINAL complaint case
no. 97-C-323-C)(W/D) #870522-1205

SUBSCRIBED AND SWORN BEFORE

Willie J. Dobson
Notary Public

This 26 day of June, 1997

NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES: 07/02/2000

SUBMITTED BY

Willie J. Dobson
WILLIE J. DOBSON

P.O. Box 351

WAUPUN, WISCONSIN

53963-0351

CC: file

Handwritten signature/initials

Handwritten mark resembling a stylized '9' or '3'

INCIDENT REPORT

INCIDENT REPORT NUMBER 885

INSTRUCTION: Attach additional sheets if necessary. If additional Sheets are used, note the Incident Report Number at the top of each sheet.

TYPE OF INCIDENT (CHECK ALL THAT APPLY)

- | | | |
|---|---|---|
| <input type="checkbox"/> ESCAPE | <input type="checkbox"/> INMATE PLACED IN RESTRAINTS | <input type="checkbox"/> INFORMATIONAL |
| <input type="checkbox"/> ASSAULT | <input type="checkbox"/> FIRE | <input checked="" type="checkbox"/> OTHER - SPECIFY: DENIED VISIT |
| <input type="checkbox"/> DISCHARGE OF FIREARM | <input type="checkbox"/> DISTURBANCE | |
| <input type="checkbox"/> DEATH | <input type="checkbox"/> USE OF CHEMICAL AGENT-TYPE _____ | |

PRINCIPAL PERSON INVOLVED - Name Justin Davis STATUS INMATE VISITOR STAFF OTHER INMATE NUMBER N/A

NAME OF PERSON WHO DISCHARGED FIREARM N/A NAME OF STAFF MEMBER WHO DISCHARGED CHEMICAL AGENT N/A NAME OF SUPERVISOR PRESENT WHEN CHEMICAL AGENT WAS DISCHARGED N/A

NAMES OF ADDITIONAL INDIVIDUALS INVOLVED Inmate Mr. Java STATUS (Inmate, Staff, Visitor, Other) 281420 INMATE NUMBER (If Inmate) 281420, who is presently housed in AC-56 Housing Unit.

reason: 10 visit denied

NAMES OF WITNESSES (Other than those above) _____ STATUS (Inmate, Staff, Visitor, Other) _____ INMATE NUMBER (If Inmate) _____

INSTITUTION WCI LOCATION OF INCIDENT LOBBY DATE OF INCIDENT 9-29-95 TIME OF INCIDENT 8:15 AM

IF PERSON(S) INJURED-SPECIFY STATUS (Check all that apply) INMATE STAFF VISITOR OTHER N/A

WAS ANYONE HOSPITALIZED/GIVEN MEDICAL TREATMENT NO YES-SPECIFY WHO: _____

WAS THERE ANY PROPERTY DAMAGE NO YES-SPECIFY: _____

WAS THERE ANY CONTRABAND INVOLVED NO YES - DISPOSITION: _____

DESCRIPTION OF INCIDENT (State all relevant facts including circumstances leading up to and/or causing incident, contributing factors and, if any, evidence. If anyone was injured include the name of the person and the extent of the injury. Including any verbal statements.)

- Visitor lacked appropriate identification.
- Visitor not on approved visitors' list.
- Visitor arrived too late.
- Visitor could not clear metal detector.
- Visitor was inappropriately dressed (Explain on reverse side)
- Visitor appeared to be under influence of alcohol and/or other mind-altering substances.
- Inmate already had maximum number of visits for week, weekend or day. (Date of Last Visit _____).
- Inmate's Adjustment status prevented visit.
- Inmate was medically confined.
- Other (Explain on reverse side).

NOTICE

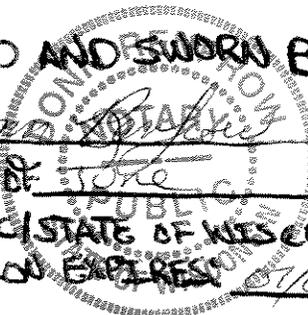
TO: JOINT COMMITTEE FOR REVIEW
OF ADMINISTRATIVE RULES
P.O. Box 7882
MADISON, WISCONSIN
53707-7882

(Situational-Condition)

First through legal mail not being mailed and missing RCI-
0325-96 officers stealing carbon paper RCI-2771-96 C.R.#778123
denied review of carbon paper, escort officer pushing me back in to chair,
advocate not entering written statement or written question for record in
my behalf, handcuffed behind my back outside the procedure RCI-2955-96.

SUBSCRIBED AND SWORN BEFORE

SUBMITTED BY


Willie J. Dobson
This 26 day of June 1997
NOTARY PUBLIC, STATE OF WISCONSIN
MY COMMISSION EXPIRES 1/27/2000

Willie J. Dobson
WILLIE J. DOBSON
P.O. Box 900
STURTEVANT, WISCONSIN
53177-0900

CC: file

Denied stop three day rooming property inventory slip RCI-3418-96,
Denied release to population - punitive segregation RCI-0482-97. TRA-
nsferred with electronic reaction debt that send out \$19 by (50,000)
thousand check current WGE-1110-97 RCI-1153-97.

Drawing Your Own Conclusions

Imagine that two of your friends have each bought a new car. Since you are also considering buying a new car, you are naturally interested in what they think of their new autos. One friend says that his car gets very poor gas mileage. He adds that the engine needed repair three times in the first month. Your other friend says that her car's seats are uncomfortable and the brakes squeak. Neither of these friends actually said whether they liked their new car. But do you think you would buy the same model as they did? Although they never stated exactly how they felt about their cars, they did list a number of problems with them. In doing this, they implied, or suggested, that they were unhappy with their new cars. You would draw the conclusion that their cars were not good.

As a consumer, you want to make the best possible purchase. You try to identify the best buy for your money. As a careful reader, you should watch for conclusions that are suggested by statements in a passage or information in a paragraph. You have already learned to use details to infer the main idea and to recognize a stated conclusion. You will now see how to use supporting statements to draw your own conclusions.

A Test-Taking Tip

A question on the GED Social Studies Test may begin with the words "What conclusion can you draw. . . ?" or include the phrase "you can conclude that." Such questions are asking you to infer. The word *conclude* can mean "to infer," and *conclusion* can mean "an inference."

Here's an Example

You can draw a conclusion from statements in the passage below.

- An extreme form of antisocial personality is the cold-blooded killer, or psychopath. Such persons have little compassion for others. They show little sympathy for the suffering of their victims. Their premeditated killings are often especially bloody and violent.

In 1969 Charles Manson led a group of followers on a series of brutal murders. The victims were beaten, stabbed, strangled, and mutilated. Messages were written on the walls in the victims' blood. One victim, more than eight months pregnant, begged for her life before she was murdered.

The first paragraph defines the term *psychopath*. It also gives examples of a psychopath's behavior. The second paragraph tells about the murders committed by Charles Manson and his followers. These murders were described as being especially gruesome. What inference can you make from the material presented in these two paragraphs? The murders committed by the Manson group match the description of psychopathic behavior. The murderers showed little sympathy for their victims, and the killings described were bloody and violent. You could conclude that Charles Manson and his followers were psychopaths.

Try It Yourself

The chart below shows the results of a survey of college students and their fathers done in the mid-1960s. What conclusion can you draw from this chart?

Survey Results

	Students	Fathers
Repelled by long hair	7%	32%
Opposed U.S. in Vietnam	78%	46%
Opposed marijuana use	21%	92%
Approved interracial marriage	61%	18%

Compare the responses of the students to those of their fathers. Do they agree or disagree with one another on the four issues shown on the chart? Based on the information presented, what conclusion can you draw about the attitudes of college students and their fathers in the mid-1960s? You could conclude that students had attitudes and values different from their fathers.

Read the passage below. What inference can you make about Phineas Gage?

- Phineas Gage was a railroad worker whose job was to blast large rocks that were blocking the tracks. An explosion sent a metal rod, 3½ feet long and 1¼ inches in diameter, into Gage's cheek. The rod exited from the top of his skull and damaged the frontal lobe of his brain.

