

**Asbjornson, Karen**

---

**From:** Bilot, Erin  
**Sent:** Tuesday, May 20, 2003 1:53 PM  
**To:** Chrisman, James; Asbjornson, Karen  
**Subject:** FW: Standard T audit

-----Original Message-----

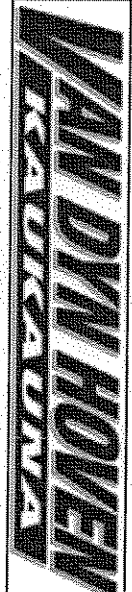
**From:** Linda Uttech [mailto:lau@oregon.k12.wi.us]  
**Sent:** Tuesday, May 20, 2003 1:51 PM  
**To:** erin.bilot@legis.state.wi.us; Mike.Powers@legis.state.wi.us  
**Cc:** tep@dewittros.com  
**Subject:** Standard T audit



DPIauditletter.doc

Attached please find my letter to Representative Jeskewitz in support of an audit of DPI concerning Standard T, Gifted and Talented.  
I look forward to hearing about the results of this request

Linda Uttech  
203 Highway U  
Belleville, WI 53508  
(608) 527-4948



Everybody is going to Van Dyn Hoven...  
Come See Why!

NEWS | VIEWS | SPORTS | PACKERS | ENTERTAINMENT | CLASSIFIEDS | CARS | JOBS | COMMUNITY | INFO

Appleton Weather

Temp: 49 °F  
Hi: 60 °F  
Lo: 35 °F

**VIEWS**

Posted May 21, 2003

## Editorial: Day care inspectors, children need more help

There's some seemingly scary news about the state of day care in Wisconsin. The concern is that the state's Bureau of Regulation and Licensing doesn't have enough inspectors to keep up with the growing number of day care centers.

There were 5,495 licensed day care centers in Wisconsin in 2002. That was up from 4,963 in 1998, about an 11 percent increase. There are 64 state inspectors, divided between five regional offices.

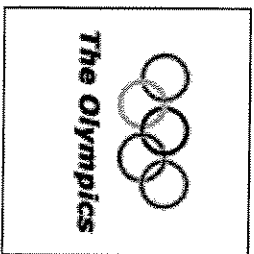
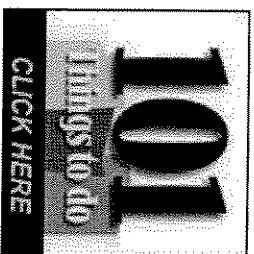
One state legislator, Sen. Alberta Darling, R-River Hills, said inspections of day care centers shouldn't be compromised by budget problems.

"These are our most vulnerable children," she told the Milwaukee Journal Sentinel, which reported on the issue Sunday. "They should not be in questionable situations."

We agree. And we also agree with Darling that the analysis should start with an audit of the Bureau of Regulation and Licensing, to first see how its money is being spent.

Search our Site

- Main Page
- News
- Sports
- Packers
- Outdoors
- Timber Rattlers
- Racing
- Business
- Entertainment
- Life & Style
- News-Record
- Current
- Views
- Obituaries
- Records
- Local Coupons
- National Coupons
- Community
- Corrections
- Classifieds
- Personals
- Autos
- Jobs
- Apartments
- Weather



**Contacts & Info**  
**■ Pit Stop Picks**



Surprise visits are a key to the bureau's inspections, but inspectors in the Milwaukee area say they've had to cut the number of surprise visits they make at each center from twice a year to once a year.

Even at the current staffing levels, inspectors are issuing more sanctions — for serious or repeat problems — than they have in the past, from 142 in 1998 to 291 in 2002.

Day care researchers say surprise visits are important tools to judge what's really going on at a center, so the more, the better.

It's easy to say that, as with many problems, money can be thrown at this problem to help solve it. But during the state's fiscal crisis, that's easier said than done.

However, protecting children should be one of the state's higher priorities. So, if an audit finds the licensing program needs more money, it should get it, at the expense of a lower priority. But the first step should be to make sure the current money is being used in the best possible way.

And, it's important to note, surprise visits shouldn't be limited to state inspectors. Parents are, and always will be, their child's most effective advocate and protector.

[Back to Top](#)



---

[Front Page](#) | [News](#) | [Packers](#) | [Sports](#) | [Entertainment](#) | [Community](#)  
[Autos](#) | [Jobs](#) | [Classifieds](#) | [Contact Us](#)

Copyright © 2003

Use of this site signifies your agreement to the [Terms of Service](#).  
Send your questions and comments to [Gannett Wisconsin Online](#).

MAY 27 2003

May 23, 2003

Senator Carol A. Roessler  
P.O. Box 7884  
Madison, WI 53707-7882

Representative Suzanne Jeskewitz  
P. O. Box 8952  
Madison, WI 53708

RE: Audit of Department of Public Instruction's Compliance with  
Wis. Stat. 121.02(1)(t)

Dear Senator Roessler and Representative Jeskewitz:

I am writing in support of the request for a legislative audit of the Department of Public Instruction to assess their compliance with the talented and gifted "TAG" student mandates of Wis. Stat. 118.35, 121.02(t) and related regulations.

As a coordinator and teacher of gifted and talented services, a former gifted student, and a parent of identified gifted and talented learners, I have seen a steady erosion of services that have been provided to the estimated 10% of our school population who qualify as gifted and talented under the law. According to PI 8.01(2)(t), "each school district shall establish a plan and designate a person to coordinate the gifted and talented **program** (emphasis mine)... for students identified in the categories of giftedness including intelligence, achievement, leadership, creativity, and the visual and performing arts. Furthermore, the school board shall provide access, without charge for tuition, to the appropriate **programs** for pupils identified as required under ss. 118.35(3) and 121.02(1)(t)."

Compliance with these standards has, in the past, been ensured through audit processes set forth at Wis. Stat. 121.02(2). In essence, the DPI has committed to auditing 10% of gifted and talented programs each year, thereby assuring that all programs will be audited once approximately every ten years. Though DPI acknowledges that TAG children are "the most underserved population in the public schools," **it has not conducted an audit of TAG programs for over four years, and has reduced the consultant's position to a mere three days per month.**

This lack of service and auditing has resulted in school districts who have blatantly ignored the law, provided "paper-programming" with **no real service**, and have not taken seriously the needs of our gifted learners. Because the learning needs of these students are being ignored and restricted, the result has been lowered test scores at the high end, higher drop out rates, and the loss of our most talented students to private schools and to homeschooling, depriving our public schools of the benefit of these learners. In some cases, parents have actually left our state to pursue more challenging educations for their children! These scenarios do not even take into account the emotional costs to gifted

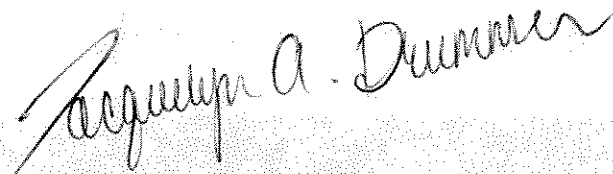
learners who literally have wasted thousands of hours in boring, repetitive classrooms in kindergarten through grade twelve, patiently (and sometimes not-so-patiently) waiting for others to learn what they have long mastered.

Each year, as tax dollars shrink, certain programs suffer, as is inevitable. However, to ignore the needs of our high end learners is inexcusable. The No Child Left Behind Act assures that every child will make adequate yearly progress, and I believe that this mandate must be taken seriously for our gifted students as well. These students deserve the expertise that is afforded to other special needs learners.

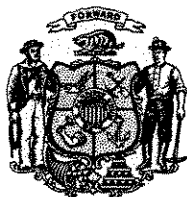
I believe that restoring a full-time consultant to supervise gifted and talented programming across our state would result in a heightened awareness of the needs of these students. With a highly qualified person at the helm, the service to over 88,000 gifted and talented students statewide could be monitored through audits and advisements (or penalties when necessary). From this would flow real service and programming for our most able learners.

Please do your best to ensure that the audit of the DPI goes forward in relation to standard (t). Thousands of children and their parents across this great state of Wisconsin are counting on you, as this issue is becoming high publicized.

Sincerely,



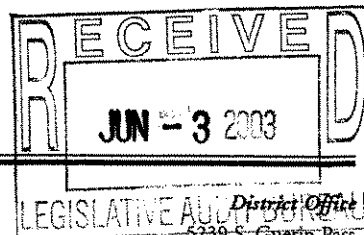
Jacquelyn A. Drummer  
1018 Elm Avenue  
South Milwaukee, WI 53172



Chairman  
Assembly Judiciary Committee

JUN 02 2003

**MARK D. GUNDRUM**



**Capitol Office**

P.O. Box 8952  
Madison, WI 53708-8952  
(608) 267-5158 • Toll-Free: (888) 534-0084  
Fax: (608) 282-3684  
Rep.Gundrum@legis.state.wi.us

**STATE REPRESENTATIVE**

**District Office**  
5239 S. Guerin Pass  
New Berlin, WI 53151  
Telephone/Fax: (414) 425-2596

May 29, 2003

Rep. Suzanne Jeskewitz, Chairwoman  
Joint Committee on Audit  
State Capitol – Room 314-North  
P.O. Box 8952  
Madison, WI 53708

Sen. Carol Roessler, Chairwoman  
Joint Committee on Audit  
State Capitol – Room 5-South  
P.O. Box 7882  
Madison, WI 53707

Dear Ladies:

I have recently been contacted by a constituent who is very dissatisfied with the level of service and treatment she has received from the Department of Revenue and the Tax Appeals Commission. As such, I would like to request the Joint Committee on Audit direct the Legislative Audit Bureau to conduct an audit of both of these agencies.

While I wish I could forward more details to demonstrate a cause for inspection, my constituent's case is still pending and she fears repercussions may result from contacting my office for assistance. Specifically, my constituent is concerned about the disregard the agencies demonstrated in failing to take into consideration the evidence she attempted to present to substantiate her claims. If a scheduled hearing had not been denied at the request of the DOR attorney, my constituent would have been afforded the opportunity to attempt to correct perceived errors and assumptions made by the Department of Revenue and the Tax Appeals Commission. As a result of not being able to correct perceived errors in documents provided by DETF, my constituent ultimately was assessed with the DOR attorney fees as my constituent's case was classified as a 'frivolous' case.

Additionally, my constituent takes issue with the manner in which the Department of Revenue conducted an audit of her amended returns, the system used to value donated items and volunteer services, and the poor level of communications and at times failure to respond to requests demonstrated by the Department.

In recent correspondence, my constituent writes:

*"In each of the audit steps, from the initial auditor, next the resolution unit officer, and finally in the appeal stage, both the DOR legal staff attorney and TAC, my perception is that there are many very deficient personnel employed as well as application of appropriate procedures. Errors galore exist, though some*

*minor. Conclusions were extremely arbitrary and subjective, lacking the objectivity and supporting documentation essential to auditing and the practice of the legal profession. And, perhaps what was most frustrating of all was the practice of omission, either intentional or unintentional, by both the auditors as well as the attorney. From auditors and attorneys a higher level of performance is expected from these professionals representing the State of Wisconsin. Taxpayers are not receiving their rightful return on taxes paid."*

Throughout the claims process, our constituent has attempted to act in good faith despite being denied a hearing. For any audit of the Department of Revenue and the Tax Appeals Commission, my constituent would like an audit to focus on the following:

1. DOR's staffing competency and compliance with appropriate procedures;
2. DOR's entire audit system as to appropriate design, policies, procedures, relationships, and treatments of taxpayers; and
3. TAC review as to its compliance with its authority and responsibilities and also its relationship with DOR and the petitioning taxpayers.

Thank you for your consideration of this request. If you have any questions, please feel free to call me at 267-5158.

Sincerely,



Mark D. Gundrum  
State Representative  
84<sup>th</sup> Assembly District

MDG:jrc

OFFICE:  
Stat Capitol  
P.O. Box 8953  
Madison, WI 53708  
(608) 266-0215  
Fax (608) 266-8955  
Tollfree: 1-888-529-0072  
Email: Rep.Schneider@legis.state.wi.us

JUN 10 2003



HOME:  
3820 Southbrook Lane  
Wisconsin Rapids, WI 54494  
(715) 423-1223

Co-Chair Task Force on  
Digital Democracy

STATE REPRESENTATIVE  
**Marlin D. Schneider**

DEAN OF THE ASSEMBLY

June 10, 2003

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee  
Room 8 South, State Capitol

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee  
Room 314 North, State Capitol

Dear Senator Roessler and Representative Jeskewitz:

In recent weeks, I have heard a number of allegations concerning enrollment by individuals without proper residency documentation in our state technical colleges. If true, this action potentially limits access of district residents to coursework they need, raises potentially serious security concerns, and violates state and federal law. For example:

- Documentation requirements for residency are apparently not rigorously enforced at the Madison Area Technical College;
- Administrators at the Madison Area Technical College have allegedly not acted on reports that counterfeit documents are being used for course registration purposes;
- Enrollment in GED programs at Madison Area Technical College is poorly controlled; and
- Training is provided by the Madison Area Technical College to employers with undocumented aliens on their payrolls.

Although I have heard the most complaints about Madison Area Technical College, I ask that you direct the Legislative Audit Bureau to conduct a comprehensive review of the documentation procedures used at all the technical college districts to ensure the residency requirements prescribed by law are implemented. I would be pleased to speak with you about this request, and thank you for your consideration.

Sincerely,



Representative Marlin Schneider  
State Representative

cc: Janice Mueller

State Auditor *Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.* Edmund Burke Nov. 3, 1774



June 14, 2003

Rep. Suzanne Jeskewitz  
POB 8952  
Madison, WI 53703

Dear Ms. Jeskewitz:

I am writing in support of the request of a legislative audit of the Department of Public Instruction to assess their compliance with the talented and gifted "TAG" Student mandates of Wis. Stat. 118.35, 121.02(t) and related regulations.

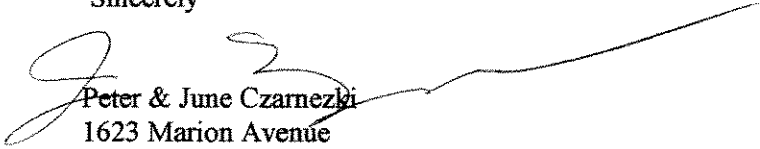
It concerns me that there has been a steady erosion of services provided to the estimated 10% of our school population who qualify as gifted and talented under the law. According to PI 8.01(2)(t), "each school district shall establish a plan and designate a person to coordinate the gifted and talented program for students identified in the categories of giftedness including intelligence, achievement, leadership, creativity and the visual and performing arts. Furthermore, the school board shall provide access, without charge for tuition, to the appropriate programs for pupils identified as required under ss. 118.35(3) and 121.02(1)(t).

This lack of service and auditing has resulted in school districts who have blatantly ignored the law, provided "paper-programming" with no real service, and have not taken seriously the needs of our gifted learners. Because the learning need of these students are being ignored and restricted, the result has been lowered test scores at the high end, higher drop out rates, and the loss of our most talented students to private schools, home schooling, depriving our public schools of the benefit of these learners.

The emotional cost to gifted learners is great. They sit in boring repetitive classrooms patiently waiting for others to learn what they long mastered. The "No Child Left behind Act" assures that EVERY child will make adequate yearly progress. This mandate must be taken SERIOUSLY for our gifted students- our future.

I believe restoring a full time- consultant to supervise gifted and talented programming across our state would result in heightened awareness of the needs of these students. Please do your best to ensure that the audit of the DPI goes forward in relation to standard (t). I'm sure support for this will be strong as it becomes publicized.

Sincerely



Peter & June Czarnetzki  
1623 Marion Avenue  
South Milwaukee, WI 53172

Phone 414-762-4221



JUN 17 2003

State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER  
STATE AUDITOR

22 E. MIFFLIN ST., STE. 500  
MADISON, WISCONSIN 53703  
(608) 266-2818  
FAX (608) 267-0410  
Leg.Audit.Info@legis.state.wi.us

June 17, 2003

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

At your request, we have reviewed the Department of Public Instruction's oversight responsibilities related to local school districts' gifted and talented programs. We limited our review to identifying current statutory requirements, discussing oversight activities with officials in the Department, and reviewing relevant documentation.

Gifted and talented programming is among the 20 statutory standards school districts must meet. Statutes define gifted and talented pupils as those who have evidenced high performance capabilities not ordinarily met in regular school programs, and include basic directives for both school districts and the Department. Section 121.02(1)(t), Wis. Stats., requires that each school district "provide access to an appropriate program for pupils identified as gifted or talented." Section 121.02(2), Wis. Stats., requires the Department to conduct inquiries of districts' compliance upon receiving a complaint or on its own initiative. If the Department finds that a school district's programming does not comply and the district fails to achieve compliance within a specified time period, s. 121.02(3), Wis. Stats., provides that up to 25 percent of the district's state aid shall be withheld.

With the passage of 1995 Wisconsin Act 27, statutes no longer required the Department to conduct regular audits of school districts to report on their gifted and talented programming. The Department, however, has not made corresponding changes to s. PI 8.02(1), Wis. Adm. Code, which states: "the department shall annually conduct a general on-site audit of at least 10% of all school districts, as required under s. 121.02(2), Wis. Stats." Department staff indicated that since the 1995 change in audit requirements, they have conducted at least three complaint-based reviews of school districts' gifted and talented programs, but they have not self-initiated compliance audits. They also indicated that the Department has not withheld state aid since 1990, when a district failed to meet 17 of the 20 requirements, including gifted and talented programming.

Department officials explained that they believe they no longer have sufficient staff resources to conduct self-initiated audits. Specifically, they stated that as a result of the change in the audit requirement, combined with staffing reductions following budget cuts in 1995, both the audit

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Page 2  
June 17, 2003

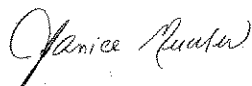
team that conducted compliance reviews and the consultant for gifted and talented programs were eliminated. Department staff in the Division for Academic Excellence noted that they continue to receive and respond to questions from parents with regard to gifted and talented programming, although responding to such inquiries is not among their job duties.

The Department does not maintain statewide information on gifted and talented programming in the districts, and school districts no longer report to the Department on their gifted and talented programming. Therefore, an analysis of school districts' programming for gifted and talented students would require the collection of information from each school district.

To clarify the Department's current role and responsibilities related to overseeing school districts' gifted and talented programming, we believe the Department should update its administrative code to reflect current statutory requirements. However, the Department has now begun to draft the needed changes.

I hope you find this information helpful. Please contact me if you have additional questions.

Sincerely,



Janice Mueller  
State Auditor

JM/KW/bm

cc: Representative Mike Powers

Elizabeth Burmaster  
State Superintendent of Public Instruction

Patricia Yates  
Department of Public Instruction



JUN 17 2003

State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER  
STATE AUDITOR

22 E. MIFFLIN ST., STE. 500  
MADISON, WISCONSIN 53703  
(608) 266-2818  
FAX (608) 267-0410  
Leg.Audit.Info@legis.state.wi.us

June 17, 2003

Representative G. Spencer Coggs  
210 North, State Capitol  
Madison, Wisconsin 53702

Representative David Cullen  
216 North, State Capitol  
Madison, Wisconsin 53702

Representative Lena Taylor  
209 North, State Capitol  
Madison, Wisconsin 53702

Dear Representatives Coggs, Cullen, and Taylor:

Thank you for your letter requesting a review of the process used by Milwaukee Public Schools in selecting its student transportation services vendor. I have forwarded a copy of your request to the co-chairpersons of the Joint Legislative Audit Committee.

Given our current workload, I cannot initiate an audit of this issue without the approval of the Audit Committee. The co-chairs meet monthly to discuss all pending audit requests. Shortly after their next meeting, I expect that one of the co-chairs will call you directly to let you know the status of the request.

Please contact me if you have any questions.

Sincerely,

Janice Mueller  
State Auditor

JM/JC/bm

cc: ✓ Senator Carol A. Roessler  
Representative Suzanne Jeskewitz



# WISCONSIN LEGISLATURE

P.O. BOX 8952 · MADISON, WI 53708

June 6, 2003

Ms. Janice Mueller  
State Auditor  
Legislative Audit Bureau  
22 E. Mifflin Street, Suite 500  
Madison, WI 53703

Hand delivered

Dear Ms. Mueller,

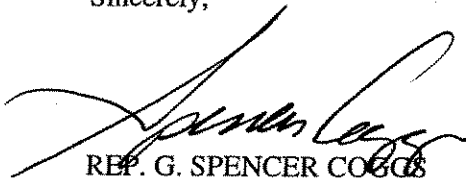
We are writing to request that the Legislative Audit Bureau (LAB) perform a review of the process used by Milwaukee Public Schools in selecting student transportation services.

Specifically, we ask that the LAB assess the school district's bidding process, bus company profits, and any union avoidance tactics that may be taking place. Recently, bus companies Laidlaw Education Services and Durham School Services may have submitted bids that do not accurately reflect costs of providing transportation services to the district.

Unfortunately, these bids may be in retaliation to recent unionization efforts by employees of both companies. Inflated bids could lead to layoffs for nearly 350 bus drivers employed by Laidlaw and Durham.

We appreciate your assistance in this matter, and eagerly await your response.

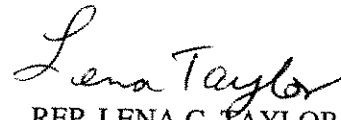
Sincerely,



REP. G. SPENCER COOMBS  
Assembly District 17



REP. DAVID CULLEN  
Assembly District 18



REP. LENA C. TAYLOR  
Assembly District 13

SC/jrb



2003

# SCOTT SUDER

State Representative • 69th Assembly District

State Capitol Office:  
Room 21 North  
P.O. Box 8953  
Madison, WI 53708-8953  
(608) 267-0280 • Fax: (608) 282-3669

69th Assembly District:  
Telephone/fax: (715) 223-6964  
Call toll-free: (888) 534-0069  
Rep.Suder@legis.state.wi.us  
[www.legis.state.wi.us/assembly/asm69/news](http://www.legis.state.wi.us/assembly/asm69/news)

June 27, 2003

The Honorable Carol Roessler, State Senator  
Co-Chair Joint Legislative Audit Committee  
Room 8 South, State Capitol  
Madison, WI

Dear Senator Roessler:

I am writing this letter to respectfully request that the Joint Legislative Audit Committee, under your leadership as co-chair of the committee, consider performing a comprehensive audit of the entire Department of Natural Resources. It has been brought to my attention that the DNR has continued to spend at unprecedented levels despite the state facing one of the largest deficits of all time.

During the Joint Finance proceedings on the state budget, it was brought to my attention that the DNR employs one full-time warden supervisor for every four conservation wardens in the field. This seems to me to be rather excessive oversight given the fact that we employ over 200 wardens statewide. It is my opinion that the DNR would very much like our constituents to believe the department cannot continue operations without tax increases, but the fiscal facts don't match the DNR's rhetoric. The DNR refuses to cut administrative fat and instead wants to place the burden for their continued mismanagement on to Wisconsin hunters and anglers. I hope you take these facts into account and order an audit of the entire department.

Thank you in advance for considering my request and I remain hopeful that with your assistance the DNR will become more fiscally responsible and will cease their deceptive efforts with regard to tax increases. Please feel free to contact me should you have any questions or need any additional information. Your assistance is truly appreciated!

Sincerely,



**Scott Suder**  
State Representative  
Wisconsin's 69<sup>th</sup> Assembly District

**Assembly Committee Assignments:**

Criminal Justice, Chairman • Rural Development, Vice Chairman • Corrections and the Courts  
Transportation • Agriculture • Law Revision • Rural Economic Development Board



# WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

FOR IMMEDIATE RELEASE

June 27, 2003

For further information, please contact:  
State Representative Scott Suder

Toll Free at 1-(888)-534-0069

## **SUDER CALLS FOR INDEPENDENT AUDIT OF THE DNR**

### **NORTHERN LAWMAKER POINTS TO BLOATED BUREAUCRACY- MISMANAGEMENT OF AGENCY FUNDS**

**Abbotsford...** Responding to repeated cries by DNR bureaucrats for additional hunting and fishing fee increases, State Representative Scott Suder (R-Abbotsford) today called for a full audit of the entire agency. The Northern Lawmaker said sportsmen deserve to know what their money is being used for before having a fee increase imposed upon them. Suder pointed to numerous examples of administrative waste within the agency which could be eliminated. He said the DNR should stop scaring the public by pushing for tax increases and instead get their own house in order first.

*"Sportsmen deserve to know where their money is going before they are forced to swallow new fee increases," Suder said.*

Suder highlighted the fact that DNR records show the department employs one full-time warden supervisor for every four conservation wardens in the field. There are 208 wardens statewide.

*"Either our conservation wardens need incredibly intense supervision, or the agency has too much administrative fat," Suder said. "This 1-4 ratio is one of the DNR's dirty little secrets which they don't want the public to find out about."*

Suder also pointed to a 1998 independent audit of the agency which showed that only 40% of hunting and fishing fees were actually used for hunting and fishing programs. Suder said that until the agency uses all hunting and fishing fees for related programs, increases are simply not justified.

*"The DNR wants people to believe they can't continue operations without tax increases, but the facts don't match their rhetoric," Suder stated. "The DNR refuses to cut administrative fat and instead wants to place the burden for their mismanagement on to hunters and anglers."*

The DNR has the third highest budget among all state agencies, according to the Legislative Fiscal Bureau. The DNR received nearly \$982 million in state funding during the 2002-2003 fiscal year. Suder said further fee increases will only reward bad behavior and fiscal mismanagement at a time when the state is billions in debt. The lawmaker has asked the non-partisan Legislative Audit Bureau to conduct a full audit of all agency operations within the DNR this summer.

*For more information on Suder's request for a DNR audit and other legislative issues feel free to contact Representative Suder at (888) 534-0069 or email him at [Rep.Suder@legis.state.wi.us](mailto:Rep.Suder@legis.state.wi.us)*



WISCONSIN STATE LEGISLATURE

*Joint Audit Committee*

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 2, 2003

The Honorable Scott Suder, State Representative  
Room 21 North, State Capitol  
Madison, WI

Dear Representative Suder;

*Scott*

We received the request that you recently submitted to the Joint Audit Committee. This letter serves as confirmation of that request.

Each request submitted receives serious consideration. As conscientious legislators, we all welcome new ways to do things less expensively or more efficiently. We, as co-chairs of the committee, aim to meet once a month to discuss all requests. Shortly after the meeting, one of us will call you directly to let you know the status of your request.

Thank you again for your request and we will be in touch soon.

Sincerely,

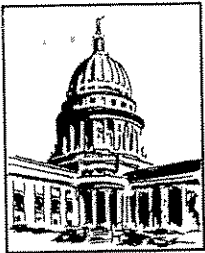
*Carol*

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

*Suzanne*

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee





WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

October 2, 2003

The Honorable Scott Suder, State Representative  
Room 21 North, State Capitol  
Madison, WI

Dear Representative Suder:

We received your letter of June 27, 2003 requesting the Audit Bureau to conduct a comprehensive audit of the entire Department of Natural Resources.

While both of us share your concern that the DNR, and for that matter all Departments, be fiscally responsible, your request is rather broad and the Joint Legislative Audit Committee would need a more defined scope to consider your request. In order to help you define an audit request that would be manageable, below please see the following list of audits performed by the Audit bureau over the past few years.

- |  |   |
|--|---|
| • DNR Air Management                               | Audit In Progress                         |
| • Purchasing Card Use                              | Report 03-8                               |
| • Environmental Cooperation Pilot Program (Letter) | February 2003, September 2001, April 2000 |
| • Vehicle Emissions                                | Report 02-6                               |
| • Forestry Account                                 | Report 02-2                               |
| • Fort James Settlement (Letter)                   | February 2001                             |
| • State Recycling Programs                         | Report 01-2                               |
| • Stewardship Program                              | Report 00-10                              |
| • Petroleum Environmental Cleanup Fund             | Report 98-14                              |
| • Funding Fish and Wildlife Programs               | Report 98-9                               |
| • Fish Stocking Activities                         | Report 97-9                               |

We appreciate your contacting us with this request. Although the Joint Legislative Audit Committee will not be requesting an audit at this time, we look forward to discussing this further after you had an opportunity to narrow the scope of your request.

Sincerely,

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee



# David Ward

Wisconsin State Assembly  
Member: Joint Committee on Finance

July 7, 2003

Representative Sue Jeskewitz  
Co-chair, Joint Committee on Audit  
State Capitol, Room 314N  
Madison, WI 53708

Senator Carol Roessler  
Co-chair, Joint Committee on Audit  
State Capitol, Room 8S  
Madison, WI 53707

Dear Co-chairpersons Jeskewitz and Roessler,

I recently read an article in the June 28<sup>th</sup>, 2003 edition of the Wisconsin State Journal entitled "Food-stamp Error Rate High Again". According to the article, Wisconsin ranks the 48<sup>th</sup> highest in food-stamp errors nationally. In addition, food-stamp resources are being directed toward people who do not qualify for them at an expense of the people who do. As a result of the consecutive consistency in errors, this has cost the state millions in federal fines. Please accept this letter as a formal request for an audit of this program.

I understand the Legislative Audit Bureau conducted a review of this program in July of 2000 at a time when the Department of Workforce Development administered the program. I believe it would be appropriate to update the work the Audit Bureau performed in 2000. Additionally, I believe it is important to focus on the reasons for the high error rates and what can be done to improve the program and its administration. At a time when the state is dramatically cutting efficient programs due to our budget deficit, we should be closely examining programs that may be inefficient.

I appreciate your time regarding this matter. For your convenience, I have enclosed a copy of the article for your review. I'd be happy to discuss this issue further at your convenience. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

David Ward  
State Representative  
37<sup>th</sup> Assembly District

Enclosure

✓cc: Janice Mueller, State Auditor, Legislative Audit Bureau

# Scott Gunderson



STATE REPRESENTATIVE • 83RD DISTRICT

July 8, 2003

Representative Suzanne Jeskewitz  
Co-Chair, Joint Audit Committee  
314 North, State Capitol

Senator Carol Roessler  
Co-Chair, Joint Audit Committee  
8 South, State Capitol

Dear Suzanne and Carol,

I am writing to request that the Legislative Audit Committee consider directing the Legislative Audit Bureau to conduct an audit of the Endangered Resources Account within the Department of Natural Resources.

As you may know, the Endangered Resources Program was created for a very admirable goal: to identify, protect and manage native plant and animal species in order to conserve Wisconsin's biodiversity for present and future generations. However laudable this program may be, it has never been subjected to a sole, stand-alone audit to ensure that its financial resources are being expended properly and efficiently for the citizens of Wisconsin. As the 1998 audit of Funding Fish and Wildlife Programs, which referenced the Endangered Resources Program, acknowledged, the Department of Natural Resources has substantial flexibility in spending funds out of these accounts. We all remember the fervor in the hunting and angling community when it was reported that only 40% of user fee expenditures primarily benefit hunters and anglers.

Of particular concern within the Endangered Resources Program, should be the 2003 Fiscal year budget of \$267,373 for the Wolf Recovery Program. In a recent article in the Milwaukee Journal Sentinel, the DNR admitted that their species count on the threatened Wolf may be substantially lower than the number actually in Wisconsin, and that the "forest is starting to become saturated (with wolves)." In these economic times, we must ensure the contributors to this program, license purchasers, and tax payers are receiving the appropriate level of service for their monetary contribution.

Thank you in advance for your consideration of this request. Should you have any questions or concerns, please feel free to call my office at 266-3363.

Sincerely,

Representative Scott Gunderson  
83<sup>rd</sup> District  
Wisconsin State Assembly

cc: Janice Mueller, State Auditor

State Capit

P.O. Box 895  
Madison, WI 53  
(608) 266-336

Toll-Free:  
(888) 534-008

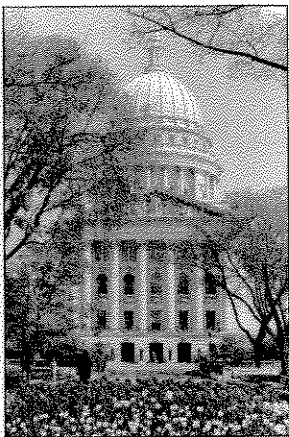
Fax:  
(608) 282-368

E-Mail:  
Rep.Gunderson  
legis.state.wi.t

83rd Distri

P.O. Box 7  
Waterford, W  
53185

(262) 895-625



JUL 10 2003

July 8, 2003

Representative Suzanne Jeskewitz, Co-Chairperson  
Joint Audit Committee  
State Capitol, Room 314 North

Senator Carol Roessler, Co-Chairperson  
Joint Audit Committee  
State Capitol, Room 8 South

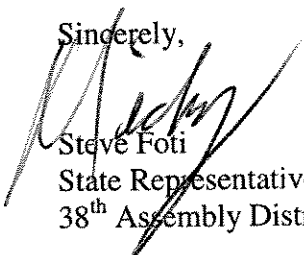
REPRESENTATIVE  
S T E V E  
**FOTI**  
ASSEMBLY  
MAJORITY LEADER

Dear Representative Jeskewitz and Senator Roessler:

I am writing to you concerning the Department of Motor Vehicles (DMV) division within the Department of Transportation. It has come to my attention the Department of Motor Vehicles is not enforcing registration amounts due on the gross weight a truck is authorized to carry.

According to the DMV, they do not have the proper equipment to enforce the registration standards. In order to obtain this equipment, they would need more funding. I am requesting the Joint Audit Committee conduct an audit of the Department of Motor Vehicles in order to determine the feasibility of acquiring the proper equipment without additional funding.

Thank you for your attention to this matter. Please feel free to contact me if you would like to discuss this further.

Sincerely,  
  
Steve Foti  
State Representative  
38<sup>th</sup> Assembly District

cc: Jan Mueller, State Auditor

MADISON OFFICE:  
ROOM 215 WEST  
STATE CAPITOL

POST OFFICE BOX 8952  
MADISON, WISCONSIN 53708

(608) 266-2401  
FAX: (608) 261-6925

TOLL-FREE:  
1 (888) 534-0038

DISTRICT:  
117 N. MAIN, SUITE 119  
OCONOMOWOC, WI 53066  
(262) 227-4246



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 15, 2003

Ms. Susan Richert Corwith  
2909 Landmark Pl  
Madison, WI 53713

Dear Ms. Richert Corwith;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

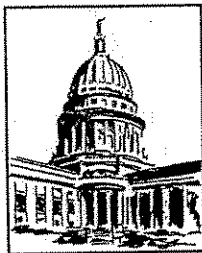
As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee



WISCONSIN STATE LEGISLATURE

**Joint Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 15, 2003

Ms. Jacquelyn Drummer  
1018 Elm Ave  
South Milwaukee, WI 53172

Dear Ms. Drummer;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

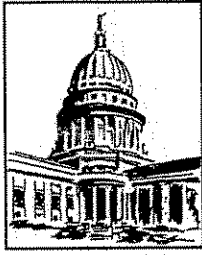
As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee



WISCONSIN STATE LEGISLATURE

**Joint Audit Committee**

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 15, 2003

Mr. Peter Czarnetzki  
1623 Marion Ave  
South Milwaukee, WI 53172

Dear Mr. Czarnetzki;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 15, 2003

Mr. Todd Palmer  
W5505 Spring Valley Road  
New Glarus, WI 53574

Dear Mr. Palmer;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee





WISCONSIN STATE LEGISLATURE

Joint Audit Committee

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 15, 2003

Ms. Ruth Robinson  
W3290 Schaefer Rd  
Belleville, WI 53508

Dear Ms. Robinson;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

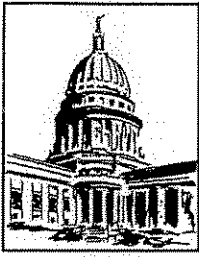
As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee



WISCONSIN STATE LEGISLATURE

*Joint Audit Committee*

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

July 15, 2003

Ms. Linda Uttech  
203 Highway U  
Belleville, WI 53508

Dear Ms. Uttech;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee

July 15, 2003

«Prefix» «FirstName» «LastName»  
«Address»  
«City», WI «PostalCode»

OK to send  
/Joe

Dear «Prefix» «LastName»;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee

Jewelry  
- Vict. Secret  
- Pers.  
- wall hanging

**Asbjornson, Karen**

**From:** Bilot, Erin  
**Sent:** Tuesday, July 22, 2003 9:56 AM  
**To:** Asbjornson, Karen  
**Subject:** FW: Support for DPI audit  
 Here's the last one.

-----Original Message-----  
**From:** Jocelyn Miller [mailto:drjocelynm@charter.net]  
**Sent:** Monday, July 14, 2003 10:45 AM  
**To:** erin.bilot@legis.state.wi.us; Mike.Powers@legis.state.wi.us; info@wcaty.org  
**Subject:** Support for DPI audit

Dear Representatives Jeskewitz and Powers,

I am writing in support of the request for a legislative audit of the Department of Public Instruction regarding compliance with Standard (t), which refers to gifted education. It is my understanding that a Letter Report has already been requested and that a reply is expected from DPI by the end of the summer. I am the parent of 2 gifted children, both of whom have benefited from talented and gifted programming in the Madison Public Schools. I am also a child psychologist, and I am often in the position of advocating for the needs of other gifted children throughout Dane and Columbia counties. The lack of educational opportunities for gifted children in many of the small towns surrounding Madison is sad. These children are our best and our brightest, and they learn as differently from average children as do those at the opposite end of the IQ spectrum, the developmentally disabled (formerly known as mentally retarded) children. No one would think of providing no funding for educational mandates for developmentally disabled children. Why is it so easy to dismiss the needs of gifted children, who are just as different from the norm albeit at the opposite end of the bell curve? Why has it been so easy for school districts to curtail and eliminate gifted programming? Because they knew no one was watching, that they wouldn't be held accountable for not teaching to the needs of this segment of the population, and because parents of gifted children don't have the political clout and loud voice needed to keep the programs (what there were of them, which was often miniscule) in place.

Why is it considered elitist to advocate for gifted children's needs? No one would have thought it was elitist for Michael Jordan's parents to advocate for his athletic needs. That is a form of giftedness that our society readily recognizes and applauds. How sad that similar giftedness, albeit in academic or creative areas, is looked upon with suspicion and rejection by others.

By supporting the legislative audit of DPI, and thereby encouraging DPI to hold school districts accountable for making some effort to provide programming for gifted children, you and your peers in the State Assembly can make it known that academically gifted children are valued and supported in Wisconsin. In these days of budget cuts and tighter purse strings for school districts across the state and the nation, it is important that all special interest groups feel the cut equally. If exceptional children are going to be lacking in opportunities, then let all the different types of exceptional children feel the pinch equally - athletic programs should be cut before gifted programming is eliminated entirely. After all, the three R's don't include football!

I look forward to learning the results of the Letter Report from DPI. Thank you for your time.

Sincerely,  
 Jocelyn R. Miller, Ph.D.

07/22/2003

Madison

07/22/2003

## Asbjornson, Karen

---

**From:** Bilot, Erin  
**Sent:** Tuesday, July 22, 2003 11:41 AM  
**To:** Asbjornson, Karen  
**Subject:** FW: Support for Wisconsin Legislative Audit Bureau audit DPI's compliance with standard (t)

I found another one.

-----Original Message-----

**From:** Sami Saydjari [mailto:ssaydjari@CyberDefenseAgency.com]  
**Sent:** Tuesday, June 17, 2003 11:31 PM  
**To:** erin.bilot@legis.state.wi.us  
**Subject:** Support for Wisconsin Legislative Audit Bureau audit DPI's compliance with standard (t)

Mr. Bilot,

I am quite concerned that the unfunded madate for compliance with standard (t) for gifted children. My observation is that many districts struggle to minimally comply with the standard using liberal interpretations of the words, many try to comply in spirit, but lack the funding, and some ignore it entirely.

If Senator Jeskewitz believes in the importance of educating our gifted children, then I believe it is time for action.

I would like to urge the good Senator to support the legislative initative by Mr. Todd Palmer to audit DPI's compliance with standard (t). This audit should be done by experts in gifted education and should examine representative schools from around the state. This will give us a good baseline.

I suspect that we will find that standard (t) and gifted education is not being well-served in Wisconsin. It is important to properly feed the minds of gifted children both because they are the potential thought-leaders of our future, and because, without special guidance, they are at risk for dropping out of school and society from sheer boredom and from feeling apart from the rest of society.

Ultimately, I would ask that the Senator support legislation funding gifted education. Yes, I know that the budget is tight. That is like saying that we are too busy to help our children. Our budget should reflect our priorities and what could be higher on our priority list than our children? Let's turn Wisconsin into a exemplary state for gifted education and let the rest of the country follow our lead.

\* Sami Saydjari  
President, Able Learner Parent Support group  
Wisconsin Rapids, WI  
www.swc-alps.org.

--

Cyber Defense Agency, LLC - Defending Critical Cyberspace  
O. Sami Saydjari  
Cyber Defense Agency  
3601 43rd Street South  
Wisconsin Rapids, WI 54494  
ssaydjari@CyberDefenseAgency.com  
Phone: 715-424-2642  
Fax: 715-424-2638

**Asbjornson, Karen**

**From:** Bilot, Erin  
**Sent:** Tuesday, August 05, 2003 8:59 AM  
**To:** Asbjornson, Karen  
**Subject:** FW: Support for audit

-----Original Message-----  
**From:** Leroy Kolacinski [mailto:lkola@execpc.com]  
**Sent:** Tuesday, August 05, 2003 6:57 AM  
**To:** rep.jeskewitz@legis.state.wi.us; erin.bilot@legis.state.wi.us; sen.wirch@legis.state.wi.us; rep.kerkman@legis.state.wi.us  
**Cc:** Mike.Powers@legis.state.wi.us  
**Subject:** Support for audit

Dear Representative Jeskewitz, Ms. Bilot, Senator Wirch, and Representative Kerkman:

I am writing to express my support for the proposed audit of the Wisconsin Department of Public Instruction regarding its enforcement of Standard (t) regarding programs in public schools for gifted students.

We often hear of a "brain drain" in Wisconsin. This drain starts with parents of children who can benefit from specialized educational opportunities who move in order to secure such assistance for their children because their current district offers nothing of the sort. The law is, clearly, the law. All public school districts in the State are required to provide such programs for gifted students. In these cost-cutting times, mandates which are not being enforced by State agencies are likely to take "back seat" status or be discarded. This cannot be allowed to happen. To quote from the old United Negro College Fund advertisement, "A mind is a terrible thing to waste."

The DPI needs to enforce this standard. I feel that the parents and public of the State deserve to know if such enforcement is happening.

I urge you to call for an audit by the Legislative Audit Bureau regarding DPI's compliance with enforcement of Standard (t).

Leroy Kolacinski  
343 Lincoln Street  
Burlington, WI 53105-2056



WISCONSIN STATE LEGISLATURE

*Joint Audit Committee*

Committee Co-Chairs:  
State Senator Carol Roessler  
State Representative Suzanne Jeskewitz

August 8, 2003

Mr. Leroy Kolacinski  
343 Lincoln Street  
Burlington, WI 53105-2056

Dear Mr. Kolacinski;

I received your request for a legislative audit of the Department of Public Instruction (DPI) to assess their compliance with the gifted and talented mandates. A full audit was not conducted, but the Legislative Audit Bureau did review DPI's oversight of responsibilities.

As you are aware, Wisconsin law requires school districts to "provide access to an appropriate program for pupils identified as gifted or talented." However, after 1995, DPI was no longer required to audit school districts on their gifted and talented programs. Furthermore, funding and staffing reductions within DPI resulted in the elimination of the team that conducted compliance reviews and the consultant for gifted and talented programs.

Enclosed is the Audit Bureau's letter report for your review. I hope you find this information helpful.

Sincerely,

Senator Carol A. Roessler, Co-chair  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz, Co-Chair  
Joint Legislative Audit Committee



August 13, 2003

The Honorable Marlin D. Schneider, State Representative  
Room 204 North, State Capitol  
Madison, WI

Dear Representative Schneider:

We received your letter of June 10, 2003 requesting the Audit Bureau to conduct a comprehensive review of technical college districts regarding their procedures that ensure residency requirements are followed. At this time, we are not advancing your request due to other audit priorities at this time.

The questions and concerns you raise regarding the lack of enforcement of procedures at the Madison Area Technical College regarding residency requirements are valid. For that reason we considered bringing them forward to the Speaker's Task Force to review the Wisconsin Technical College System. However, upon further review of the goals defined by the task force we felt that this item was not in the scope of their review.

We appreciate your contacting us with this request. Although the Joint Legislative Audit Committee will not be requesting an audit at this time, you might consider bringing about further discussion on this issue in another format.

Sincerely,

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee

Saturday, September 13, 2003

Dear Marlin,

You are familiar with what I have gone through these past few months in an effort to be able to adopt Lawton. In this effort I have been required to undergo much more scrutiny and invasion of my personal privacy than ever was required in previous adoption attempts in Michigan, Nebraska, or even here in Wisconsin. All of the additional hassle has come about since the involvement of Catholic Charities and the state ICPC.

In addition to all that is/was required for the original adoption home study approval, which is quite extensive, even to the point of measuring the floor space in the bedrooms to ensure that the children have the required amount of living space, I have had to have my kitchen repainted (even though it didn't need it), and had to have the drapes, furnishings, carpets, etc. cleaned (even though that had been done just a few months before, at Christmastime). All this was done at the whim of Susan Lloyd of Catholic Charities, who even said, in response to my comment, "It may be over the top, but I INSIST that it be done!" The bill for all this work amounted to almost seven hundred dollars. I feel that Catholic Charities ought to pay for this no matter what, since it was their representative who required it, but especially so if Lawton is not placed in my home, since that was the specific intention of having it done in the first place. There is no reason why I should pay for it because of her whim, and surely no reason why Iowa should be expected to. All of this was contained in a document dated early March of this year, "Guidelines for visitation and placement" of Lawton. Although Lawton had visited my home earlier, he was not allowed to come again until all of the items on the guidelines document were accomplished, which they were. I was led to believe, falsely as it turns out, that once these items were accomplished he would be able to come for good.

Instead, more demands were made. Thus, in addition to all of the above, I have submitted to two psychologicals, a neurological, I had to submit five references where only three have been required in the past (I submitted nine. It would have been ten except that I forgot one person). I also had a credit check, and reports were submitted by the Wood County Sheriff's Dept, the city police, and Wood County Social Services. Also, Shane was contacted in Germany and asked if I had ever sexually or physically abused him (that's according to what he afterwards told me they asked him.)

As a part of the first psychological, I had a clinical interview and took the MMPI and the Melon Multiaxial something or other. As a part of the second psychological, I was asked, and answered to the best of my ability, questions regarding all I knew about Lawton, his so-called sexual history, his educational abilities, if I would be willing to seek help if he needed it, my motivation for

adopting, my sexual inclinations, what I knew about why ICPC rescinded my home study approval (I indicated that I thought this was unwarranted and unfair and indicated why, among other things because the reason given as to why it had been rescinded were not valid at the time it was done, and in fact, never had been valid. I was also asked what the policy of the LCMS was regarding gays. I also indicated that, in addition to almost weekly contact with the Iowa adoption worker, I had met in person with Lawton's therapist, a former foster parent, vice principal of his school, a couple of others in the school, and talked by phone several times with his in-home worker. I feel I have done my homework well.

In response to my questions, Dr. Galli gave me what he described as his best guess as to what I was doing there and why I was being thus targeted I pointed out to him that I felt my past history ought to count for something and he said there was no doubt I had "a very clean record." I also took a written test. In the end, Dr. Galli wished Lawton and me all the best, and said it was generally his inclination not to keep a child waiting when they had a good home to go to. He gave me every indication that he found no reason why Lawton should not be adopted by me. In response to my question, he said he would have no problem with my getting a copy of his evaluation, that there was nothing in it which I could not see, but that since the evaluation was requested by Catholic Charities, I'd probably have to get it through them.

Nothing in either Lawton's or my life remains private. I feel that Catholic Charities and the state ICPC have more than enough information to not only return my adoption home study approval to me, but also to allow Lawton to be placed in my home and the adoption to proceed.

For them to require ANYTHING else with all the information they already have, or to deny Lawton's coming goes way beyond merely "checking things out." To delay any further, after having promised me on two different occasions that they would resolve this (the first time given was "within ten days," the second "within twenty-four hours", or not allow Lawton to come is little more than personal persecution and abuse of power, and I will consider it as such.

I have told you on several occasions that I was ready to give up, that it was not worth the hassle. The only reason I have continued is because of Lawton. Every time I thought about giving up, Iowa would tell me about some comment he made indicating how much he was looking forward to being in my home and how he hoped this would all soon be over, even though we haven't had any kind of contact with each other now since Memorial weekend. The folks in Iowa, having seen us on several occasions together have described this as the closest match to perfect they've seen in a long time. None of the people here who are making decisions about Lawton's future have ever even met him, except for Becky Brown, whose total contact with him was about one hour.

Lawton is a bright boy. If he felt in any way uncomfortable or did not want to pursue this, he has had more than ample opportunity to back out, yet his resolve remains firm. As I indicated to you previously, his current foster parents indicated to his adoption worker that he is doing well in their home, but that he had chosen not to go out for football this year because he was sure he would be in my home before the end of the football season. This past week, when I told the Iowa worker about my evaluation with Dr. Galli, I also asked if Lawton was still doing well. She said that he was. She also told me that she had spoken with him recently and that he had indicated he definitely wanted to go out for basketball, which is his favorite sport. When the Iowa worker suggested that this adoption might not go through and suggested other adoption placements, Lawton told her that he wanted to be adopted by me and that if I did not adopt him he did not want to be adopted at all by anyone. That shows the depth of his commitment. If he ends up spending the next four years in the foster care system when he doesn't have to because he has a father and a family to care for him, I intend to hold Catholic Charities and the state ICPC personally responsible

I also have my own reputation to think of. Over the years I've discovered that a pastor's life is an open book. The family is expected to be an example to others. Even if the child has only been in the home for a short period, some expect that he/she will be an example of good behavior, very religious, and moral. If I had the slightest concern that Lawton would cause me any kind of a problem with deviant behavior, I would not have continued to pursue this adoption. He and I have discussed many of these things, and the expectations involved, very thoroughly.

When I had the neurological, the doctor who did it said that for anyone to even suggest that I had Parkinson's Disease was either a lay person thinking they were a doctor who didn't know the slightest thing about Parkinson's or someone who was out on a witch-hunt. That, in my mind, pretty well describes this situation. Among other things, I have been subjected to various accusations, either openly or implied, which I consider to be slander. Among them are that I placed Lawton in the bedroom he started in so that "I could observe his behavior," when the truth is that Lawton CHOSE that bedroom on his own; or the accusation by Dale Langer that I placed him there so that I could "observe him getting dressed and undressed. Also, on two separate occasions, once openly by Becky Larson-Corey (the state regional adoption supervisor, who obviously got her information from Becky Brown to whom I had given the doctor's report on Lawton) and once implied, that I somehow was in collusion with two different doctors, getting them to write reports favorable to me, which I consider not only unethical but grounds for a law suit.

They have indicated that their only concern is for Lawton's welfare. This is obviously not true. They showed no concern for his welfare by the way they terminated all contact. One day I was there, the next day I was not. I was not allowed to give any explanation for what was happening, nor were we allowed to bring our relationship to even any kind of temporary closure. This is concern for

his welfare? They indicated they did not trust what I might say to him and they did not want him to think badly about social workers. What do they think he thinks by the way they handled it? Furthermore, they already had more than enough information available to them when the start of school came this fall. If they were so concerned about his welfare, they would have realized the importance of a child his age making friends at the beginning of the school year when so many other new 9<sup>th</sup> graders would be coming to the school he'd be attending, instead of forcing him to come in after friendships have been made, if he's allowed to come at all.

A number of my friends, as well as members of my family, have asked regularly for progress reports on this situation. When I've told them what's been going on and what's the latest demand they've made, everyone has been astounded, saying they've never heard of such a thing before. I have been asked frequently if I think this is a "Catholic-Lutheran thing," if because I am a single Lutheran pastor and they are representative of a Roman Catholic agency, I am being specially targeted? I have also been told increasingly more frequently of late that it has long since passed the point where I should co-operate and instead, I should seek legal counsel, maybe even the ACLU.

Knowing what I know now, I would never attempt an adoption in this state as long as Catholic Charities has anything to do with it. If anyone ever asks me about adoption, which they sometimes do, I would advise against it for the same reason. I have never been subjected to this kind of abuse in my life. If this is the way they treat everybody interested in adoption, I can't imagine that many, if any, older kids will ever get adopted. If they are so judgmental with everyone, they should not have the contract they've got. I find it stunning that representatives of an auxiliary agency of a church body which arrogantly claims to be the one true church find it so difficult to get it through their heads that someone who preaches and teaches God's moral code constantly to others would actually try to live by it himself. And I am very angered by both Catholic Charities adoption representatives' and the people at the state's ICPC unit's arrogant, "we're like gods and you can't touch us" attitude. This is nothing more than an abuse of power.

If and when Lawton is ever placed in my home and the adoption is allowed to proceed, there is a six month period of "supervision" before the adoption can be finalized. Under ordinary circumstances, this supervision would be handled by Catholic Charities. However, I feel that the bond of trust which ought to exist between an adoptive child, the adoptive parent(s) and the supervising agency has been permanently and irreparably broken by the representatives of Catholic Charities. I would much rather make a once a month (or however often) trip to Sioux City, Iowa to meet with the adoption worker there (or have her come to my home on occasion) than to ever have to meet with the Catholic Charities people again. I understand that, although unusual, this could be done since Iowa is supposed to decide how often contact is to occur and Catholic Charities would

just be normally acting in their place. The adoption could eventually be finalized in Iowa too.

I see no reason why Catholic Charities and ICPC should not agree to this, since it would then absolve them of all the responsibility they claim to be so concerned about. Their failure to approve, in fact, would be just another example of their personal persecution. If, for some unknown reason, this was not possible, then I request that my former state worker, Liz Landerman, be the supervising worker. She, at least, was open and honest with me. She was pulled off the case with no advance warning or explanation whatsoever by Dale Langer. I wouldn't be surprised to learn that even Liz doesn't know why she was pulled off.

On Tuesday, September 2, 2003, in the afternoon, I faxed a note to Becky Brown asking several questions which I felt I had a right to have answered. (A copy of those questions is enclosed.) As of today, Saturday, September 13, 2003, they have not had the courtesy to respond. Speaking of being courteous, Catholic Charities has not bothered to contact the Iowa adoption worker either. As I understand it, the last she heard from anyone other than me was when she received a letter informing her that Lawton could no longer visit and then later that week a phone conversation with Becky Brown indicating he and I could not even write or phone one another, which I believe the Iowa worker initiated in an effort to find out what was going on.

Frankly, if this is the way a person in my position is treated, I feel sorry for anyone else.

This brings you up to date, as nearly as I can think of, on this entire unfortunate situation. As I've told you before, if it were just me, I'd have quit long ago, but I do not feel I can let Lawton down since he has been so trusting that I would do everything within my power to bring this placement to a successful conclusion. And, as stated earlier, he has now said that he wants me to adopt him and if I do not, he does not want to be adopted at all, by anyone. If this is the result of Catholic Charities' and the state ICPC's power plays it is nothing short of a crime.

I will keep you informed of any further developments.

God's blessings,

Pastor Gary Baumann

OFFICE:  
State Capitol  
P.O. Box 8953  
Madison, WI 53708  
(608) 266-0215  
Fax: (608) 266-8955  
Toll-free: 1-888-529-0072  
Email: Rep.Schneider@legis.state.wi.us

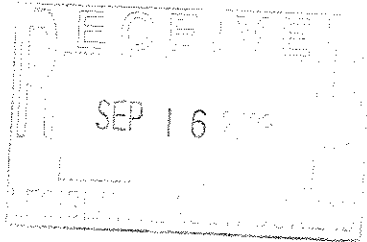


HOME:  
3820 Southbrook Lane  
Wisconsin Rapids, WI 54494  
(715) 423-1223

Co-Chair Task Force on  
Digital Democracy

STATE REPRESENTATIVE  
**Marlin D. Schneider**

D E A N O F T H E A S S E M B L Y



September 16, 2003

Janice Mueller  
Legislative Audit Bureau  
22 E. Mifflin Street, Suite 500  
Madison, WI 53703

Dear Ms. Mueller,

I request an audit of our state adoption procedures, and a process that I have witnessed over the past three months at the Department of Health and Family Services (DHFS): Division of Child and Family Services (DCFS): Interstate Compact on the Placement of Children (ICPC).

My office became involved in this adoption "process" after being contacted by one of my constituents. Throughout this adoption my constituent has had many ups and downs, but has tried to work within the Wisconsin system to achieve his end goal; the adoption of a boy from Iowa. An adoption that the State of Iowa approved months ago, and I might add, would approve the adoption tomorrow if he moved to Iowa.

DCFS, along with Catholic Charities of Portage County, have put forth a process that must be followed by my constituent. This process has changed in form and substance from the start. My constituent has been misinformed, denied corrective action at his request to move the process along, and had his motivation questioned by state employees and representatives of the state, because of his attempts to adopt a young boy. He had practically been accused of being a pedophile.

I have been following a process that tries to break the prospective parents resolve, demean their interest in adoption, and an institutional acceptance to question the professionalism and results of licensed doctors within our state. This is the root cause of my request for an audit.

With my many years of constituent services I have witnessed various bureaucratic hurdles that constituents must pass through, and many put in place for good reason. In this case I have witnessed a serious misuse of governmental powers that has led to repetitive steps that could have been avoided by the prospective parent.

---

*"Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Edmund Burke Nov. 3, 1774*

---

I have included a letter from my constituent to me outlining his concerns, and substantiate the same concerns I have put forth. I hope you will review the letter, and come to the same conclusion that I have. Please feel free to contact my office for any further information you may need to make your decision.

Sincerely,

A handwritten signature in cursive script that reads "Marlin Schneider".

Marlin Schneider  
State Representative

Enc.

MS/jb





State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER  
STATE AUDITOR

22 E. MIFFLIN ST., STE. 500  
MADISON, WISCONSIN 53703  
(608) 266-2818  
FAX (608) 267-0410  
Leg.Audit.info@legis.state.wi.us

September 22, 2003

Representative Marlin Schneider  
204 North, State Capitol  
Madison, Wisconsin 53702

Dear Representative Schneider: *Marlin*

Thank you for your letter requesting a review of the State's adoption program. I have forwarded a copy of your request to the co-chairpersons of the Joint Legislative Audit Committee.

Given our current workload, I cannot initiate an audit of an issue of this size and scope without the approval of the Audit Committee. The co-chairs meet monthly to discuss all pending audit requests. Shortly after their next meeting, I expect that one of the co-chairs will call you directly to let you know the status of the request.

Enclosed, please find a copy of the most recent audit we conducted of the State's adoption program. As you can see, we were critical of several areas, including the Department's communication with prospective adoptive families. I have also enclosed a summary of our 1994 review of the program for your reference. I hope you find this information helpful.

Please contact me if you have any questions.

Sincerely,

*Janice Mueller*

Janice Mueller  
State Auditor

JM/bm

Enclosures

cc: Senator Carol A. Roessler  
Representative Suzanne Jeskewitz



April 1994

## SPECIAL NEEDS ADOPTION PROGRAM

The State provides adoption services to children with special needs who have been permanently removed from their birth homes. These children are ten years of age or older; are part of sibling groups of three or more who must be placed together; exhibit emotional, physical, or behavioral problems or disabilities; or are members of minority groups. In fiscal year 1992-93, Department of Health and Social Services regional offices reported they placed 273 children with special needs in adoptive homes. The Department spent a total of \$13.5 million, including \$7.6 million in federal funding, to provide placement and adoption services, as well as ongoing financial support to children with special needs.

The Department maintains responsibility for placing children with special needs who are under the State's guardianship because it believes these children are more difficult to place. Since the early 1980s, the placement of other children has been handled almost exclusively by private adoption agencies.

Because of the unique needs of children and families, department staff must take care in finding appropriate homes, and prompt matches are not always possible. Nevertheless, it appears that improved management by the Department could improve services to both children and families.

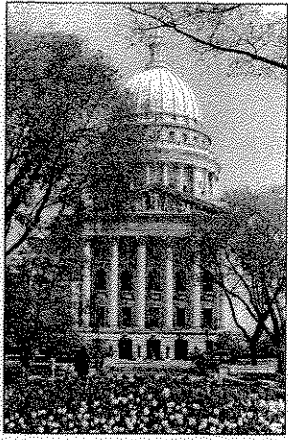
### The Department Does Not Manage Case Information Effectively

For successful placement, the Department must match the needs of the children on its caseload with the capabilities of families wishing to adopt. However, the Department has no summary information on the characteristics of children with special needs on its caseload. As a result, each social worker is aware of needs of the children on his or her caseload, but this information cannot be readily matched with available families assigned to other social workers.

The Department does not keep centralized records from which we could determine the number of children who are classified as having special needs because of disabilities, the number who are over the age of ten, and the number who are members of minority or sibling groups. In addition, although the Department requires all social workers to use a standard procedure to determine the eligibility of adoptive families, it currently does not have procedures to ensure consistency in evaluating the needs of children. For example, under the Department's current procedures, determination of a disability may be based on a clinical diagnosis using scientifically accepted procedures or tests, or on the professional judgment of a social worker.

The Department also does not track the amount of time it takes to place children. However, department staff have estimated a typical placement may take an average of six months, and some children could wait significantly longer.

-over-



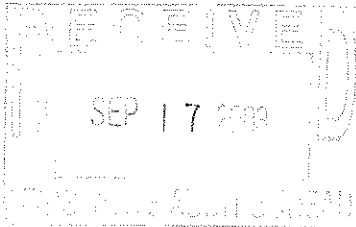
REPRESENTATIVE

S T E V E

**FOTI**

ASSEMBLY  
MAJORITY LEADER

September 17, 2003



Representative Suzanne Jeskewitz, Co-Chairperson  
Joint Audit Committee  
State Capitol, Room 314 North

Senator Carol Roessler, Co-Chairperson  
Joint Audit Committee  
State Capitol, Room 8 South

Dear Representative Jeskewitz and Senator Roessler:

I am writing concerning the reported fiscal mismanagement of the Wisconsin Housing and Economic Development Authority (WHEDA). I am requesting the Joint Audit Committee conduct an audit of WHEDA following the article in the September 17, 2003 *Milwaukee Journal Sentinel* citing yet another example of misuse of tax dollars.

A pattern has been established by WHEDA whether it is using thousands of taxpayer dollars to pay for lodging, recreation, food and alcohol for what amounts to be a vacation for state employees or paying for employees to take a midday golf excursion on the taxpayer dime. This behavior is unacceptable at anytime, but even more negligent at a time when we are asking local government to make tough sacrifices. The arrogance of WHEDA needs to be examined thoroughly.

Thank you for your utmost attention to this matter. Please feel free to contact me if you would like to discuss this further.

Sincerely,

Steve Foti  
State Representative  
38<sup>th</sup> Assembly District

MADISON OFFICE:  
ROOM 215 WEST  
STATE CAPITOL

POST OFFICE BOX 8952  
MADISON, WISCONSIN 53708

(608) 266-2401  
FAX: (608) 261-6925

TOLL-FREE:  
1 (888) 534-0038

DISTRICT:  
117 N. MAIN, SUITE 119  
OCONOMOWOC, WI 53066  
(262) 227-4246

cc: Jan Mueller, State Auditor

Original URL: <http://www.jsonline.com/news/metro/sep03/170316.asp>

## Canoes, casino all in a day's . . . work?

Last Updated: Sept. 16, 2003

### Spivak & Bice

Everybody knows the obvious bennies that most state workers enjoy: great insurance, good hours and an abundance of holidays off.

Who knew some also get recess - with pay?

The Wisconsin Housing and Economic Development Authority last month spent \$6,000, plus salaries, to send 21 employees to a retreat at the elegant **Hotel Chequamegon** on Lake Superior. It was a day of no work and all play - kayaking, canoeing, casinos, topped off with a fish boil at the **Big Top Chautauqua** beer tent.

Apparently, **Antonio Riley**, Gov. **Jim Doyle's** choice to oversee WHEDA, was in the dark on this one - that is, until his department reluctantly turned over to us the agenda for the event, some 12 days after we first asked for it.

"When I first saw the agenda (Tuesday) . . . I was pretty amazed by it," Riley said. "There is no defense."

Riley said he called **John Schultz**, WHEDA's community development director, chewed him out and imposed some type of discipline, though he declined to specify what it was. Riley also declined to release Schultz's salary even though it is a public record.

The WHEDA chief said he ordered that all future retreats and get-togethers be approved by the bosses at the quasi-public agency.

Of course, it's not unusual for bureaucrats to head off to campgrounds or resorts on the taxpayers' dime - they like to call this stuff team building. Just recently, we wrote about the fun and games that about 40 Department of Transportation workers took part in this month at **Camp Whitcomb/Mason** in Hartland.

The difference, however, is that the WHEDA folks didn't even bother to pretend to be working.

"There should be some substantial business at these as well," Riley said, stating the obvious.

The itinerary for the retreat has the group arriving the evening of Aug. 20 in time for dinner and a trip to the **Bad River Casino**.

The next morning was reserved for kayaking or canoeing trips, followed by lunch at the **Pier Restaurant** in Bayfield. That afternoon, the agency workers had the option of taking a walking tour of Bayfield, going on a ferry to Madeline Island, enjoying a cruise of the shoreline and the Apostle Islands or dropping a few bucks at the Red Cliff tribe's casino.

At night, the group went to Big Top Chautauqua, an outdoor performing arts center that offers concerts, plays, lectures and musicals. For dinner, the WHEDA workers ate at the center's beer tent, with the agency picking up the tab for their food and drink, including liquor.

The staffers then spent their second night in their Victorian-style rooms at the hotel, where the 1998 movie "A Simple Plan," starring **Billy Bob Thornton**, was shot.

"Treat yourself to a touch of class in northern Wisconsin!" boasts the Web site for the Ashland hotel.

Though fully aware of the situation, a Doyle flack punted questions back to WHEDA.

Indeed, this isn't the first questionable outing by officials at WHEDA.

The agency picked up the cost for 18 employees in the Finance Department to play nine holes of golf in the middle of a workday at the Glenway Municipal Golf Course in Madison as a reward for completing a project.

**Floyd DeBow**, human resources director, said WHEDA paid \$448 - not including the cost of salaries - for the 3 1/2-hour event on July 16.

For most agencies, such an event would cause a mini-uproar. But at WHEDA, it's the equivalent of a parking ticket.

"That isn't as egregious," Riley said. "But that was of concern, as well."

### **With friends like these . . .**

Candidates for public office usually run from pols heading off to prison.

**Not Sally Maddick.**

She's giving disgraced Ald. **Paul Henningsen** a hearty goodbye hug and even kicking a few dollars to his legal defense fund.

Talk about playing with fire.

Maddick, who is running for Henningsen's downtown seat, was one of the hosts for an "appreciation block party" for the veteran alderman Sunday afternoon. Henningsen is scheduled to leave office Sept. 26, when he is sentenced for his recent conviction on four federal mail fraud charges.

Maddick, the head of the non-profit **30th St. Industrial Corridor Corp.**, said she wasn't in on the initial planning but called up organizer and longtime Henningsen pal **Brenda Bell-White** after reading about the event in this column.

"I said, 'Brenda, whatever I can do, please let me help out on this,' " said the 50-year-old west side activist.

Maddick said she has long admired and supported the veteran alderman even though she backed one of his opponents, **Claude Krawczyk**, in the primary during his last election. Krawczyk is running again for the post.

To help out Henningsen, Maddick said, she'll be sending a \$100 check to his legal defense fund. She said she wasn't sure how much Henningsen's friends raised at the block party.

The one thing she hasn't done is ask the departing alderman for his endorsement. Even she wouldn't go that far.

But will all this support she's giving to Henningsen hurt Maddick in her bid for office?

"That remains to be seen how many people want to make that a big issue."

From the Sept. 17, 2003 editions of the Milwaukee Journal Sentinel

**Cary Spivak &  
Dan Bice Archive**



State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER  
STATE AUDITOR

22 E. MIFFLIN ST., STE. 500  
MADISON, WISCONSIN 53703  
(608) 266-2818  
FAX (608) 267-0410  
Leg.Audit.Info@legis.state.wi.us

September 19, 2003

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

At your request, we have completed a limited-scope review of revenues and expenditures generated by fees and surcharges on pesticides and fertilizers used in Wisconsin. In fiscal year (FY) 2001-02, the Department of Agriculture, Trade and Consumer Protection (DATCP) collected \$6.8 million in these revenues and, consistent with statutory directives, transferred \$1.3 million to the Department of Natural Resources (DNR) and \$210,300 to the University of Wisconsin (UW) System. DATCP retained the remaining \$5.2 million to fund both the Bureau of Agrichemical Management and grants to help individuals and businesses clean up spills and discharges of pesticides and fertilizers.

From FY 1997-98 through FY 2001-02, DATCP awarded \$14.0 million through 315 cleanup grants to individuals or businesses. During the same period, DNR received \$6.5 million in funds for its activities.

DNR could provide only limited quantifiable information on staff activities related to pesticide and fertilizer issues. We include recommendations for DNR to better demonstrate how pesticide and fertilizer fees are used by modifying its time-keeping system in order to allow it to monitor pesticide and fertilizer-related activities. We also recommend DNR and DATCP complete and implement revisions to a memorandum of understanding that would ensure the timely exchange of useful program management information on spills and site cleanups.

We appreciate the courtesy and cooperation extended to us by DATCP, DNR, and UW System during our review.

Sincerely,

A handwritten signature in cursive script that reads 'Janice Mueller'.

Janice Mueller  
State Auditor

JM/KW/bm

## PESTICIDE AND FERTILIZER FEES AND SURCHARGES

From fiscal year (FY) 1997-98 through FY 2001-02, the State collected \$31.5 million in pesticide and fertilizer fees and surcharges to support regulation, inspection, cleanup, and research activities. The Department of Agriculture, Trade and Consumer Protection (DATCP) collects the funds and, as shown in Table 1, retained almost \$23.7 million, or 75.1 percent, in two accounts:

- the Agrichemical Management Fund, which pays for the regulatory, investigative, and enforcement activities of the Agrichemical Management Bureau at DATCP; and
- the Agricultural Chemical Cleanup Fund, which pays for grants to individuals and businesses to partially reimburse them for the costs associated with the cleanup of spills and discharges of pesticides and fertilizers.

Table 1

### Distribution of Pesticide and Fertilizer Fee and Surcharge Revenue

<u>Recipient</u>	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>	<u>2000-01</u>	<u>2001-02</u>	<u>Total</u>
DATCP						
Agrichemical Management Fund	\$4,463,323	\$3,739,411	\$3,791,966	\$3,666,486	\$3,762,511	\$19,423,697
Agricultural Chemical Cleanup Fund	2,755,959	11,766	0	0	1,461,245	4,228,970
Administration	4,964	5,009	4,767	4,750	3,129	22,619
Subtotal	\$7,224,246	\$3,756,186	\$3,796,733	\$3,671,236	\$5,226,885	23,675,286
DNR	1,285,324	1,289,306	1,308,651	1,301,126	1,326,637	6,511,044
UW System	278,073	280,543	266,182	264,355	210,348	1,299,501
Total	\$8,787,643	\$5,326,035	\$5,371,566	\$5,236,717	\$6,763,870	\$31,485,831

Statutes require funds from specific pesticide and fertilizer fees to be transferred to the Department of Natural Resources (DNR) or to the University of Wisconsin (UW) System. From FY 1997-98 through FY 2001-02, DNR received \$6.5 million, or 20.7 percent, of all funds collected, and UW System received \$1.3 million, or 4.1 percent. An additional 0.1 percent of the fees collected for UW System, \$22,619, has been retained by DATCP to support administrative costs.

Among the 26 different pesticide and fertilizer fees and surcharges, some apply to businesses and others to individuals. According to DATCP, payments in 2002 were made by approximately:

- 300 veterinary clinics that apply or repackage pesticides for animals they treat;
- agricultural cooperatives and farm centers operating 450 sites that sell certain pesticides;
- 560 licensed businesses, such as farm centers or agricultural cooperatives, that manufacture and/or label fertilizers;
- 1,100 licensed pesticide manufacturers and labelers; and
- 5,600 commercially licensed and certified pesticide applicators, such as those working for agricultural cooperatives, farm centers, household pest control companies, and lawn care companies.

1993 Wisconsin Act 16 transferred responsibility for the investigation and remediation of agricultural chemical spills from DNR to DATCP. Fees and surcharges were fixed at a rate expected to provide sufficient funds to conduct remediation and cleanups over a five-year period and not to generate significant fund balances. However, because of higher than expected registration of pesticide and fertilizer products and fewer requests for cleanup funds than expected, program revenues exceeded program costs and fund balances increased. To reduce fund surpluses, 1997 Wisconsin Act 27 established temporary management fund fee reductions and a temporary holiday for cleanup surcharges and provided DATCP with the authority to reduce future cleanup surcharges by administrative rule. Act 27 did not change the level of fees transferred to DNR and UW System.

The decline in revenues for both the management fund and the cleanup fund after FY 1997-98 was shown in Table 1. Both management fees and cleanup surcharges were returned to their full allowable level during FY 2001-02 and FY 2002-03.

Concerns have been raised about whether DNR uses the pesticide and fertilizer fees it receives to fund activities related to pesticides and fertilizers. In addition, questions have arisen regarding various transfers by the Legislature of unspent revenues from the management and cleanup funds and from UW System, and about whether DATCP and DNR have been coordinating their regulatory, enforcement, and cleanup activities. Therefore, we conducted a limited-scope review of the pesticide and fertilizer revenues received and the associated expenditures and activities at these agencies over the last five fiscal years. We also reviewed the current memorandum of understanding between DATCP and DNR that delineates the responsibilities of each agency. A review of the pesticide and fertilizer fee and surcharge structure and of case files of cleanup activities conducted by DATCP or DNR was beyond the scope of this review.

### **Department of Agriculture, Trade, and Consumer Protection**

The Bureau of Agrichemical Management within DATCP's Division of Agricultural Resource Management carries out the State's regulatory and enforcement programs related to pesticides,



fertilizers, animal feeds, and other plant production and pest control materials used in agricultural, urban, and industrial settings. As noted, the Bureau receives administrative funding from the Agrichemical Management Fund, which in FY 2001-02 supported 49.6 full-time equivalent (FTE) staff. These staff in the Bureau of Agrichemical Management conducted pesticide and fertilizer-related activities, such as investigating complaints related to pesticides and fertilizers, and testing of groundwater for pesticide contamination. Among these were 11.6 FTE staff of the grant program, which is supported by the Agricultural Chemical Cleanup Fund.

As shown in Table 2, the Agrichemical Management Fund had a beginning balance of almost \$15.8 million in FY 1997-98, which included revenues to support the Bureau and cleanups. By the end of FY 2001-02, the management fund balance had declined to approximately \$2.6 million. Although expenditures increased during this period, the primary cause of the decline was the transfer of \$9.5 million to the Agricultural Chemical Cleanup Fund upon its creation by 1997 Wisconsin Act 27. The transfer was to occur on October 14, 1997, but did not occur until FY 1998-99. DATCP officials indicate that the transfer was untimely because of administrative delays. A secondary cause for the decline in the management fund balance was legislative action to reduce pesticide and fertilizer fees through December 31, 2002.

Table 2

**Agrichemical Management Fund**

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>	<u>2000-01</u>	<u>2001-02</u>	<u>Total</u>
Beginning Fund Balance	\$15,752,222	\$16,616,189	\$6,722,922	\$5,282,568	\$4,078,027	Not Applicable
Pesticide and Fertilizer Fee Revenue	4,463,323	3,739,411	3,791,966	3,666,486	3,762,511	\$ 19,423,697
Interest Revenue	457,747	391,979	352,402	305,811	71,639	1,579,578
Other Revenue <sup>1</sup>	<u>777,437</u>	<u>480,760</u>	<u>414,571</u>	<u>424,198</u>	<u>411,549</u>	<u>2,508,515</u>
Total Revenue	5,698,507	4,612,150	4,558,939	4,396,495	4,245,699	23,511,790
Expenditures	(4,834,540)	(4,970,396)	(4,999,293)	(5,601,036)	(5,758,335)	(26,163,600)
Transfer to General Fund	0	0	(1,000,000)	0	0	(1,000,000)
Transfer to Agricultural Chemical Cleanup Fund	<u>0</u>	<u>(9,535,021)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(9,535,021)</u>
Ending Fund Balance	\$16,616,189	\$ 6,722,922	\$5,282,568	\$4,078,027	\$2,565,391	Not Applicable

<sup>1</sup> Includes penalties, refunds, and miscellaneous revenue.

Table 3 shows financial activity for the Agricultural Chemical Cleanup Fund from its inception through FY 2001-02, including the \$9.5 million transfer that increased the cleanup fund's FY 1998-99 ending balance to \$10.4 million. By the end of FY 2001-02, the cleanup fund balance had declined to approximately \$1.2 million, primarily because of increasing numbers of claims and allowable costs for cleanup grants, and a decline in revenues caused by the surcharge holiday that took effect in FY 1998-1999. The surcharge holiday ended December 31, 2001.

Table 3

**Agricultural Chemical Cleanup Fund**

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>	<u>2000-01</u>	<u>2001-02</u>	<u>Total</u>
Beginning Fund Balance	\$ 0	\$ 1,979,823	\$10,402,768	\$7,303,576	\$3,246,371	Not Applicable
Transfer from the Agrichemical Management Fund	0	9,535,021	0	0	0	\$ 9,535,021
Pesticide and Fertilizer Surcharge Revenue	2,755,959	11,766	0	0	1,461,245	4,228,970
Interest Revenue	<u>506,906</u>	<u>479,278</u>	<u>544,886</u>	<u>414,414</u>	<u>73,194</u>	<u>2,018,678</u>
Total Revenue	3,262,865	491,044	544,886	414,414	1,534,439	6,247,648
Cleanup Grants	(776,136)	(1,123,842)	(2,144,078)	(3,971,619)	(3,558,557)	(11,574,232)
Transfer to the General Fund	<u>(506,906)</u>	<u>(479,278)</u>	<u>(1,500,000)</u>	<u>(500,000)</u>	<u>0</u>	<u>(2,986,184)</u>
Ending Fund Balance	\$1,979,823	\$10,402,768	\$ 7,303,576	\$3,246,371	\$1,222,253	Not Applicable

We note that s. 94.73(15)(a), Wis. Stats., required DATCP to maintain an annual ending balance of between \$2.0 million and \$5.0 million in the cleanup fund, but 2003 Wisconsin Act 33 eliminated the minimum fund balance requirement and established a maximum ending fund balance of \$2.5 million.

Cleanup grant awards for the five-year period shown in Table 4 are funded both from pesticide and fertilizer surcharge revenue and from general purpose revenue (GPR) that was appropriated for this purpose beginning with 1993 Wisconsin Act 16. DATCP officials indicate that GPR funds spent for cleanup grants totaled approximately \$688,300 for FY 1997-98 and \$1.8 million for FY 1998-99. The Legislature has not appropriated GPR for cleanup grants since FY 1998-99; however, an appropriation line for this purpose continues to exist in statutes. 2003 Wisconsin

Act 33 reduces the grant funding from 80 percent to 75 percent of allowable cleanup costs, but maintained a maximum of \$400,000 per cleanup site.

---

Table 4

**Cleanup Grant Awards**

<u>Year</u>	<u>Amount<sup>1</sup></u>
1997-98	\$ 1,464,400
1998-99	2,874,600
1999-2000	2,144,100
2000-01	3,971,600
2001-02	<u>3,558,600</u>
Total	\$14,013,300

<sup>1</sup> This includes GPR of \$688,271 in FY 1997-98 and \$1,750,795 in FY 1998-99.

---

The expenditures shown in Table 4 reflect 315 grants to individuals and businesses and include sites identified since July 1, 1997, as well as some that had previously been approved for reimbursement.

**Department of Natural Resources**

Primary responsibility for pesticide and fertilizer issues at DNR resides within:

- the Watershed Management Bureau and the Drinking Water and Groundwater Bureau, both within the Division of Water, which monitor, enforce, and research state and federal laws related to water quality;
- the Bureau for Remediation and Redevelopment within the Division of Air and Waste, which oversees federal, state, and responsible party site contamination cleanups; and
- the Bureau of Waste Management, also within the Division of Air and Waste, which regulates and enforces the management of wastes at processing, treatment, recycling, storage, and disposal sites.

Pesticide and fertilizer fee revenue that DATCP transfers to DNR is deposited into DNR's environmental management account. Once deposited into the account, the revenue cannot be linked with specific program expenditures. For example, DNR managers report that for all

four bureaus, 81.0 FTE positions were funded by the environmental management account, as shown in Table 5. However, DNR could provide only limited quantifiable information on staff activities related to pesticide and fertilizer issues. Staff in the four bureaus are typically generalists who deal with many different types of issues. As noted above, only one of these is related to pesticides and fertilizers.

Table 5

**DNR Staff Positions Funded through the Environmental Management Account  
FY 2002-03**

<u>Division and Bureau</u>	<u>Estimated FTE Staff<sup>1</sup></u>
<b>Division of Air and Waste</b>	
Remediation and Redevelopment	42.5
Waste Management	16.0
Management Position within Division	0.5
<b>Division of Water</b>	
Drinking Water and Groundwater	13.0
Watershed Management	8.0
Management Position within Division	<u>1.0</u>
Total	81.0

<sup>1</sup> These figures were provided by DNR and represent positions funded through the environmental management account, which includes revenues from pesticide and fertilizer fees as well as numerous other fees.

DNR officials were able to provide information pertaining to pesticide and fertilizer activities within the Bureau for Remediation and Redevelopment, where staff learn of chemical spills through self-reporting and DNR enforcement activities. When learning of a spill, DNR staff respond on an emergency basis, assess the nature and severity of the spill, and devise a cleanup plan. From FY 1997-98 through FY 2001-02, DNR staff recorded 1,807 spill reports, including 131, or 7.2 percent, for pesticides or fertilizers.

Cleanup activities at spill sites are performed by the party responsible for an incident, by DNR, or by the federal government. DNR takes the lead role in cleaning up chemical spills—including pesticide and fertilizer spills—when the responsible party is unknown, when DNR has not demonstrated responsibility, or when the responsible party is unwilling or unable to clean up the spill. From FY 1997-98 through FY 2001-02, DNR performed 257 individual site cleanups, although only 12 of these, or 4.7 percent, were for pesticide or fertilizer spills. Cleanups typically take more than one year to complete.

In general, DNR staff time specific to pesticide and fertilizer activities is not recorded. However, DNR reports contract expenditures of \$2.7 million for salaries, laboratory fees, and supplies associated with the 12 pesticide and fertilizer cleanup sites at which it was the lead agency. The documented contract costs represent 41.5 percent of the pesticide and fertilizer fee revenues DNR received from FY 1997-98 through FY 2001-02. In addition, DNR records indicate that during this five-year time period, staff in the Department spent 5,220 hours on these 12 pesticide and fertilizer cleanup sites.

### University of Wisconsin System

As shown in Table 6, a total of \$1.3 million in fertilizer fees was transferred to UW System for research and outreach activities from FY 1997-98 through FY 2001-02. Included in this amount is \$622,383 used by the Wisconsin Fertilizer Research Fund Program, which studies fertilizer efficiency, plant nutrition, and groundwater and surface water protection that can improve agricultural profitability and protect resources. The program also provides information related to fertilizer use to Wisconsin farmers. The seven-member Fertilizer Research Council, located within DATCP and comprised of state agency and industry representatives, recommends research projects to be funded within UW System.

Table 6

#### Fees Transferred to UW System

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-2000</u>	<u>2000-01</u>	<u>2001-02</u>	<u>Total</u>
Research	\$136,999	\$138,112	\$130,917	\$129,902	\$ 86,453	\$ 622,383
Education and Outreach	<u>141,074</u>	<u>142,431</u>	<u>135,265</u>	<u>134,453</u>	<u>123,895</u>	<u>677,118</u>
Total Transferred <sup>1</sup>	\$278,073	\$280,543	\$266,182	\$264,355	\$210,348	\$1,299,501

<sup>1</sup> An additional \$1,266 should have been transferred during the five-year period but was not because of DATCP error.

Fertilizer fees that fund education and outreach help to support UW-Extension's Nutrient and Pest Management Program, which provides education and outreach on the efficient use of fertilizers to farmers and other businesses. In FY 2001-02, the program used \$123,895 in fertilizer fees to support 2.0 FTE outreach specialists. It also receives GPR funding.

## Future Considerations

During the course of our review, we identified three issues that require further monitoring:

- First, DNR cannot fully document its expenditures of the pesticide and fertilizer fees it receives.
- Second, the reporting of fund balances could be improved.
- Finally, although DATCP and DNR have developed a memorandum of understanding to guide their regulatory activities pursuant to statutes and administrative code, portions of the memorandum of understanding have not been consistently implemented.

### DNR Reporting

As noted, DNR does not document how it spends pesticide and fertilizer fees and is also unable to account for the actual time its staff spend on pesticide and fertilizer-related activities. The actual count of cleanup sites is quite low, but DNR managers state that staff frequently encounter pesticide and fertilizer contamination as they conduct other duties. DNR managers therefore believe it would be too difficult for staff to report all time spent on specific pesticide and fertilizer activities. However, our review of DNR's FY 2000-01 activity codes handbook demonstrates that staff already are required to be very specific in documenting many activities they work on, even noting the sites at which they conduct various activities. In addition, DNR staff indicate that activity codes are routinely updated.

Recent legislative action has signaled interest in quantifiable information related to DNR activities associated with pesticide and fertilizer revenues. In the 2003-05 biennial budget, the Legislature amended the statutory requirement that fees deposited into the DATCP management fund be transferred to DNR and required instead that DNR request expenditure authority under s. 13.10, Wis. Stats., when it seeks reimbursement of site cleanup costs. These amendments were vetoed by the Governor. However, given the current interest in the use of pesticide and fertilizer fees and the minimal amount of quantifiable information related to DNR activities associated with pesticides and fertilizers, *we recommend that by December 31, 2003, the Department of Natural Resources establish time-keeping codes specific to pesticide and fertilizer activities.*

### Reporting of Fund Balances

As shown in Table 7, in the four fiscal years from FY 1998-99 through FY 2001-02, the Legislature mandated \$4.0 million in transfers, mostly from unspent revenues in the management and cleanup funds, to the General Fund. Of the \$4.0 million transferred, \$3.0 million was from fees and surcharges, and the remainder was from interest earned. One reason for the unspent revenue was, as noted, the greater than expected pesticide and fertilizer revenue. In addition, the Legislature took action in 2001 Wisconsin Act 109 to identify unspent funds in all agencies that could be used to resolve the budget deficit; for example, UW System fee revenue was reduced by \$35,000.

Table 7

**Legislatively Required Transfers to the General Fund**

<u>Agency</u>	<u>Amount Transferred</u>	<u>Fiscal Year</u>	<u>Act Requiring Transfer</u>
DATCP			
Agricultural Chemical Cleanup Fund	\$ 986,184	1998-99	1997 Wisconsin Act 27
	1,500,000	1999-2000	1999 Wisconsin Act 9
	500,000	2000-01	1999 Wisconsin Act 9
Agrichemical Management Fund	1,000,000	1999-2000	1999 Wisconsin Act 9
UW System	<u>35,000</u>	2001-02	2001 Wisconsin Act 109
Total Transferred	\$4,021,184		

As of June 30, 2002, the balances in the management and cleanup funds were at their lowest levels since FY 1997-98. If the Legislature wishes to monitor these fund balances more closely, it could direct DATCP to:

- develop periodic reports summarizing the total of all fees and surcharges collected and the funds to which the fees and surcharges are deposited; and
- update annually the fund condition statements, which show beginning fund balances, revenues, expenditures, transfers, and ending fund balances for the relevant funds and agencies.

Regular reporting would also allow the Legislature to determine whether fee and surcharge levels are set appropriately in order to avoid the development of large fund balances.

**Memorandum of Understanding**

State statutes, administrative code, and a memorandum of understanding signed in August 1994 between DNR and DATCP provide both agencies with regulatory authority for pesticides and fertilizers. DNR has broader statutory authority to regulate the reporting, investigation, and remediation of hazardous substance discharges, as well as the generation, storage, transportation, treatment, and disposal of solid and hazardous waste, including agricultural chemical wastes. Statutes direct DATCP to collect and distribute fees and surcharges, as well as to manage the general operations of the cleanup grant program.

The memorandum of understanding reasonably provides for a coordinated reporting and record-keeping system for DATCP and DNR. For example, each agency is to maintain records for the facilities and activities it regulates. DATCP and DNR are each to prepare and maintain a list of sites where soil and/or groundwater contamination is suspected or known from a point source discharge of agricultural chemicals and then provide the other agency with a current copy of these lists and updates at least once every six months. This information would enable management in both departments to assess the level of demand for the program's resources.

A formal exchange of these lists, however, has not occurred since 1994. During the course of our review, staff in both agencies reported that the terms of the memorandum of understanding are under review to reflect both current practices and needed procedural updates. To enable the Legislature to monitor the progress of DATCP and DNR in updating and implementing the memorandum of understanding, we recommend the Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection report to the Joint Legislative Audit Committee by December 31, 2003, on the status of the memorandum of understanding regarding regulatory activities on pesticides and fertilizers.

\*\*\*\*