



WISCONSIN STATE LEGISLATURE

**Joint Audit Committee**

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

August 12, 2004

Representative Stephen Nass  
12 West, P.O. Box 8953  
Madison, WI 53708

Dear Representative Nass:

We received your two requests that you recently submitted to the Joint Audit Committee. This letter serves as confirmation of those requests.

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 follow-up with 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,

Senator Carol Roessler  
Co-chairperson  
Joint Legislative Audit Committee

Representative Suzanne Jeskewitz  
Co-chairperson  
Joint Legislative Audit Committee

OFFICE:

State Capitol  
Room 204N  
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



STATE REPRESENTATIVE  
**Marlin D. Schneider**

HOME:

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

*Chair Committee on  
Technology Educational  
Communications Board*

*Co-Chair Task Force on  
Digital Democracy*

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

August 17, 2004

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

Dear Ms. Mueller,

I am writing to request that the Legislative Audit Bureau conduct an audit of those state departments which outsource state work, and the costs associated with, and efficiency of, outsourcing.

Several questions came to mind about the process of outsourcing that I feel should be reviewed. After reading articles appearing in the Aug. 15<sup>th</sup> edition of the Milwaukee Journal Sentinel and the Aug. 16<sup>th</sup> edition of the Capitol Times newspapers I came to the conclusion that the following should be reviewed:

The total number of state contracts and employment numbers for outsourcing state work vs. the cost to pay a state employee for the work outsourced and the number of full time state employees who have lost similar positions to contractors.

The relationship, if any, between contractors and political contributions to legislative and executive branch office holders.

The numbers of contractors that are at-will-employers vs. union contractors.

Review the state statutes for cost and efficiency of the budget writing process that requires a state department to get legislative approval for re-writing job descriptions to employ a person to do state work vs. the cost and efficiency of contracting employment for state work.

I have included copies of the two stories for you review, and hope you will see the validity in my request. Please feel free to contact my office for any further information you may need to make your decision.

Sincerely,

Marlin Schneider  
State Representative

Enc.

*"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*

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## Road sign contract yields questions for state officials

### Consulting firm is paid \$165,000 to do work state could do for \$52,000

By PATRICK MARLEY  
[pmarley@journalsentinel.com](mailto:pmarley@journalsentinel.com)

Posted: Aug. 14, 2004

**Madison** - The state is paying a consulting firm nearly \$80 an hour to maintain a road sign inventory that was until recently overseen by a state employee earning \$11.38 an hour plus benefits, state records show.

No cost analysis was done on keeping the job in-house vs. turning it over to consultant HNTB Corp., Transportation Department officials said. HNTB claims in the \$164,692 contract that it will make \$13,103 in profit from the work.

It would cost taxpayers about \$51,700 a year to pay a \$16-an-hour state employee with full benefits to do the work, according to a budget formula used by the Department of Transportation. That's less than a third of what the department is spending for HNTB to do the job using the former state employee.

"The cost of the contract does not appear to be a very good deal for the state," said Dan Leistikow, spokesman for Gov. Jim Doyle.

In response to questions raised by the Journal Sentinel, Leistikow said the governor had directed the department to find a more cost-effective way to handle road sign inventory.

The state had been spending about \$30,000 a year - or 18% of the HNTB contract - on limited-term employee Kevin Duerst, who in addition to his hourly wage received limited benefits. Duerst, who now works for HNTB, could not be reached Friday.

### Why? The answers vary

The department could not continue to have Duerst do the job because state statutes limit short-term workers to 1,044 hours for any given job, said Randy Romanski, executive assistant to Transportation Secretary Frank Busalacchi.

"Once we've reached that limit that we can spend on that position, that's it," he said. "The option is that job's not going to get done anymore or we contract it out."

Others familiar with the situation say the department could have extended the term of Duerst's employment or converted the job to a full-time position.

State Rep. Dean Kaufert (R-Neenah), co-chairman of the Joint Finance Committee, said the department could have gotten around the problem more cheaply.

"Don't use the statutes or Legislature as a crutch," he said. "That just sounds like a cop-out."

"These are the types of things that get the hair on the back of people's necks rising. . . . We expect them to do due diligence with the taxpayers' money. If it's brought to our attention they're not, we'll call them on the carpet."

Other department officials later backed off from Romanski's explanation, saying a number of factors went into the decision.

Department spokeswoman Peg Schmitt said administrators determined that the job was not part of the agency's core mission.

The limited-term employee took on the duties after a full-time worker left the job. The department was concerned about hiring a long-term employee for the position since it had years ago stopped manufacturing its own signs, Schmitt said.

Duerst also now has more duties than he performed before, Schmitt said.

But state Sen. Alberta Darling (R-River Hills), co-chairwoman of the finance committee, said the department needed to do a more thorough evaluation.

"If they didn't do a cost analysis, that's not appropriate - especially when it's not their money, it's taxpayers' money," she said.

### Other options were available

The former state worker earns about \$17 an hour with HNTB to perform the same duties, transportation budget director Alice Morehouse said.

HNTB landed the job because it had earlier submitted a "master contract" for certain services, Morehouse said. That contract included a 4% raise on July 1, giving the employee a second wage boost just after an increase of nearly 50%.

Ken Weaver, president of Wisconsin State Employees Union Local 758, bristled at the idea of contractors receiving automatic raises while his union's labor negotiations with the state remain stalled.

Department officials "can give out these raises (to contractors) without answering to anybody, yet we have to jump through every political hoop just to get increases of zero percent and 1 percent," he said, referring to a proposed two-year contract.

More than \$80,000 - half the value of the HNTB contract - goes toward indirect costs, which is meant to cover equipment and office space expenses, among other things. Despite those charges, the employee remains in the same state-owned warehouse in Madison where he has always done his job, Weaver said.

The state could have easily solved the sign-inventory problem while keeping costs down, he said.

"If they would have made a permanent position in the sign shop and given him what they give the other guys - \$12 or \$13 and even a benefits package - it still would have been cheaper than what they're doing now," he said.

Kaufert, the finance co-chairman, agreed there were plenty of ways to address the issue, but said, "Nobody came to me."

State agencies routinely rewrite job descriptions slightly to keep short-term employees on for longer periods, Kaufert said. Committee members would have been happy to shuffle money around if there were budget obstacles surrounding the job, he said.

Public employees unions are increasingly raising alarms about the cost of contractors as the Democratic governor and the Republican-controlled Legislature cut jobs in the face of ongoing budget woes. Doyle has pledged to cut 10,000 jobs by 2010.

"Hopefully, this will attract the attention of the governor's office and they'll say we need to have a study done on contracting out," Kaufert said.

Leistikow, the governor's spokesman, said Doyle had no such plans.

HNTB is one of the busiest of the state's contractors. Its employees have given heavily to the campaigns of state candidates over the years. In 2002 and 2003, they donated more than \$47,000 to Doyle alone.

Those donations play no role in handing out contracts, Leistikow said.



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

August 18, 2004

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

Dear Representative Schneider: *Marlin*

Thank you for your letter requesting an audit of the cost and efficiency of outsourcing state work to private firms. I have forwarded a copy of your request to the co-chairpersons of the Joint Legislative Audit Committee for their consideration. Given our current workload, I cannot initiate an audit of this size and scope without the approval of the Committee.

Please contact me if you have any questions.

Sincerely,

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

Janice Mueller  
State Auditor

JM/bm

Enclosures

cc: Senator Carol A. Roessler  
Representative Suzanne Jeskewitz

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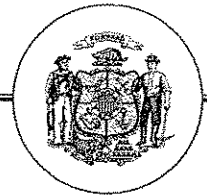
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# EUGENE HAHN

State Representative • 47th Assembly District



September 9, 2004

Senator Carol Roessler  
8 South – State Capitol

Representative Sue Jeskewitz  
314 North – State Capitol

Dear Senator Roessler & Representative Jeskewitz

I am requesting an audit of two University programs housed within the University of Wisconsin Procurement Department. It has been brought to my attention that there may be some improprieties within the SWAP (Surplus with a Purpose) and MDS (Material Distribution Service). I have been contacted by an employee of one these programs who is also a constituent. According to the employee SWAP generates \$1.2 million and MDS generates \$26 million in revenue annually. I am concerned that if these programs are generating this amount of income that it be returned to GPR and not used for University selected purposes while the University continues to demand large amounts of funding through the State Budget Process. The employee indicated that the money is possibly being directed toward salary increases.

The Department of Administration had apparently hired a consultant to conduct an EASI study. This study was very much in the preliminary stages when it was abruptly ended.

I appreciate your consideration of my request. Please let me know if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Eugene Hahn (wsm)".

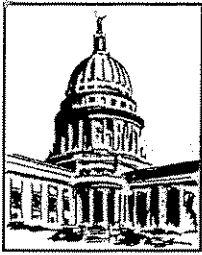
Rep. Eugene Hahn  
State Representative  
47<sup>th</sup> Assembly District

EHH:wsm

Co-Chair:  
Joint Survey Committee  
on Tax Exemptions

Vice-Chair:  
Assembly Committee  
on Agriculture

SEP - 9 2004



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

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

November 1, 2004

Representative Eugene Hahn  
15 West, State Capitol  
Madison, Wisconsin 53702

Dear Representative Hahn:

Thank you for your letter, dated September 9, 2004, requesting that we direct the Legislative Audit Bureau to review the Surplus With A Purpose (SWAP) and Materials Distribution Service (MDS) programs operated by the University of Wisconsin-Madison.

After discussing the request with the State Auditor, we have directed the Legislative Audit Bureau to conduct a limited-scope review of these programs. At our request, Bureau staff will contact university staff who administer these programs, review program operations, analyze program expenditures, and prepare a brief report on their findings.

If you have any additional questions or concerns, please contact our offices.

Sincerely,

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

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

Enclosure

cc: John Wiley, Chancellor  
University of Wisconsin-Madison

Deborah Durcan, Vice President of Finance  
University of Wisconsin System

Janice Mueller  
State Auditor

## Asbjornson, Karen

---

**From:** Chrisman, James  
**Sent:** Friday, September 10, 2004 3:13 PM  
**To:** Asbjornson, Karen  
**Subject:** UW SWAP

Hi Karen:

In response to your inquiry this morning, here is a link to the UW SWAP shop. This site describes both the activity and the kind of inventory represented.

<http://www.bussvc.wisc.edu/swap/swap.html>

Please let me know if you have any questions.

Thanks!

Joe



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 16, 2004

Senator Alberta Darling  
317 East, State Capitol  
Madison, Wisconsin 53702

Dear Senator Darling:

At your request, we have compiled information on the licensing and monitoring of child care and child welfare facilities by the Department of Health and Family Services (DHFS). In fiscal year (FY) 2003-04, DHFS spent \$6.7 million for licensing activities. These funds supported the work of 96.0 full-time equivalent positions responsible for regulating providers and conducting related activities.

The number of child care and child welfare facilities increased 11.6 percent from 1999 through 2003, reaching 5,912 on December 31, 2003. Milwaukee County accounts for 25.2 percent of all regulated facilities. The number of staff positions directly responsible for conducting on-site visits and investigating complaints related to these facilities decreased 7.1 percent from 1999 through 2003. Three more of these positions were reallocated to other bureaus within DHFS after our review period.

We also accumulated statistical information related to complaint and enforcement actions. The number of complaints filed increased 3.8 percent during our review period and totaled 1,706 in 2003. Enforcement actions in response to proven violations of licensing requirements more than doubled.

To accommodate an increased workload resulting from fewer staff, an increase in the number of facilities, and an increase in complaint investigation and enforcement actions, DHFS has reduced the frequency of on-site inspections of certain child care facilities and targets its monitoring efforts to areas of higher risk. While these changes do not violate statutory requirements, they have reduced the number and depth of the monitoring performed.

I hope you find this information useful. Please contact me if you have any questions or desire additional information.

Sincerely,

Janice Mueller  
State Auditor

JM/BN/bm

cc: Senator Carol Roessler  
Representative Suzanne Jeskewitz

## LICENSING AND REGULATION OF CHILD CARE FACILITIES

The Bureau of Regulation and Licensing in the Department of Health and Family Services (DHFS) licenses and regulates two types of facilities that care for children in an out-of-home setting:

- Child care facilities provide less than 24-hour-a-day care and supervision and are required to be licensed if they provide care for four or more children under the age of seven who are unrelated to the provider.
- Child welfare facilities provide supervision, care, and treatment to children who are not living with a parent or guardian, generally as the result of either a court-ordered removal from the home or a voluntary placement agreement. All child welfare facilities must be licensed. Child placing agencies, such as Lutheran Social Services and La Causa in Milwaukee, are also categorized as child welfare facilities.

As of December 2003, the Bureau regulated 5,912 facilities. As shown in Table 1 on the following page, 5,661 child care facilities and 251 child welfare facilities were included in this total.

Statutory authority to license child care and child welfare facilities is established through s. 48.66, Wis. Stats. Statutes also establish licensing fees for each type of facility, require criminal background checks of caregivers, and require DHFS to promulgate rules establishing the minimum requirements for the issuance of licenses and operation standards for facilities. Further, Chapter 48 authorizes DHFS to inspect facilities and investigate complaints.

DHFS has established administrative rules setting forth the minimum licensing requirements and operation standards for each facility type. In addition, internal policies and procedures established by the Bureau of Regulation and Licensing within the Division of Children and Family Services are used in determining the type and frequency of on-site monitoring visits, as well as in performing complaint investigations and issuing sanctions and penalties. In August 2004, DHFS proposed changes to the administrative rules for family and group day care centers, but these proposed changes relate to operational requirements and not to DHFS's internal policies and procedures for monitoring facilities.

The Department of Workforce Development has also established administrative rules under which county and tribal governments may certify child care providers who are not required to be licensed by DHFS, such as providers caring for fewer than four children. However, these rules and the certification and regulation functions performed by county and tribal governments were not included in the scope of our review.

Table 1

**Regulated Facilities**  
December 2003

Type	Description	Number
<b>Child Care</b>		
Family Day Care Centers <sup>1</sup>	Provides care for four to eight children, generally in the provider's home.	3,183
Group Day Care Centers	Provides care for nine or more children.	2,409
Day Camps	Provides programs for four or more children and features out-of-door activities.	69
<b>Subtotal Child Care</b>		<b>5,661</b>
<b>Child Welfare</b>		
Group Foster Homes	Provides 24-hour care for five to eight children or youth.	120
Residential Care Centers	Facilities, such as Rawhide Boys Ranch and St. Aemilian, that provide residential care and treatment for children, youth, and adults.	43
Shelter Care	Provides short-term, non-secure residential care and physical custody of children pending court action.	27
Child Placing Agencies	Private organizations, such as Lutheran Social Services and La Causa, that provide case management services for children removed from their homes through court orders or voluntary placement agreements. These organizations are licensed to place children in licensed group foster homes or residential care centers, as well as family foster homes or treatment foster homes licensed by a county agency or child placing agency, and adoptive placements.	61
<b>Subtotal Child Welfare</b>		<b>251</b>
<b>Total Facilities</b>		<b>5,912</b>

<sup>1</sup> Excludes providers certified by county agencies under Department of Workforce Development rules.

## Bureau Expenditures and Funding Sources

During FY 2003-04, the Bureau spent \$6,654,900 of which \$5,494,200, or 82.6 percent, funded staff salaries and fringe benefits. Over the past five years, the State has been shifting the Bureau's costs away from general purpose revenue to federal funding. As a result, funding through the federal Child Care and Development Block Grant has increased significantly and, as shown in Table 2, general purpose revenue funding has decreased from \$1,702,400 in FY 1998-99 to \$659,300 in FY 2003-04.

Table 2

### Expenditures and Funding Source

Funding Source	FY 1998-99 Expenditures	FY 2003-04 Expenditures	Percentage Increase (Decrease)
<b>General Purpose Revenue</b>	\$1,702,400	\$ 659,300	(61.3%)
<b>Program Revenue</b>			
Federal Child Care and Development Block Grant Fund	2,628,100	4,534,500	72.6
Licensing Fees	695,300	780,600	12.3
Federal Social Services Block Grant	960,900	665,300	(30.1)
Other	0	15,200	100.0
<b>Subtotal Program Revenue</b>	4,284,300	5,995,600	40.0
<b>Total</b>	<b>\$5,986,700</b>	<b>\$6,654,900</b>	11.2

In FY 2003-04, program revenue, which includes both federal funds and fees, funded 90.1 percent of the Bureau's expenditures. The largest source of program revenue funds, the federal Child Care and Development Block Grant Fund, is administered by the Department of Workforce Development. The amount received by the Bureau is established in s. 49.155(1g)(c), Wis. Stats., and is further set forth in a memorandum of understanding between DHFS and the Department of Workforce Development. DHFS requests these funds from the Department on a quarterly basis. In addition to this federal funding, a portion of the Social Services Block Grant, which DHFS uses to fund various social services programs, is allocated to the Bureau for licensing and monitoring purposes.

The Bureau's licensing revenue comes from fees paid by providers who operate child care or child welfare facilities in Wisconsin. Licenses are issued for two-year periods. In addition to license fees, certain facilities also pay a per child fee that is based on the licensed capacity. Licensing fees vary by facility type and are set by statute. They have not changed since FY 1998-99. The current fee structure is shown in Table 3.

Table 3

**Licensing Fee Schedule**

Facility	Two-Year Licensing Fee	Two-Year per Child Fee, Based on Licensed Capacity
Family Day Care Centers	\$ 60.50	N/A
Group Day Care Centers	30.25	\$ 8.47
Day Camps	30.25	8.47
Group Foster Homes	121.00	18.15
Residential Care Centers	121.00	18.15
Shelter Care	60.50	18.15
Child Placing Agencies	254.10	N/A

During the 2001-03 biennial budget process, the legislature considered increasing the licensing fees, which would have avoided the need to reduce staffing levels within DHFS. At that time, the Legislative Fiscal Bureau estimated that a 27.0 percent increase in the fees, effective October 1, 2001, would have increased fee revenue during the 2001-03 biennium by \$346,700. However, the fee increase was not adopted, and the Legislature eliminated 4.0 full-time-equivalent (FTE) positions from the Bureau. In November 2001, 0.75 positions were added back, under the provisions of s. 16.505(2), Wis. Stats. During the 2003-05 budget process, there was no formal legislative consideration to increase the licensing fees.

Subsequent to the enactment of the 2001-03 budget, 2003 Wisconsin Act 1 required DHFS to lapse \$267,000 from its licensing fee program revenue appropriation to the General Fund during FY 2002-03. This balance was generated primarily as the result of position vacancies, the elimination of 4.0 FTE positions during the FY 2001-03 budget, and a transfer of 0.6 FTE positions to the child care and development block grant fund. As a result of the required lapse, the continuing balance in the licensing fee revenue appropriation was reduced, and the balance in this appropriation as of June 30, 2004, was \$3,200, as shown in Table 4.



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Table 4

**Licensing Fee Program Revenue Balance**  
as of June 30

As of End of Fiscal Year	Balance
1999-2000	\$65,000
2000-01	0
2001-02	232,100
2002-03	6,800
2003-04	3,200

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**Staffing and Workload**

As of April 2004, the Bureau had a total of 96.0 FTE positions located in the central office, five regional offices, and three district offices. As shown in Table 5, six staff were located at the central office, and 90.0 FTE were located in the regional and district offices. Staff are categorized as supervisors, licensing specialists, or support staff.

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Table 5

**FTE Classifications**  
April 2004

Classification	Authorized Positions
<b>Central Office Staff</b>	6.0
<b>Regional/District Staff</b>	
Supervisors	7.0
Licensing Specialists	57.6
Support Staff	25.4
<b>Total</b>	<b>96.0</b>

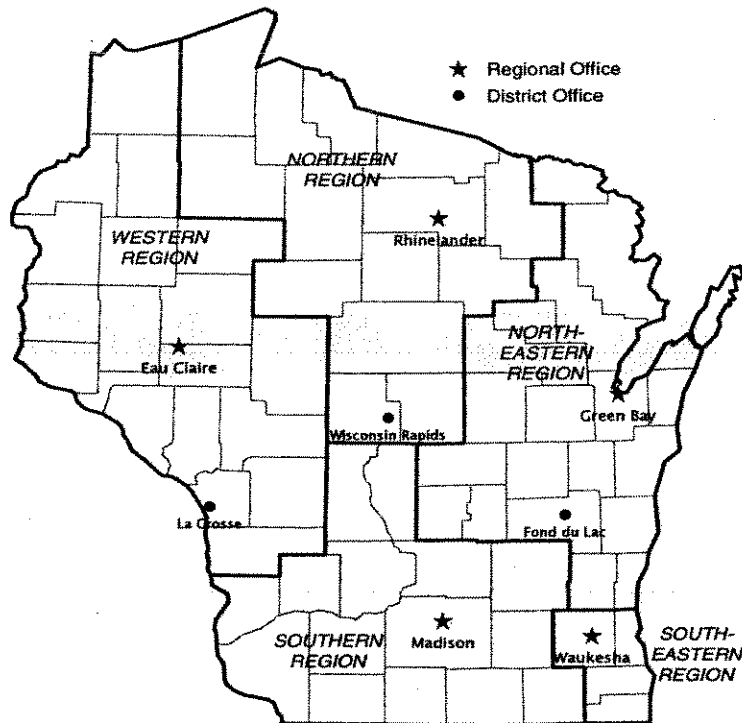
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The six central office staff included the Bureau's director, two program specialists, one compliance specialist, and two support staff. Central office staff assist the field offices and provide information to child care and child welfare providers. The two program specialists, one for child care and one for child welfare, consult and provide information related to procedures and enforcements in their respective areas.

The five regions accounted for the remaining 90.0 FTE positions. Each region is responsible for monitoring child care and child welfare facilities in several counties, as shown in Figure 1, and three regions have both regional and district offices.

Figure 1

**Regional and District Offices**



In addition, the Bureau contracts with the Wisconsin Child Care Improvement Project, a nonprofit organization located in Hayward, whose staff provide pre-licensing technical assistance for applicants across Wisconsin. The services provided under this contract have been reduced. As a result, contracted payments were also reduced, from \$307,200 under the FY 1999-2000 contract to \$287,000 under the FY 2003-04 contract.

Regional and district staff are directly responsible for regulating and licensing child care and child welfare facilities. In April 2004, at the time of our fieldwork, there were 57.6 licensing specialist positions in the regional/district offices, of which 3.0 positions were vacant. Licensing specialists are responsible for:

- evaluating license applications;
- conducting background checks and performing pre-licensing studies;
- making license decisions and issuing licenses;
- conducting license continuation determinations;
- conducting on-site monitoring visits;
- investigating complaints and preparing complaint findings;
- providing technical assistance and consultation; and
- taking enforcement actions, including issuing compliance orders, assessing forfeitures, and denying, suspending, and revoking licenses.

There has been an increase in the number of facilities licensed and regulated by the Bureau since 1999. One reason for the increase has been increased participation in the Department of Workforce Development's child care subsidy program, also referred to as the Wisconsin Shares program. As shown in Table 6, the most significant increase in the number of licensed facilities occurred in Milwaukee County.

Table 6

**Facilities Regulated, by Region**

Region	Calendar Year 1999	Calendar Year 2003	Increase in Facilities	Percentage Increase (Decrease)
<b>Northeastern</b>	952	1,099	147	15.4%
<b>Northern</b>	521	574	53	10.2
<b>Southeastern</b>				
Milwaukee County	932	1,490	558	59.9
Remaining Counties <sup>1</sup>	818	571	(247)	(30.2)
<b>Subtotal Southeastern</b>	<b>1,750</b>	<b>2,061</b>	<b>311</b>	<b>17.8</b>
<b>Southern</b>	1,220	1,271	51	4.2
<b>Western</b>	856	907	51	6.0
<b>Statewide Total</b>	<b>5,299</b>	<b>5,912</b>	<b>613</b>	<b>11.6</b>

<sup>1</sup> In 2000 and 2002, responsibility for approximately 275 facilities that had been the responsibility of the Southeastern Region offices shifted to other regional offices. As a result, the number of facilities in the remaining counties of the Southeastern Region decreased.

During this same period, as the result of various budget reductions, the number of licensing specialists regulating facilities has decreased. In 1999 there were 62.0 licensing specialist positions, and in 2003 there were 57.6, for a decrease of 7.1 percent. This decrease, along with the increase in the number of facilities being regulated, has increased the average number of facilities per licensing specialist from 85.5 per specialist in 1999 to 102.7 per licensing specialist in 2003. Table 7 shows the average number of facilities per licensing specialist position for each region in 2003.

Table 7

**Average Facilities per Licensing Specialist, by Region  
Calendar Year 2003**

Region	Facilities	Licensing Specialists	Average Facilities/Specialist
Northeastern	1,099	10.5	104.7
Northern	574	5.5	104.4
Southeastern	2,061	19.8	104.1
Southern	1,271	12.8	99.3
Western	907	9.0	100.8
<b>Total</b>	<b>5,912</b>	<b>57.6</b>	<b>102.7</b>

These caseloads exceed standards developed by national associations. The National Association for the Education of Young Children, an organization that promotes excellence in early childhood education, recommends that child care facility caseloads should not exceed 75 facilities and indicates caseloads of 50 facilities are more desirable. For child welfare facilities, the National Association for Regulatory Administration, an organization that promotes excellence and care in licensing and regulation, recommends that the average caseload should not exceed 30 child welfare facilities.

The workload of licensing specialists has also increased as the result of complaints and enforcement actions. As shown in Table 8, at least 1,600 complaints were filed with the Bureau during each of the past five calendar years. The number of proven violations increased 24.5 percent, and the number of enforcement actions doubled during this same period.

Table 8

**Complaints and Enforcement Actions, Statewide**

	1999	2000	2001	2002	2003	Percentage Increase, 1999 to 2003
<b>Complaints Filed</b>	1,643	1,696	1,699	1,627	1,706	3.8%
Proven Violations	963	1,058	1,194	1,130	1,199	24.5
Unfounded/ Unsubstantiated Violations	1,735	1,783	1,830	1,671	2,107	21.4
<b>Total Alleged Violations</b>	<b>2,698</b>	<b>2,841</b>	<b>3,024</b>	<b>2,801</b>	<b>3,306</b>	22.5
<b>Enforcement Actions</b>	220	256	273	312	443	100.4

Each complaint received by the Bureau may involve several alleged violations. For example, a complaint may require the Bureau to determine whether the facility has enough staff for the number of children in care and also whether the staff are qualified. These would be separate violations of the licensing rules, and each would require investigation.

The Bureau requires investigation of complaints suggesting imminent danger to the health, safety, and welfare of children to begin no later than the next day after the complaint is received. For all other complaints, investigation must begin within ten days. Licensing specialists are directed to follow the Bureau's policies and procedures in interviewing facility staff and reviewing each complaint to either prove a violation occurred or to determine if the potential violation is unfounded or unsubstantiated. We were not able to readily obtain information on whether these time requirements are being met, because monitoring of this requirement is completed at each regional office.

Enforcement actions may also arise from sources other than complaints, such as media reports and routine on-site inspections by the licensing specialist. Enforcement actions in response to proven violations may range from a warning letter to immediate closure of a facility. The most common enforcement actions taken by licensing specialists in 2003 were compliance orders requiring facilities to correct proven violations. For example, a facility may be required to implement a corrective action plan, such as providing additional staff training, if a violation is related to staff qualifications.

As noted, the number of enforcement actions has more than doubled over the past five years. Both increases in the number of regulated facilities and changes in the Bureau's monitoring procedures may be contributing factors to this increase.

### **Monitoring of Facilities**

The Bureau's monitoring policies and procedures require on-site visits or inspections by licensing specialists. The Bureau views these on-site visits as a preventive and proactive approach to identifying problems and providing necessary technical assistance. Before a facility is granted a two-year license, it must first receive a six-month probationary license. Bureau procedures require an on-site visit before the start of the probationary period, and another on-site visit during the probationary period to test any requirements that could not be tested until the facility was in operation. If it successfully passes the probationary period, the facility receives a two-year license.

During a facility's first two-year licensing period, the Bureau performs two on-site visits. For the second licensing period, the Bureau decides on one of three monitoring levels:

- 1) a maximum level of monitoring requiring multiple on-site visits in a year;
- 2) a moderate level of monitoring requiring two or more on-site visits a year; and
- 3) a minimum level of monitoring requiring one to two on-site visits a year.

Facilities placed in the minimum level of monitoring include only family child care centers and group child care centers licensed to care for 50 or fewer children. All other facilities are in the maximum or moderate level of monitoring and are to receive at least two on-site visits a year.

Because of limitations in the information system used to track monitoring visits, the Bureau was not able to readily provide us with information on whether the planned number of on-site visits to facilities actually occurred. On-site monitoring is conducted at the regional level, and compliance with a facility monitoring plan is a regional responsibility. A centralized review of each region's compliance with the on-site monitoring requirement is not formally conducted. However, based upon an informal review they conducted, the Bureau's central staff estimate that 97 percent of facilities statewide were monitored according to plans. Further, they estimated that a majority of the facilities that were not monitored according to the plan were in the Southeastern Region.

### **Changes to Monitoring Standards**

To address the increased workload and reductions in staffing that have occurred over the past several years, the Bureau has adjusted its regulatory standards and procedures on three separate occasions.

First, in 1998, DHFS became responsible for the administration of child welfare services in Milwaukee County. As a result of this change, DHFS began contracting with private organizations to provide child welfare services in Milwaukee, all of whom needed to be licensed as a child placing agency. The pre-licensing workload involved with child placing agencies requires a significant amount of time on the part of the licensing specialist. Unlike the pre-licensing work performed for child care facilities, which is performed by Wisconsin Child Care Improvement Project staff under contract with DHFS, the pre-licensing workload for child placing agencies is performed by the Bureau's regional staff. Pre-licensing activities for child placing agencies include a review of the site/building selection, facility policies, organization, and staffing. It requires multiple visits. Four new child placing agencies were licensed in 1999 and 2000. Two had licensed capacities to provide services for 3,600 children, and an existing child placing agency amended its licensed capacity to serve 2,200 children. In total, these nonprofit organizations were licensed to serve nearly 6,000 children. This more than doubled the child placing agency capacity from 1998. To adjust to these developments, the Bureau made changes in its staffing responsibilities and moved the regulation of three counties from the Southeastern Region to other regions. At the same time, it reallocated three licensing positions from other regional offices to the Southeastern Regional Office.

Second, in response to a DHFS workload study completed in September 2000, the Bureau revised its regulatory standards and reduced the number of required unannounced on-site monitoring visits for certain facilities. Before this time, each facility was subject to two unannounced on-site visits during its second and any subsequent licensing periods. After this change, group day care centers with a capacity of 9 to 50 children were only subject to one annual unannounced on-site visit. This allowed the Bureau to prioritize its workload to ensure that complaint, enforcement, monitoring, and other statutorily required functions would be met with current staffing.

Finally, in February 2002, following the elimination of 4.0 licensing positions under 2003 Wisconsin Act 33, the Bureau's licensing staff began to review only a sample of child and staff records as part of unannounced on-site monitoring visits. Previously, all child and staff records were reviewed during unannounced on-site visits.

While adjustments in these regulatory standards have not violated statutory requirements, they have served to reduce the amount of time that licensing staff spend on preventative efforts at each facility. Lessening the amount of preventive activity may have been a factor in the increase in enforcement actions shown in Table 8.

The Bureau is planning to further adjust its regulatory standards in response to a recent reallocation of 3.0 vacant licensing specialist positions and 1.0 vacant program assistant position. While this reallocation to other bureaus in the Division of Children and Family Services enables DHFS to address concerns raised during a recent federal review of Wisconsin's Child Welfare System, it reduces the number of staff dedicated to licensing activities. To address the increased workload for licensing specialists caused by staffing reductions, the Bureau is planning to review 978 part-time child care facilities once every two years, at the time of their license continuation reviews, rather than annually as is currently done. In addition, the Bureau may eliminate the requirement that child care facilities prepare a written correction plan for deficiencies noted during the on-site visit. In lieu of this written plan, licensing specialists would verify corrections during the next monitoring visit.

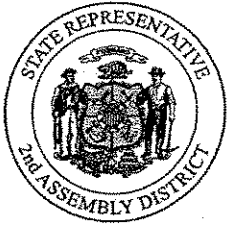


### Other Issues

During our review, limited information was available from the computerized system that tracks issued licenses and information on these licenses. Information in the system includes license continuation and expiration dates, conditions of the license, visits to the facilities, complaints and enforcement actions, and fees and background check information. The system also contains data pertaining to unlicensed providers against whom complaints have been lodged. Because of the limitations of the system, the Bureau was not readily able to provide documentation that it performed on-site visits in accordance with the facilities monitoring plans. Further, information regarding proven violations and enforcement actions is not available to the general public through the Internet. This information is available only through the Bureau's staff.

In addition to the limitations of the system, staff indicate there is currently no support for ongoing maintenance and enhancement to the system. A DHFS assessment, completed in April 2004, indicates that the system does not provide the functions needed by the Bureau in carrying out its licensing activities. This assessment further identified system requirements for the Bureau to process licensing information and included recommendations to either improve the existing system or develop a new one. Costs associated with the identified options range from \$468,000 to \$788,000. DHFS staff are currently considering potential sources of funding that would enable them to implement one of the options.

\*\*\*\*



# Frank Lasee

State Representative • 2nd Assembly District



Post Office Box 8952  
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Toll-Free: (888) 534-0002

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(920) 406-9488  
Rep.Lasee@legis.state.wi.us

October 7, 2004

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

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

Dear Senator Roessler and Representative Jeskewitz,

I am writing to request an audit of all state owned buildings. My intent is to determine:

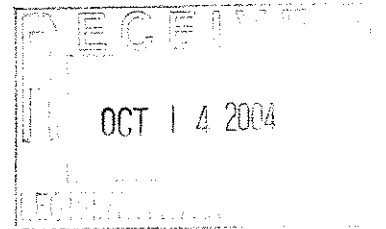
1. How many do we own?
2. Are they all needed?
3. What is the condition of the buildings?

Thank you for consideration of this request. Feel free to contact me at (608) 266-9870 if you have any questions.

Sincerely,

Frank G. Lasee  
State Representative  
2<sup>nd</sup> Assembly District

**JON ERPENBACH**  
STATE SENATOR



October 14, 2004

Senator Carol Roessler  
Co-Chair, Joint Committee on Audit  
Room 8 South, State Capitol  
Madison WI 53702

Representative Suzanne Jeskewitz  
Co-Chair, Joint Committee on Audit  
Room 314 North, State Capitol  
Madison WI 53702

Dear Co-Chairs Roessler and Jeskewitz:

I am writing today on behalf of a very desperate community in my Senate District. The Village of South Wayne in Lafayette County is in political turmoil, with serious questions about town operations, town finances and town governance tearing this community apart.

Adding to the turmoil was the death/suicide of the Village Clerk. There are missing records, and the current Village Board has tried desperately to procure an accounting firm to audit their records to ascertain if the allegations are even true. They are unable to find any entity willing to take on the audit.

To that end, I write today to request the assistance of our Legislative Audit Bureau to help this community sort out the mess that exists so that it can move forward in it's governance of the Village of South Wayne.

I would be more than happy to discuss my request with you. Thank you for your consideration of my request.

Sincerely,

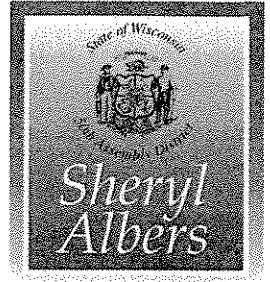
A handwritten signature in black ink that appears to read "JON".

JON ERPENBACH  
State Senator  
27<sup>th</sup> Senate District

JE.tk

NOV 11 2004

November 10, 2004



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

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

Dear Representative Jeskewitz and Senator Roessler:

We write to urge your committee to review the actual costs of inspection by the State including salaries, benefits and all other costs. The Department of Health and Family Services (DHFS) is urging all counties to assume the responsibility for the restaurant inspection program, however, counties feel license fees now collected are not adequate to cover the costs plus benefits of the program. As State staffs are eliminated, county staff would be hired.

The Division of Public Health (DPH) presently contracts with 42 local public health agencies for restaurant, lodging and recreational facility regulation. In these counties:

- 1) Have license fees covered all the costs (salary, benefits, travel costs, training, form production, etc.?)
- 2) If the license fees have not covered total costs, how much have the counties been short?
- 3) How much would license fees have to increase to adequately cover the costs?

We appreciate your consideration of this request. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheryl K. Albers", written over a light blue grid background.

Sheryl K. Albers  
State Representative  
50<sup>th</sup> Assembly District

cc. Representative Stephen Freese  
Senator Dale Schultz

**Alberta Darling**  
**Wisconsin State Senator**  
Co-Chair, Joint Committee on Finance

November 22, 2004

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

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

Dear Chairwomen:

I would like to officially request the Joint Legislative Audit Committee approve an audit of Wisconsin's Truth-in-Sentencing law. The law, which was enacted as 1997 Wisconsin Act 283, was adopted by the Legislature's Criminal Penalties Study Committee with substantial bipartisan support.

As a strong supporter of the original law, and the subsequent update of sentencing guidelines, I believe it has had a positive effect on Wisconsin. However, recent media reports have raised legitimate questions regarding the cost and inflexibility of the sentencing guidelines. I would like this law to succeed, but I believe a thorough examination of the law's implementation by the non-partisan Legislative Audit Bureau will help lawmakers identify improvements.

I would like the scope of any approved audit to deal with specific areas as they relate to Truth-in-Sentencing:

- 1) Has the law resulted in a decrease in recidivism, particularly for certain crimes?
- 2) Has the original intent of the law been achieved?
- 3) Does the cost of the full implementation of the law make it cost-effective to Wisconsin's taxpayers?
- 4) Are there specific strategies that can be employed to reduce sentencing costs?
- 5) Is the experience with Wisconsin's law similar to that seen in other states?

In short, I believe it is an excellent time to review this law to ensure changes can be carefully deliberated in the context of a nonpartisan audit. If warranted, we can then make improvements where needed. If we act now, I hope we can bolster and strengthen the law before there are movements to weaken it, or overturn it completely.

I look forward to consideration of my request. If you have any questions regarding it, please contact me immediately.

Sincerely,

  
ALBERTA DARLING  
State Senator



*Chairman*  
Assembly Judiciary Committee

# MARK D. GUNDRUM

STATE REPRESENTATIVE

*Capitol Office*

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Telephone/Fax: (414) 425-2596

November 24, 2004

Joint Legislative Audit Committee Chairs  
Sen Roessler, State Capitol 8 South  
Rep. Jeskewitz, State Capitol 314 North

Dear Joint Legislative Audit Committee,

In response to a recent series of articles in the Milwaukee Journal-Sentinel newspaper, some legislators may have or may be contacting you to seek an audit of our almost five-year-old Truth-in-Sentencing law. While I believe there are probably many other pressing matters the Legislative Audit Bureau could be spending the taxpayer's time on, if an audit of Truth-in Sentencing does go forward, it is imperative that the Audit Bureau go to great pains to quantify to the extent possible the substantial cost savings to taxpayers and the community from dangerous offenders being in prison, rather than on the streets committing more crimes.

When crime occurs, property values go down. When crime occurs, home and store owners incur greater costs purchasing security systems – alarms, video cameras, etc. When crime occurs, significant police resources are expended to investigate, and then more resources to prosecute the criminal. When crime occurs, the taxpayers often end up footing the bill for defense attorneys. When crime occurs, judges' calendars get more full until it is determined that more judges are needed to handle the workload, with costs for the new judges' salaries and benefits, new courtrooms, additional court reporters, costs of sheriff's deputies escorting those in custody, costs of more jail space being occupied, costs of police officers and others having to take time to testify, etc. The above list just begins to scratch the surface of significant savings realized when identified, properly convicted, dangerous offenders are behind bars instead of still out on the streets instilling greater fear in communities and causing mayhem.

In addition, if an audit proceeds, great pains should also be made to recognize in a significant fashion the most important issue – the intangible value of keeping dangerous criminals behind bars. For example, the peace of mind a rape victim can have knowing her attacker will be behind bars for the next 20 years is much more significant than if she hears a judge sentence the offender to 20 years, but he is released, or she fears he may be released, after just five years. What dollar amount will be pit on the confidence a mother and father have in letting their eight-year-old child play in a park down the street or walk to school?

Thank you for your consideration of my position on this matter.

Sincerely,

State Representative Mark D. Gundrum  
Assembly Judiciary Chairman

MDG:kru

CC: Rep. John Gard, Sen. Dale Schultz



WISCONSIN STATE LEGISLATURE

Joint Audit Committee

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

November 30, 2004

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

Dear Ms. Mueller:

This letter directs the Legislative Audit Bureau to conduct a limited-scope review of the use of outside legal counsel by the State's 16 technical colleges and the Wisconsin Technical College System office.

Recent media reports concerning various state contracts for services and the costs of outside legal counsel provided to the Milwaukee Area Technical College have led us to question the extent to which Wisconsin's technical colleges have entered into and monitored contracts for outside legal services.

In response to our request, we anticipate that Bureau staff will contact staff from each of the technical colleges and the system office in order to determine the costs incurred for outside legal services provided in recent years, describe the reasons for which these legal services were secured, and assess how effectively these contracts and their costs are monitored.

If you have any additional questions or concerns, please contact our offices.

Sincerely,

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

Representative Suzanne Jeskewitz, Co-chair  
Joint Legislative Audit Committee

cc: Mr. Dan Clancy, Interim President  
Wisconsin Technical College System

Presidents of the Wisconsin Technical Colleges