



STATE OF WISCONSIN Senate Journal

One-Hundred and Third Regular Session

3:15 P.M.

TUESDAY, July 11, 2017

The Senate met.

The Senate was called to order by Senator Fitzgerald.

Pursuant to Senate Rule 17 (6), the Chief Clerk made the following entries under the above date.

PETITIONS AND COMMUNICATIONS

State of Wisconsin Wisconsin Ethics Commission

July 11, 2017

The Honorable, the Senate:

Pursuant to Wis. Stats. §13.685 (7), we are providing the enclosed information. Please visit the Wisconsin Ethics Commission's *Eye on Lobbying* website, <https://lobbying.wi.gov>, for more detailed information about lobbyists, lobbying principals (organizations), and state agency liaisons.

Davidson, Lisa.....Wisconsin Medical Society

Sincerely,
BRIAN BELL
Administrator

State of Wisconsin Claims Board

July 11, 2017

Enclosed is the report of the State Claims Board covering the claims heard on June 21, 2017. Those claims approved for payment pursuant to the provisions of s.16.007 and 775.05 Stats., have been paid directly by the Board.

This report is for the information of the Legislature, The Board would appreciate your acceptance and publication of it in the Journal to inform the members of the Legislature.

Sincerely,
CHRISTOPHER N. GREEN
Secretary

STATE OF WISCONSIN CLAIMS BOARD
On June 21, 2017, at the State Capitol Building in
Madison, Wisconsin, the State of Wisconsin Claims

Board considered the following claims, which were decided without hearings:

<u>Claimant</u>	<u>Agency</u>	<u>Amount</u>
1. Bobbie Bowen	Corrections	\$1714.89
2. Mark B. Brown	Corrections	\$30.00
3. Mark B. Brown	Corrections	\$19.23
4. Dennis Buford, Sr.	Corrections	\$210.00
5. Edward B. Burgess	Corrections	\$116.03
6. Keith S. Gary	Corrections	\$102.11
7. Tduardo J. Head	Corrections	\$161.59
8. Victor Robinson	Corrections	\$41.76
9. Jake J. Sizemore	Corrections	\$162.90
10. Else Taylor	Corrections	\$76.49
11. Matthew Tyler	Health Services	\$8,256.53
12. Dorian Williams	Corrections	\$209.95
13. David M. Wilson	Corrections	\$65.00

With respect to the claims, the Board finds:

1. Bobbie Bowen of Stanley, Wisconsin claims \$1,714.89 for property allegedly lost, destroyed or thrown away by DOC staff while the claimant was an inmate at the Milwaukee Secure Detention Facility (MSDF). On 8/21/15 MSDF staff conducted a search of the claimant's cell. After the search, the claimant was transferred to segregation. He received his property inventory form in segregation and alleges that multiple items were missing from his property, including numerous photos, legal paperwork, education transcripts, canteen items, eyeglasses, and a litigation manual. The claimant has witness statements from five individuals who state that they saw an MSDF officer throw away the claimant's photographs and canteen items. They also state that the officer left the claimant's cell open and unattended, allowing other inmates to steal the claimant's eyeglasses and other property items. The claimant notes that DOC admits fault for the loss of his eyeglasses and reimbursed him \$100, but the glasses cost \$250. The claimant disputes DOC's assertion that several of the missing property items were found during a later cell search. The claimant states that the litigation manual and transcripts found during the December 2015 cell search were replacements that he acquired after the originals were lost by DOC. The claimant believes the mishandling of his property was done in retaliation for his prior claim regarding a bible he purchased. He requests reimbursement for his missing property.

DOC recommends denial of this claim. DOC believes the claimant has failed to provide any proof or evidence that the

allegedly missing items were actually in his cell on 8/21/15. DOC states that all of the claimant's property was properly inventoried at the time of his transfer to segregation and the claimed missing items were not in his cell. DOC notes that the property items could have been previously lost, stolen, given away or otherwise disposed of by the claimant. DOC also notes that several of the allegedly missing property items (a litigation manual, diploma, and transcripts) were found in the claimant's cell during a December 2015 search. DOC believes the claimant has not proven any negligence on the part of DOC staff and recommends denial of the claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

2. Mark Brown of Milwaukee, Wisconsin claims \$30.00 for the value of three magazines allegedly thrown away by DOC staff. The claimant alleges that CO Johnson threw away three of his magazines on May 19, 2016, while he was out of his cell at a medical appointment. The claimant states that the magazines did have his name and inmate id number on them; therefore, they were not contraband. The claimant states that the magazines were given to him by CO Heft on May 17th and that Heft would not have given him the magazines without his identification on them. The claimant notes that he was never given a ticket reporting that the magazines were contraband. He alleges that CO Johnson has a history of harassing inmates and destroying their property and requests reimbursement for his magazines.

DOC recommends denial of this claim. DOC states that the magazines taken from the claimant's cell did not have his name and inmate id number on them as required. DOC states the magazines were missing covers and were damaged in such a way that indicated they had been "fished" between cells. DOC notes that the Inmate Complaint Examiner found that, based on the descriptions, these were not the magazines given to the claimant by CO Heft. DOC believes that, although CO Johnson did not dispose of the magazines per procedure, it does not change the fact that they were contraband and therefore subject to seizure and disposal. DOC believes the claimant has failed to provide any evidence of negligence by DOC and that the claim should be denied.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

3. Mark Brown of Milwaukee, Wisconsin claims \$19.23 for the value of property allegedly stolen or improperly thrown away by DOC personnel. On 5/14/16 the claimant was housed as an inmate at Redgranite Correctional Institution (RCI). He alleges that he was told to leave his cell to go to segregation. He states that he placed all of his property in his wall locker before exiting the cell and that an RCI captain saw him place his property in the locker, including his canteen items and his magazine. The claimant

alleges that the RCI officer who packed his property, CO Fisher, either stole or threw away some of his canteen items and a magazine. The claimant notes that CO Fischer was solely responsible for packing up the property. The claimant alleges that CO Fischer has threatened him, made up conduct reports about him, and harassed him in the past. The claimant believes that CO Fischer has a grudge against the claimant. The claimant notes that none of the missing property was declared contraband. He also notes that he had only ordered the canteen items ten days prior to this incident. He requests reimbursement for his missing property.

DOC recommends denial of this claim. DOC believes the claimant has submitted no evidence that his property was not properly inventoried, packed, and stored upon his transfer to segregation. DOC also believes the claimant has provided no proof that the allegedly missing items were actually in his possession at the time he was transferred. The items may have been consumed, lost, traded, or stolen prior to the date of the claimant's transfer to segregation. DOC notes that the claimant's assertions are not evidence. DOC believes the claimant has failed to prove there was any negligence on the part of DOC staff and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

4. Dennis A. Buford, Sr. of Green Bay, Wisconsin claims \$210.00 for the value of television allegedly damaged due to DOC negligence. The claimant is an inmate at Green Bay Correctional Institution. On 9/17/16 the shelf on the wall of claimant's cell fell down, damaging his television, which was underneath the shelf. The claimant states that he had reported to DOC staff that the shelf was loose on September 8, 2016, and DOC staff has submitted a work order to repair the shelf. The claimant notes that cells are supposed to be inspected by staff before an inmate moves in, but that his cell was never inspected. The claimant believes that DOC was negligent in failing to inspect his cell, when the loose shelf would have been discovered and repaired. The claimant believes it is DOC's responsibility to provide a safe environment for inmates. The claimant notes that he only had a Bible and a cup with pens and pencils on the shelf, and that the weight of these two items could hardly have been enough to cause the shelf to fall. The claimant also points to the fact that the Inmate Complaint Examiner found that the shelf had fallen due to "normal wear and tear." The claimant believes DOC should have inspected his cell and also had ample time to repair the shelf once they were notified. He requests reimbursement for the cost of his television.

DOC recommends denial of this claim. The claimant admits that he knew the shelf was loose yet he chose to store personal items on it, which added weight to an already unstable shelf and precipitated the failure of the shelf. DOC believes this is the primary reason for the claimant's damages and that the claimant has failed to meet his burden to show that DOC negligence caused his damages.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles. (*Member Ignatowski dissenting.*)

5. Edward B. Burgess of Boscobel, Wisconsin claims \$116.03 for the value of property allegedly improperly seized as contraband and destroyed by DOC. The claimant states that he arrived at Green Bay Correctional Institution on 6/10/15 with all of the property. On 12/25/15 CO Schmitt packed up the property in the claimant's cell. The claimant states that CO Schmitt had never packed property before and was unfamiliar with the limits on various types of property. CO Schmitt designated a number of items in claimant's property as over the limit and therefore contraband. The claimant alleges that CO Schmitt later admitted that she was mistaken in designating the property as over the limit. The claimant believes his property inventory forms prove his property was within allowable property limits. He filed an inmate complaint, which was denied. The claimant then appealed to the Corrections Complaint Examiner (CCE). The claimant states that, pursuant to DOC's procedures, the CCE had until 6/14/16 to respond to his appeal, however, the CCE did not respond until 11/1/16. The claimant believes that because the CCE was so late in responding to his appeal, they lost the appeal by default and he should therefore be reimbursed for his confiscated property.

DOC recommends denial of this claim. DOC believes the claimant has provided no evidence that DOC staff improperly handled his property. The claimant filed an inmate complaint alleging missing property items. The Inmate Complaint Examiner found that the claimant provided no proof that he possessed the missing property items at the time his property was packed. The ICE found that the property could have been lost, stolen, given away, or otherwise disposed of prior to the packing up of claimant's cell. In making his determination, the ICE reviewed the claimant's property inventory log, communication from the officer who packed the claimant's property, and the contraband property tag issued by the officer. DOC notes that the claimant was issued a conduct report of possessing contraband, of which he was later found guilty. DOC points to the fact that three items: hobby pens, a power strip, and new socks were returned to the claimant as not over the limit, but the remaining property was upheld as contraband. The claimant's appeal was reviewed by the Corrections Complaint Examiner, who determined that the items contested by the claimant exceeded property limits and were properly disposed of as contraband. DOC believes the claimant has not provided evidence that DOC was negligent in the handling of his property and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

6. Keith S. Gary of Portage, Wisconsin claims \$102.11 for damaged and lost property allegedly due to the

negligence of DOC staff. The claimant is an inmate at Columbia Correctional Institution. The claimant's property was packed up when he was placed in segregation on 5/5/16. The claimant received his property back when he returned to his regular cell on 5/16/16. The claimant states that he went through his property in front of Sgt. Jordan, who witnessed the fact that the claimant's TV antenna was damaged and he was missing items, including 40 photos. The claimant filed a complaint with the Inmate Complaint Examiner (ICE). He notes that the ICE did not interview Sgt. Jordan, even though he was a witness to the claimant's missing and damaged property. The claimant states that DOC is speculating when they allege that the claimant's property could have been lost, traded, or stolen prior to his being sent to segregation. The claimant believes that the ICE is biased against inmates and routinely uses that allegation to excuse the misconduct or negligence of DOC staff. The claimant points to the fact that DOC staff put the wrong inmate number on his property inventory form on several occasions, which speaks to the staff's negligence. The claimant alleges that DOC staff is routinely negligent in handling inmate property because they know that the ICE will always back them up. The claimant requests reimbursement for his lost and damaged property.

DOC recommends denial of this claim. DOC notes that the ICE compared the segregation inventory to the claimant's prior property inventory and found that he no longer possessed a number of items when he was sent to segregation, including a TV antenna and radio antenna. The ICE also found no evidence that any of the claimant's property was confiscated as contraband. DOC believes that the claimant may have possessed the allegedly missing property at one time, but that the property was lost, traded, or stolen prior to the claimant's transfer to segregation. DOC states that the incorrect inmate number written on the claimant's property inventory was a minor error. DOC staff checked with the other inmate and determined that he does not have any of the claimant's allegedly missing property. DOC believes the claimant has failed to provide any evidence of negligence on the part of DOC staff and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

7. Tduardo J. Head of Boscobel, Wisconsin claims \$161.59 for a damaged television allegedly caused by DOC staff. The claimant states that on 7/16/15 he asked DOC staff to assist him in removing a cable cord from the back of his TV. The claimant states that Corrections Officer Bast took the TV into the hallway and used a wrench to remove the cord. The claimant alleges that CO Bast broke the cable connector on the back of the TV when he was trying to remove the cord. The claimant states that his television was in good working order until that time. The claimant notes that he does not have access to any tools, therefore, if CO Bast couldn't remove the cord with a wrench, as DOC claims, how could the claimant have removed it without one? The claimant asserts that the only person who could have broken

the TV was CO Bast. The claimant notes that the Inmate Complaint Examiner only spoke to CO Bast and never reviewed the camera footage from the hallway, which would have shown CO Bast breaking the television. Finally, the claimant alleges that staff breaking inmates' televisions is an ongoing issue at the Wisconsin Secure Program Facility. He requests reimbursement for the cost of his TV and antenna.

DOC recommends denial of this claim. DOC states that CO Bast attempted to remove the cable cord from the TV at the claimant's request. CO Bast used a wrench but was unable to remove the cord from the back of the TV. DOC alleges that CO Bast did not force or break the connector on the back of the TV. DOC states that the TV was returned to the claimant with the cord still attached and was not broken when it was returned. The claimant filed an inmate complaint and appeal; both were dismissed. DOC believes the claimant has provided no evidence of negligence on the part of DOC staff and that this claim should be denied.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

8. Victor Robinson of Boscobel, Wisconsin claims \$41.76 for the value of property allegedly improperly destroyed by DOC staff. In September 2015, the claimant was transferred from the Wisconsin Secure Program Facility (WSPF) to Dodge Correctional Institution (DCI) in preparation for a transfer to an out-of-state facility. The claimant states that WSPF staff packed up his property before the transfer to DCI and noted seven open canteen items, which had to be destroyed because they could not be transferred. In November 2015, after the claimant's transfer to a facility in South Dakota, DCI staff went through the claimant's property and destroyed more canteen and hygiene items which were allegedly open, however, the claimant states that WSPF staff had already destroyed all open items. The claimant also alleges that pursuant to the Division of Adult Institutions Policy 309.20.03, DCI staff should have notified him of contraband property and he should have been allowed to send the canteen/hygiene items out instead of them being destroyed. The claimant states that DCI never notified him that he had contraband items in his property, but simply destroyed the items. The claimant states that he did not find out about the destroyed items until he returned to Wisconsin in August 2016. The claimant filed an Inmate Complaint, which was denied. His appeal was also denied. He requests reimbursement for the value of the destroyed canteen and hygiene items.

DOC recommends denial of this claim. The claimant was transferred to a facility in South Dakota pursuant to the Interstate Corrections Compact (ICC). DOC states that property allowed by ICC partner institutions is limited. Therefore, in November 2015 DCI staff inventoried the claimant's property and found open/unsealed items. DOC states that open perishable/consumable items cannot be transferred to another institution. Open hygiene items may be transferred, but only if they are in clear containers, which the claimant's open hygiene items were not. DOC staff

completed a property receipt/disposition form and also an incident report on the destroyed items. An ICE filed by the claimant was rejected because the examiner found that DOC had properly disposed of the property items. That decision was upheld on appeal.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

9. Jake J. Sizemore of Boscobel, Wisconsin claims \$162.90 for a television allegedly broken by DOC staff. The claimant states that he watched his TV on the morning of January 12, 2017, and the TV was functioning perfectly. He left for recreation and when he returned to his cell he was told by CO Bliss that DOC staff had performed a cell search while he was at recreation. Later that day, the claimant turned on his TV and the screen was fuzzy. The claimant noticed that the piece in the back of the TV where the coaxial cable connects was now very loose. He alleges that this was not true before the cell search. The claimant spoke to CO Bliss, who denied touching the claimant's TV. The claimant alleges that CO Bliss was very defensive when he spoke to him. The claimant filed an ICE complaint but it was denied, as was his appeal. The claimant alleges that his complaint was denied because DOC staff stick together. Because cell searches are always done when an inmate is out of the cell and the officers do not wear body cams, there is no way to get hard evidence when officers damage inmate property. The claimant requests reimbursement for his damaged television.

DOC recommends denial of this claim. The claimant's ICE complaint was denied because the examiner found that the staff who conducted the claimant's cell search did not touch or move the claimant's television. This decision was upheld on appeal. DOC believes the claimant has provided no evidence that DOC staff damaged his television and recommends denial of the claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

10. Elise Taylor of Boscobel, Wisconsin claims \$76.49 for the cost to repair a television allegedly damaged by DOC staff. The claimant states that in November 2016 he was moved to a new cell. He moved his TV into his new cell and Sgt. Primmer plugged the coaxial cord into the maintenance chase wall. The claimant alleges that when Sgt. Primmer did so, he pulled the coaxial connector out of the back of the TV. The claimant states that he did not realize what had happened until the next morning, when he turned on the TV for the first time since the cell move. The claimant states that he spoke to Sgt. Primmer, who admitted accidentally damaging the TV. The claimant filed an ICE complaint, which was denied. He tried to file an appeal but was given the wrong complaint number to file under, so the appeal was rejected. The claimant requests reimbursement for the cost of repairing his television.

DOC recommends denial of this claim. The claimant filed a complaint and the Complaint Examiner found that when the TV broke, the claimant told an officer, “I was moving my TV and it broke. I think it was Primmer’s fault.” DOC notes that the claimant stated that Sgt. Primmer did not touch his TV, but only plugged it into the outlet in the maintenance chase and that the claimant hooked the coaxial cable up to his television. DOC believes the claimant has provided no evidence that staff damaged his television and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

11. Matthew Tyler of Mauston, Wisconsin claims \$8,256.53 for damages related to property allegedly improperly withheld and/or destroyed by DHS staff. The claimant is civilly committed at Sand Ridge Secure Treatment Center (SRSTC) pursuant to Chapter 980, Wis. Stats. Because of a probation revocation, the claimant was transferred from SRSTC to the Milwaukee Secure Detention Facility (MSDF) on 6/2/11. The claimant states that he was not allowed his money or property when he was transferred to MSDF. The claimant points to SRSTC policy SR 115(12)(E), which allows allowable patient property to be transferred to a DOC facility and provides for storage at SRSTC for property that cannot be transferred to a DOC facility. The claimant states that he made several attempts to obtain his money and allowable property while he was housed at MSDF but was unsuccessful. SRSTC staff insisted that he had to mail his property out—it could not be transferred to MSDF or stored at SRSTC. The claimant eventually had his property mailed out to a family member. The claimant notes that other SRSTC patients in similar circumstances have not been required to send out their property, pursuant to SR 115(12)(E). The claimant returned to SRSTC in February 2012 and his family mailed back his unopened boxes of property. Despite having been allowed prior to his transfer to MSDF, a number of property items were denied and destroyed. The claimant pursued all available remedies to obtain his property and eventually filed suit in Juneau Co. Circuit Court and the US District Court for the Western District of Wisconsin. The claimant admits that he did not prevail on his property issues in court, but only because the court found he still had adequate post-deprivation remedies available. The claimant notes that DHS’s reply consists of its US District Court brief but no supporting documentation or evidence. The claimant believes DHS had no rational basis to deny him his property and requests reimbursement for his damages.

DHS denies that it improperly refused or disposed of the claimant’s property and recommends denial of this claim. DHS states that SRSTC has a written policy covering what happens to patient property upon patient transfer to DOC. Per that policy, SRSTC holds the property for up to 45 days from the date of the transfer and the patient must provide an address to which the property is mailed. After 45 days, the property is destroyed or donated. DHS notes that, despite the

claimant’s failure to provide an address within 45 days, DHS still did not dispose of the claimant’s property, but gave him another opportunity to mail out the property. The claimant eventually arranged to mail out his property. The claimant returned to SRSTC in February 2012. In March 2012, SRSTC received the claimant’s property from his family. The claimant was given all allowable property. However, certain items are not allowed to be imported into SRSTC, therefore, those items were denied. The claimant was again given the opportunity to have his denied property mailed out but he failed to provide an address or otherwise arrange for disposition of the property. The denied property was therefore destroyed or donated per SRSTC policy. Finally, DHS notes that the claimant pursued relief in administrative proceedings, state court, and federal court and his claims were dismissed. DHS denies any wrongdoing in its handling of the claimant’s property and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

12. Dorian Williams of Boscobel, Wisconsin claims \$209.95 for the value of a television allegedly damaged by DOC staff. The claimant is an inmate at the Wisconsin Secure Program Facility (WSPF). The claimant alleges that on 12/12/15 he was instructed to move to another cell. The claimant states that Sgt. Furrer unplugged his television, which caused it to “blow out.” The claimant alleges that Sgt. Furrer told him to file a complaint and put the sergeant down as a witness. The claimant states that Sgt. Furrer signed the claimant’s complaint form as testament to the truth of the complaint. The claimant notes that his television was less than a year old at the time of the incident and was working properly. The claimant also disputes DOC’s assertion that there was a crack in the screen—he states there was no crack. The claimant’s complaint was denied. However, the claimant notes that the investigator did not speak to Sgt. Furrer. The claimant also believes that WSPF electronics staff should have personally inspected the television, which they did not. Finally, the claimant states that there is an ongoing problem with power surges in the outlets at WSPF, which the institution has failed to address, and that his is not the only television damaged by “blowing out” due to the faulty outlets. The claimant requests reimbursement for the value of his television.

DOC recommends denial of this claim. DOC notes that both the institution electrician and the electronic tech staff agreed that the damage to the claimant’s television could not have been caused by simply unplugging the TV. DOC states that the WSPF property officer inspected the television and found a crack in the screen, consistent with pressure being applied to the screen or the TV being dropped. DOC points to the fact that the claimant admits DOC did not drop or knock over the television. DOC believes the claimant has failed to provide evidence of negligence by DOC staff and that this claim should be denied.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

13. David M. Wilson of Portage, Wisconsin claims \$65.00 for the value of hobby items allegedly improperly destroyed by DOC staff. The claimant is an inmate at Columbia Correctional Institution. He states that several items of his property were confiscated as contraband. The claimant does not dispute that he had some contraband items in his property, however, he disputes DOC's assertion that his hobby items were altered and therefore contraband. The claimant states that hobby items are allowed pursuant to institution policy 309. The claimant also notes that hobby items are altered by their very nature, since they begin as raw materials which are crafted into finished items. The claimant states that the conduct report issued by DOC was read to him and he was asked to accept disposition of the report. The claimant alleges that it was not until after he had accepted disposition of the conduct report that he received a copy of it and realized that his hobby items had been incorrectly classified as contraband. The claimant states that he contacted the unit manager, who later wrote back that she had not had time to look at his property to determine what was contraband before the items were disposed of. The claimant believes his hobby items should not have been classified as contraband and requests reimbursement for the value of the items.

DOC recommends denial of this claim. DOC records indicate that the claimant was found to be in possession of altered property, which was properly disposed of as contraband. The claimant was issued a conduct report for possessing contraband. DOC points to the fact that the claimant consented to disposition of the conduct report and did not contest it. The claimant therefore consented to the destruction of his contraband property. The claimant filed an inmate complaint, however, because he agreed to disposition of the conduct report, he admitted his guilt and his complaint was denied. DOC believes the claimant has not submitted any evidence of negligence on the part of DOC staff and recommends denial of this claim.

The Board concludes there has been an insufficient showing of negligence on the part of the state, its officers, agents or employees and this claim is neither one for which the state is legally liable nor one which the state should assume and pay based on equitable principles.

The Board concludes:

That the following identified claimants are denied:

- Bobbie Bowen
- Mark B. Brown (2 claims)
- Dennis Buford, Sr.
- Edward B. Burgess
- Keith S. Gary
- Tduardo J. Head
- Victor Robinson
- Jake J. Sizemore

- Else Taylor
- Matthew Tyler
- Dorian Williams
- David M. Wilson

Dated at Madison, Wisconsin this 10th day of July, 2017.

COREY FINKELMEYER
Chair, Representative of the Attorney General

CHRISTOPHER N. GREEN
Secretary, Representative of the Secretary of Administration

KATIE E. IGNATOWSKI
Representative of the Governor

LUTHER OLSEN
Senate Finance Committee

MARY FELZKOWSKI
Assembly Finance Committee

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The joint committee for review of **Administrative Rules** reported and recommended:

Senate Clearinghouse Rule 16-081

Relating to scheduling of beta-hydroxy thiofentanyl and butyrk fentanyl.

No action taken on July 6, 2017.

Senate Clearinghouse Rule 17-001

Relating to electronic building permits.

No action taken on July 6, 2017.

Senate Clearinghouse Rule 17-007

Relating to scheduling of thiafentanyl.

No action taken on July 6, 2017.

Senate Clearinghouse Rule 17-008

Relating to scheduling of AB-FUBINACA and ADB-PINACA.

No action taken on July 6, 2017.

Senate Clearinghouse Rule 17-009

Relating to scheduling of brivaracetam.

No action taken on July 6, 2017.

STEPHEN NASS
Senate Chairperson

ADJOURNMENT

Senator Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, July 13, 2017.

Adjourned.

3:16 P.M.