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September 24, 2015

Via Email (laborde@pewaukee.wi.us) ONLY

Ms. Tammy LaBorde
City of Pewaukee Administrator
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

Re: Village of Pewaukee Fire & EMS Data Record Request

Dear Ms. LaBorde:

As you know, the Village has submitted record requests to the City seeking various pieces of information relative to the operations of the City of Pewaukee Fire Department in the context of providing fire and EMS services to the Village of Pewaukee. Specifically, a request was submitted by Chief Timothy Otto on August 26, 2015, which was followed up in an email to you from Scott Gosse dated September 14, 2015. You responded to Mr. Gosse's email on Friday, September 18, 2015 and in your response, you noted, in part, that "as the software for the OVAP Program is proprietary, we cannot provide you with any additional information other than the PDF that is attached". What you have supplied appears to be a printout of only a portion of the data that the OVAP Program would otherwise compile and manage. Therefore, we do not believe that your response is complete.

In the interest of clarity, the Village is renewing its request that you produce, as soon as reasonably practicable, the following:

1. All data that is produced as part of the OVAP Product Program with the exception of personally identifiable information related to the fire and EMS services provided to the Village of Pewaukee for the period of January 1, 2013 to the present in Excel spreadsheet and dbase digital format.

In addition to the foregoing, the Village would make the following additional requests for information:

1. Call data and incident reports for the calendar years 2013 through 2015 to date, including all data maintained regarding incidents responded to by the City of Pewaukee Fire Department in the Village of Pewaukee during this time period. This information must be supplied in digital format, specifically an Excel spreadsheet and dbase format.
2. A copy of the data base for the call data/incident reports concerning the fire and EMS services provided to the Village of Pewaukee for the period beginning January 1, 2013 to the present, in digital form, specifically an Excel spreadsheet and dbase format.

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I would point out that material used as input or which is produced as the product of the Program is subject to examination under the Wisconsin Public Records Law. (See Wis. Stats. §19.36(4), Wire Data 2007 WI App. 22, ¶ 35, 298 Wis. 2nd 74. Assessment Techs of Wisconsin, LLC v. Wire Data, Inc., 350 F. 3d 640, 644, 648 7th Cir. 2003.) I would also point out that since the City of Pewaukee maintains its incident report and call data information in a digital format, the Village would be entitled to receive the data base in that format. What you have supplied to date does not contain all of the information that is available in the digital record. (See State Ex Rel Milwaukee Police Association v Jones, 2000 Wis. Appeals 146, ¶ 9, 237 Wis.2d 840, 615 N.W.2d 190.)

Thank you for your prompt attention to this request.

Sincerely,

HIPPENMEYER, REILLY,
MOODIE & BLUM, S.C.



Mark G. Blum
Village of Pewaukee Attorney

MGB/jb

Cc: Mr. Scott Gosse
Chief Timothy Otto
President Jeffrey Knutson