YOUR RIGHT TO KNOW / LARRY GALLUP

Finalists’ names should be made public

When the Oconto Police and Fire Commission said in April that it had interviewed two finalists for the open position of chief of police, Kent Tempus of the Oconto County Reporter asked who the finalists were.

It was a simple request, made under the part of Wisconsin’s open records law that requires the naming of final candidates for public offices.

The answer should have been simple, too – but it wasn’t.

City Administrator Sara Perrizo not only [refused to name either candidate](https://www.greenbaypressgazette.com/story/news/local/oconto-county/2018/04/06/city-refuses-release-names-police-chief-candidates/495042002/) but said the commission had already voted to hire one of them. She said no announcement would be made until the City Council approved the hiring, two weeks later.

In an email, Oconto City Attorney Frank Calvert had the nerve to write, “I am not aware that the Police & Fire Commission has declared anyone, at this point, to be a Final Candidate as regards the Police Chief position.”

Think about that for a second. It means the attorney didn’t consider the candidate that the commission recommended for hire to be a final candidate.

At that point, the paper and its parent organization, USA TODAY NETWORK-Wisconsin, hired an attorney to intervene. After a week of back and forth, Perrizo [identified](https://www.greenbaypressgazette.com/story/news/local/oconto-county/2018/04/15/city-releases-name-pfcs-choice-police-chief/519074002/) the candidate recommended for hire, but still refused to identify the other candidate. The media organizations had enough and sued. Hours after the suit was filed, the city [released](https://www.greenbaypressgazette.com/story/news/2018/04/19/after-newspaper-files-lawsuit-city-oconto-identifies-second-police-chief-finalist-after-newspaper-fi/533081002/) the name of the other candidate.

Having spent thousands of dollars on legal fees to right the wrong, the media organizations sought reimbursement of their legal costs, as the records law allows. In the end, the city’s insurance company [agreed to pay $3,000](https://www.greenbaypressgazette.com/story/news/2018/05/25/city-oconto-pay-oconto-county-reporter-gannett-newspaper-3-000-dollars-settle-open-records-lawsuit/629217002/) – less than half of the fee total.

None of it needed to happen. The law regarding finalists for top positions is clear. And it was clearly violated.

The [final candidates provision](https://docs.legis.wisconsin.gov/statutes/statutes/19/II/36/7?view=section) applies to all local and state public positions; the University of Wisconsin System was [largely exempted](http://www.wisfoic.org/index.php?option=com_content&view=article&id=353:july-uw-shouldnt-hide-finalist-names&catid=60:2015&Itemid=105) from the law in 2015. Its purpose is to ensure that the public knows who its government is considering for key positions — and what kind of baggage they might bring to the job.

Consider the three finalists named in July for the position of city administrator in Rhinelander. One of them, former Weston village administrator Dan Guild, had been [suspended for 30 days](https://www.wausaudailyherald.com/story/news/2018/06/27/weston-administrator-dan-guilds-review-criticizes-tardiness-attitude/735305002/) by the village board for what the board called a breach of his employment contract. Another finalist – St. John, Indiana, town manager Steve Kil – was charged in 2015 with [stealing yard signs](https://www.nwitimes.com/news/local/lake/lake-newsletter/lake-news/judge-rejects-plea-deal-for-st-john-town-manager-over/article_235625e1-dee4-5915-b65d-7743288f4a0e.html) that called for his firing.

Whenever there are at least five applicants for a public position, the law says the names of “each of the five applicants who are considered the most qualified” should be released. Yet Oconto ended up naming only the two finalists it seriously considered. In a similar situation in 2004, the state attorney general [concluded](https://chippewa.com/news/a-g-sides-with-herald/article_7c4ce6bd-2e64-5bee-aa44-088f0cfd7a0d.html) that a school district should have released the names of all candidates interviewed for a given job.

Another problem is that the law doesn’t specify when the finalists’ names must be released. As a result, some authorities have tried to dodge its intent by not releasing the names until after a selection is made. The Legislature should close this loophole.

The bottom line is that the finalists law exists for a reason: the public interest in key hiring decisions. Yet it’s a law that is routinely disregarded.

The public deserves better.

*Your Right to Know is a monthly column distributed by the* [*Wisconsin Freedom of Information Council*](http://www.wisfoic.org/) *(www.wisfoic.org), a group dedicated to open government. Larry Gallup is a council member and the consumer experience director for USA TODAY NETWORK-Wisconsin.*



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